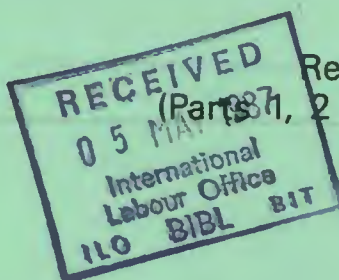


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International Labour Conference
73rd Session 1987



Report III
(Parts 1, 2 and 3)

Summary of Reports

(Articles 19, 22 and 35 of the Constitution)



International Labour Office Geneva



**International Labour Conference
73rd Session 1987**

**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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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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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 1986.

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



SUMMARY OF REPORTS ON THE APPLICATION OF RATIFIED CONVENTIONS RECEIVED

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

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Afghanistan		13, 139, 141	111	14, 41, 45, 95, 106, 140, 142
Algeria	138, 142, 150	13, 24, 50, 56, 62, 71, 77, 78, 87, 94, 98, 101, 111, 119, 122, 127	11, 32, 95, 120	14, 44, 97
Angola		6, 29, 81, 89, 100, 105	12, 18	17
Antigua and Barbuda	17, 111, 138	87		81
Argentina		68, 81, 100	71, 87, 95, 98, 115	8, 11, 14, 22, 23, 52, 77, 78, 139
Australia		81, 87, 111, 122, 144	11, 21, 22, 42, 98, 142	8
Norfolk Island			29	105
Austria		95, 98, 142	24, 25, 87, 101	11, 94, 124
Bahamas		94, 98, 144	11	14, 22, 95, 97, 117
Bahrain		29		14
Bangladesh		22, 96, 98, 106, 111, 144, 149	11, 27, 87	14
Belgium		98, 111, 122	5, 6, 8, 10, 14, 22, 23, 33, 55, 56, 89, 91, 95, 101, 114, 115, 144	11, 45, 87, 94, 124

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Belize	22	94, 95, 98	101, 115	8, 11, 87, 97
Benin	143		18, 105	11, 14, 29, 87, 95, 100, 111
Bolivia		77, 78, 95, 106, 107, 117, 122, 124, 130	14, 87, 98	111
Brazil	131	89, 97, 111	12	
Bulgaria		87	8, 98, 111	14, 22, 23, 24, 25, 44, 52, 55, 56, 71, 77, 78, 94, 95, 106, 124
Burkina Faso		29, 81, 95, 129, 132, 150	17, 18, 87, 98, 131	6, 11, 14, 41, 97, 135
Burma		52	11, 22, 87	14, 17
Burundi		94	11	14, 52, 101
Byelorussian SSR		122, 124	11, 87, 115	14, 52, 77, 78, 95, 98, 106
Cameroon		78, 87, 98, 122	94, 143	11, 14, 77, 95, 97, 108
Canada		87, 100, 111, 122	8, 14, 26, 73	22, 27, 58, 68, 69, 74, 108
Central African Republic		29, 52, 81, 88, 95, 100, 111, 117	87, 98	2, 6, 11, 14, 41, 94, 101
Chile		1, 9, 30, 111, 122, 127	11, 14	8, 22
China	14, 22, 23		11	
Colombia		3, 10, 81, 95, 99, 106, 107, 111,	7, 11, 24, 25, 26, 87, 98	8, 14, 22, 23, 52, 101
Comoros		52, 87, 95, 100, 101, 122	14, 77, 78	11, 17, 98, 106

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Congo		119		11, 14, 87, 95
Costa Rica	101, 150	1, 94, 95, 98, 107, 111, 122, 130, 135, 144, 145	11, 87	14, 106, 114, 117
Côte d'Ivoire		52, 98, 136	18, 85, 87	6, 11, 14, 41, 45, 95, 105, 135
Cuba		52, 95, 101, 110, 111, 122, 150, 152	11, 14, 22, 63, 77, 78, 87, 94, 106	8, 23, 97, 98, 107, 140, 145
Cyprus		87, 95, 106, 122, 150, 151	44, 97, 111, 144	11, 94, 98, 124
Czechoslovakia		87, 122, 130, 142	14, 52, 98	11, 77, 78, 115, 124, 140
Democratic Yemen		29, 105		
Denmark		87, 98, 100, 122, 130, 142, 149, 151	8, 52, 144	11, 94, 111, 150
Faeroe Islands	27	9, 53, 126	52, 92	5, 6, 11, 12, 14, 18, 19, 87, 98, 106
Greenland		122	11	7, 14, 87, 106
Djibouti		14, 23, 29, 35, 36, 55, 77, 78, 81, 88, 94, 106, 108, 122	12, 17, 18, 24, 37, 38, 44, 115	6, 11, 22, 45, 52, 56, 71, 87, 89, 95, 98, 101, 124
Dominica	81	87	11, 26	8, 12
Dominican Republic		77, 81, 95, 111		
Ecuador		11, 77, 78, 101, 103, 107, 110, 114, 115, 117, 122, 130, 149	87, 95, 97, 98, 124	106
Egypt		22, 23, 55, 62, 68, 87, 94, 95, 98, 106, 111, 139, 142, 149	115, 144	11, 14, 52, 101, 107

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
El Salvador		105, 107		
Equatorial Guinea	1, 14			
Ethiopia		88, 98, 111	11, 87	
Finland	154, 156	9, 81, 87, 98, 100, 111, 122, 129, 130, 135, 145, 150, 151	8, 22, 52, 115, 144	11, 14, 94, 124
France	141	22, 81, 111, 115, 122, 147	8, 44, 56, 71, 87, 88, 95, 98, 114, 129, 144, 145	11, 14, 23, 52, 55, 101
<u>Overseas Departments:</u>				
French Guiana	141	22	8, 56, 71, 144	23, 55, 101
Guadeloupe	141	22	8, 56, 71, 144	11, 23, 55, 101
Martinique	141	22	8, 56, 71, 144	11, 23, 55, 101
Réunion	141	22	8, 56, 71, 144	11, 23, 55, 101
Territorial Community of St. Pierre and Miquelon			88, 44	
<u>Overseas Territories:</u>				
French Polynesia		63, 81, 100	22, 115, 122	
New Caledonia		11, 44, 77, 87, 95, 98, 100, 115, 122	14, 22, 24, 35, 36, 52, 55, 56, 71, 82, 101, 106	23
Gabon		95, 124	87, 98	11, 14, 52, 101, 106, 150

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
German Democratic Republic		87, 111, 122, 124, 140, 142	11, 23, 98, 115	77, 78, 95
Germany, Federal Republic of		111, 122, 130, 142	8, 22, 56, 87, 115, 132, 140, 144, 150	11, 23, 98, 114
Ghana		22, 87, 94, 100, 111, 117		8, 14, 23, 98, 106, 107, 115
Greece	62, 111	11, 23, 68, 77, 78, 81, 95, 103, 124	8, 52, 55, 87, 98	14, 106
Grenada		81	11	5, 12
Guatemala		87, 94, 95, 98, 111	77, 78, 97, 101, 106	114
Guinea	149, 152	111, 119, 120, 122, 132, 140, 150	11, 26, 87, 94, 98, 115, 117	14, 95, 114
Guinea-Bissau		6, 29, 89, 100	12, 17, 81	45
Guyana	140, 142	87, 95, 98, 111, 144, 150		11, 94, 115
Haiti			98	45, 87, 90
Honduras	81	29		
Hungary	159	87, 111, 122	24, 77, 115, 140, 145	14, 52, 78, 95, 98, 101, 124
Iceland		98, 111	144	11, 87
India			11	14, 22, 115, 144
Indonesia		98, 106	.	45
Iran, Islamic Republic of		29		14

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Iraq	11	22, 23, 59, 100, 105, 111, 115, 132, 140, 149	8, 17, 95, 98, 144	14, 77, 78, 106, 145
Ireland		81, 87, 98, 122, 132, 142	11, 12, 22, 26, 44, 99, 138, 144	14, 23, 63
Israel		78, 92, 111, 122, 150	95	14, 52, 77, 87, 94, 97, 98, 101, 106, 117
Italy		29, 81, 97, 143	74	11, 45, 79, 89, 144
Jamaica		29	97	11
Japan	147	87, 98	8, 22	115
Jordan		29, 81, 100, 105, 119, 135, 142		
Kenya		29, 98, 105, 129, 131, 132, 135, 137, 140, 141, 142	11, 14, 32, 50, 94, 138, 143	63, 81, 97
Kuwait		87, 106, 111, 117		52
Lao People's Democratic Republic		29		4, 6
Lesotho		11, 87, 98		14
Liberia		29, 65, 105	147	55, 104
Libyan Arab Jamahiriya		3, 95, 100, 103, 105	111	
Luxembourg		28, 77, 78, 132	2, 88	8, 11, 14, 22, 23, 87, 98
Madagascar		29, 81, 87, 119, 129, 132	123, 124, 127	6, 11, 12, 14, 41, 95, 117, 120

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Malawi		81		11, 26, 97, 98, 107, 111
Malaysia		29, 95		11, 94, 97, 98
Sabah				94, 97
Sarawak		14		94
Mali		111	87, 98	11, 14, 52, 95
Malta		87, 98, 105, 111	22	8, 11, 95
Mauritania		22, 81, 84, 87, 94, 102		
Mauritius		94, 95	2, 17, 97	
Mexico	115	9, 22, 90, 100, 105, 107 111, 135, 150, 153	17, 87	8, 11, 12, 14, 23, 42, 45, 52, 55, 95, 106, 124, 140, 141
Morocco		94, 122, 146	30, 55	11, 14, 22, 52, 98, 101, 106, 111, 145
Mozambique				11
Nepal		111		
Netherlands		87, 103, 111, 122, 140, 144, 145, 150	24, 25, 44, 71, 97, 101, 106, 114, 115	8, 11, 14, 22, 23, 94, 95, 124, 146
Netherlands Antilles				81
New Zealand		88, 111, 122	8, 11, 14, 22, 44, 52, 97, 101, 145	23
Tokelau	100, 111		82	
Nicaragua	110, 141	1, 24, 25, 30, 77, 78, 95, 111, 117, 119, 122, 140, 144, 146	87, 98, 115	4, 8, 11, 14, 22, 23

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Niger		81	138	14, 18, 29, 87, 98, 105, 111, 117, 131, 135
Nigeria		29, 81, 87, 95, 98, 105	97	11, 94
Norway	159	22, 87, 111, 122, 129, 130, 145, 150, 155	8, 44, 56, 71, 95, 97, 115, 143, 156	11, 14, 98, 132, 144, 152
Pakistan		81, 96		
Panama		22, 32, 53, 68, 71, 92, 94, 111, 117	8, 11, 17, 23, 56, 110, 125	77, 78, 87, 95, 98, 124
Papua New Guinea		22, 29, 105, 122	2, 10, 11, 42, 99	12, 26, 85, 98
Peru		100, 111, 122	139	52, 56, 87, 98, 101
Philippines		23, 87, 94, 95, 98, 111, 122		77
Poland		11, 95, 98, 115, 122, 142	12, 17, 18, 24, 42, 87, 140, 149	8, 14, 22, 23, 77, 78, 101, 113, 124, 145
Portugal	63, 77, 78, 120, 131, 146	22, 23, 95, 111, 117, 122, 132, 137, 142, 144, 145, 150	8, 11, 14, 97, 106, 143	87, 98, 107
Qatar		81		111
Romania		29, 87, 89, 98, 111	122	8, 11, 14, 24, 95, 117
Rwanda		11, 94, 105, 111		14
Saudi Arabia		106, 111		14
Senegal				6, 81
Seychelles		2	26	
Sierra Leone		81	126	17, 111

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Somalia		29, 94, 95, 105, 111		45, 84
South Africa			42	
Spain	144	11, 44, 77, 78, 97, 111, 117, 122, 140, 150	8, 14, 22, 23, 24, 25, 55, 56, 87, 94, 95, 98, 114, 115, 124, 132, 145	
Sri Lanka	95	96, 98, 131, 135	11	106
Sudan		95, 98, 100, 105, 111, 117, 122		
Suriname		94, 122, 144, 150	11, 87, 112	14, 41, 95, 101, 106
Swaziland		29, 94, 100, 111, 131, 144	87, 98	11, 14, 95, 101
Sweden		81, 100, 111, 130, 150	8, 115, 129, 140, 144, 145, 147, 156	11, 14, 87, 98, 146
Switzerland		44, 150, 153	8, 115	11, 14, 23, 24, 87
Syrian Arab Republic		81, 88, 94, 95, 98, 100, 105, 106, 111, 117, 129, 135, 139	11, 17, 18, 52, 107, 115, 124	14, 89, 101
Tanzania, United Republic of	131, 135, 148	29, 81, 105		
Tanganyika		88		
Zanzibar			85, 97	
Togo	138	98, 111, 144	143	11, 14, 87, 95
Trinidad and Tobago		29, 125	85	105
Tunisia		22, 23, 73, 77, 117, 119, 122, 124	8, 11, 55, 87, 107	14, 52, 95, 98, 106, 114, 127

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Turkey	77	11, 42, 94, 95, 98, 122	14, 115	
Uganda		29, 105		
Ukrainian SSR		52, 122, 124, 142	77, 78	11, 14, 23, 87, 95, 98, 106, 115
USSR		52, 87, 95, 122, 124, 142	11, 77, 78, 115	14, 23, 98, 106
United Arab Emirates	89	1, 81		
United Kingdom	23	87, 98, 115, 122, 140, 142, 150, 151	8, 24, 25, 42, 44, 97, 101, 114, 124, 144	11
Anguilla		94	12, 42	11, 14, 17, 22, 82, 85, 87, 97, 108, 140
Bermuda		82	115	11, 22, 87, 94
British Virgin Islands		94	8, 11, 17	14, 82, 97
Falkland Islands (Malvinas)			11	14, 82, 87, 98
Gibraltar			150	8, 11, 22, 44, 82, 87, 88, 94, 95, 98
Guernsey		44, 56, 122	115, 150	8, 11, 22, 97, 98, 114
Hong Kong		87, 122	3, 8, 11, 12, 14, 22, 42, 50, 64, 81, 82, 86, 97, 98, 101, 115, 141, 142, 144, 150, 151	10, 65, 124, 147
Isle of Man		122	22, 24, 25, 44, 56, 87, 98, 101	8, 11, 97
Jersey			24, 25, 115	11, 22, 44, 87, 97

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
United Kingdom (cont.)				
Montserrat		59, 95	8, 82	11, 14, 87, 97
St. Helena			17	
United States			55, 58	
American Samoa			55	
Guam			55	
Puerto Rico				55
Virgin Islands			55	
Uruguay		11, 87, 94, 95, 98, 122, 130, 131, 132, 137	77, 78, 97	8, 14, 22, 23, 106, 114
Venezuela	87, 97, 102, 121, 122, 127, 128, 130, 137, 139, 140, 141, 143, 144, 149, 150	81, 95, 100, 111	14, 22	11, 98
Yemen		87, 111, 135	98	14
Yugoslavia	140, 142		56	
Zaire		84, 94, 95, 98, 117	11	14
Zambia		29, 95, 100, 111, 117, 144, 148, 150, 151	12, 17, 18, 94, 97, 117, 124, 138	11, 45, 89, 105, 135



Part 2

Summary of reports on Convention No. 119
and Recommendation No. 118

Guarding of Machinery

and on Convention No. 148 and
Recommendation No. 156

Working Environment (Air Pollution,
Noise and Vibration)

(article 19 of the Constitution)



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.

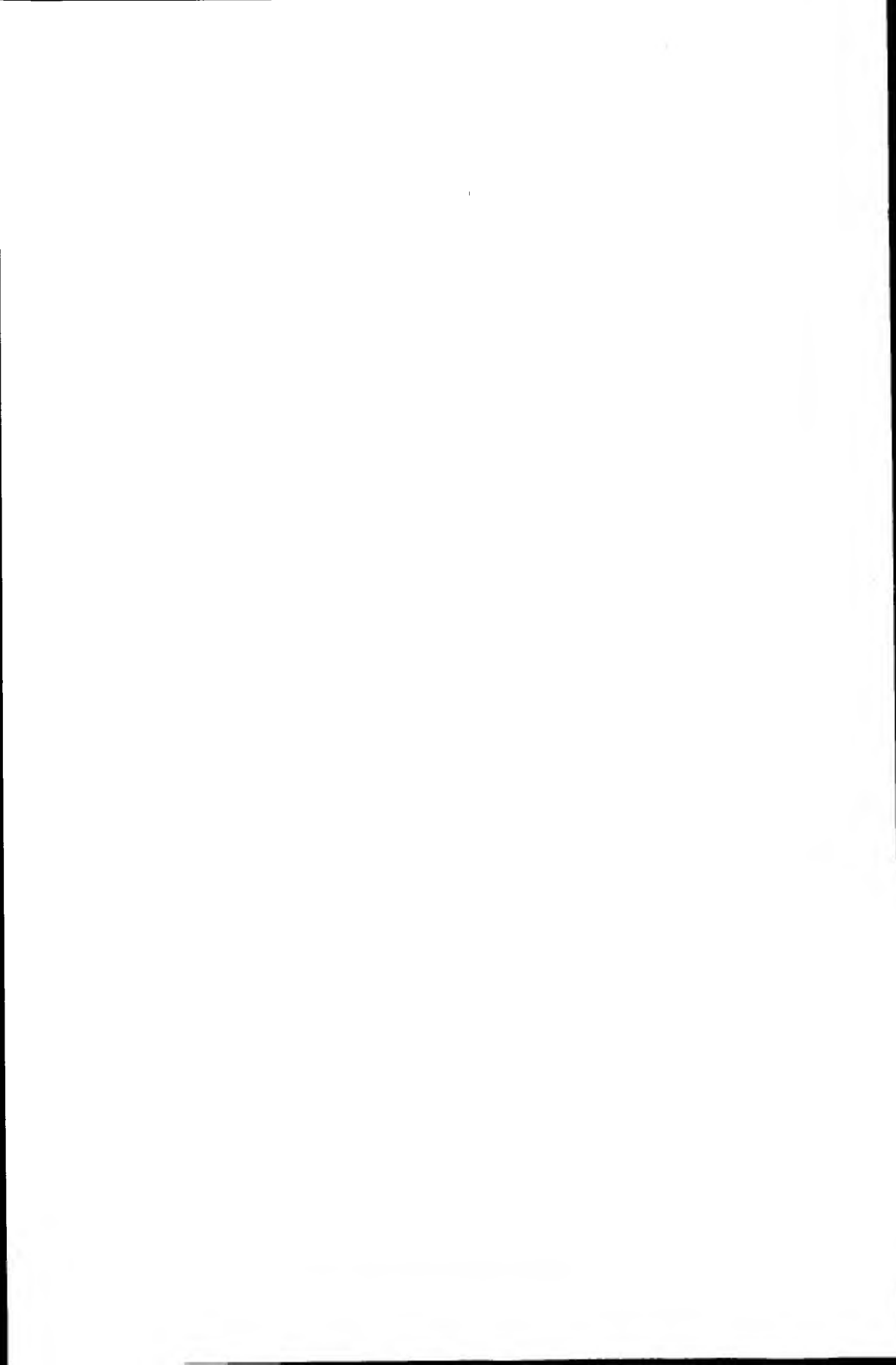
At its 218th (November 1981) Session, the Governing Body decided to discontinue the publication of summaries of reports on unratified Conventions and on Recommendations and to publish only a list of reports received, on the understanding that the Director-General would make available for consultation 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 Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963, and the Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), 1977.

The governments of member States were requested to send their reports to the International Labour Office by 1 July 1986.

The report of the Committee of Experts on the Application of Conventions and Recommendations which will be submitted to the Conference at its 73rd (1987) Session, will include a general survey on the reports on the above-mentioned Conventions and Recommendations (Report III, Part 4B).



REPORTS RECEIVED ON CONVENTIONS Nos. 119 AND 148
AND RECOMMENDATIONS Nos. 148 AND 156

Member States	Convention No. 119	Recommendation No. 118	Convention No. 148	Recommendation No. 156
Afghanistan	X	X	X	X
Algeria	R	X	X	X
Angola	-	-	-	-
Antigua and Barbuda	X	X	X	X
Argentina	X	X	X	X
Australia	X	X	X	X
Austria	X	X	X	X
Bahamas	X	X	X	X
Bahrain	X	X	X	X
Bangladesh	-	-	-	-
Barbados	X	X	X	X
Belgium	X	X	X	X
Belize	X	X	X	X
Benin	X	X	-	-
Bolivia	X	X	X	X
Botswana	-	-	-	-
Brazil	X	X	R	X
Bulgaria	X	X	X	X
Burkina Faso	-	-	-	-
Burma	X	X	X	X
Burundi	X	X	X	X
Byelorussian SSR	R	X	-	-
Cameroon	-	-	-	-
Canada	X	X	X	X
Cape Verde	X	X	X	X
Central African Republic	R	-	-	-
Chad	-	-	-	X
Chile	X	X	X	X
China	X	X	X	X
Colombia	X	X	X	X
Comoros	-	X	-	X
Congo	R	X	X	X
Costa Rica	X	X	R	X
Côte d'Ivoire	X	X	X	X
Cuba	X	X	R	X
Cyprus	R	X	X	X
Czechoslovakia	X	X	X	X
Democratic Yemen	X	X	X	X
Denmark	-	-	-	-
Djibouti	X	X	X	X

Member States	Convention No. 119	Recommendation No. 118	Convention No. 148	Recommendation No. 156
Dominica	-	-	-	-
Dominican Republic	R	-	-	-
Ecuador	R	X	R	X
Egypt	X	X	X	X
El Salvador	-	-	-	-
Equatorial Guinea	-	-	-	-
Ethiopia	X	X	X	X
Fiji	-	-	-	-
Finland	R	X	R	X
France	X	X	R	X
Gabon	X	X	-	-
German Democratic Republic	X	X	X	X
Germany, Federal Republic of	X	X	X	X
Ghana	R	X	X	X
Greece	X	X	X	X
Grenada	-	-	-	-
Guatemala	R	X	X	X
Guinea	R	X	R	X
Guinea Bissau	-	-	-	-
Guyana	X	-	-	X
Haiti	-	-	-	-
Honduras	X	X	X	X
Hungary	X	X	X	X
Iceland	-	-	-	-
India	X	X	X	X
Indonesia	X	X	X	X
Iran, Islamic Republic of	-	-	-	-
Iraq	X	X	R	-
Ireland	X	X	X	X
Israel	-	-	-	-
Italy	R	-	R	-
Jamaica	-	-	-	-
Japan	R	X	X	X
Jordan	R	X	X	X
Democratic Kampuchea	-	-	-	-
Kenya	X	X	X	X
Kuwait	R	-	X	X
Lao People's Democratic Republic	X	X	X	X

Member States	Convention No. 119	Recommendation No. 118	Convention No. 148	Recommendation No. 156
Lebanon	-	-	-	-
Lesotho	-	-	-	-
Liberia	-	-	-	-
Libyan Arab Jamahiriyah	-	-	-	-
Luxembourg	X	X	X	X
Madagascar	R	-	X	X
Malawi	-	X	X	X
Malaysia	R	-	X	X
Mali	X	X	X	X
Malta	-	-	-	-
Mauritania	X	X	X	X
Mauritius	X	X	X	X
Mexico	X	X	X	X
Mongolia	X	X	X	X
Morocco	R	X	X	X
Mozambique	X	X	X	X
Nepal	X	X	X	X
Netherlands	-	-	-	-
New Zealand	X	X	X	X
Nicaragua	R	-	-	-
Niger	R	X	X	X
Nigeria	X	X	X	X
Norway	R	X	R	X
Pakistan	X	X	X	X
Panama	R	X	X	X
Papua New Guinea	-	-	-	-
Paraguay	R	-	-	-
Peru	X	X	X	X
Philippines	X	X	X	X
Poland	R	X	X	X
Portugal	X	X	R	X
Qatar	-	-	-	-
Romania	X	X	X	X
Rwanda	X	X	X	X
Saint Lucia	-	-	-	-
San Marino	X	X	X	X
Sao Tome and Principe	-	-	-	-
Saudi Arabia	X	X	X	X
Senegal	-	-	-	-
Seychelles	X	-	X	-
Sierra Leone	R	-	-	-
Singapore	X	X	X	X
Solomon Islands	X	X	X	X
Somalia	X	X	X	X
Spain	R	X	R	X

Member States	Convention No. 119	Recommendation No. 118	Convention No. 148	Recommendation No. 156
Sri Lanka	X	X	X	X
Sudan	X	X	X	X
Suriname	X	X	X	X
Swaziland	X	X	X	X
Sweden	R	X	R	X
Switzerland	X	X	X	X
Syrian Arab Republic	R	-	-	-
Tanzania, United Republic of	-	-	R	-
Thailand	-	-	-	-
Togo	X	X	X	X
Trinidad and Tobago	-	-	-	-
Tunisia	R	X	X	X
Turkey	R	X	X	X
Uganda	-	-	-	-
Ukrainian SSR	R	X	X	X
USSR	R	X	-	-
United Arab Emirates	X	X	X	X
United Kingdom	X	X	R	X
United States	X	X	X	X
Uruguay	R	-	X	-
Venezuela	X	X	X	X
Yemen	-	-	-	-
Yugoslavia	R	X	R	X
Zaire	R	-	-	-
Zambia	X	X	R	-
Zimbabwe	-	-	-	-

Note: A total of 20 reports has also been received in respect of the following non-metropolitan territories: United Kingdom: Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Gibraltar, Guernsey, Hong Kong, Isle of Man and Montserrat.

R = Ratified Convention 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 71st Session held in Geneva from 7 to 27 June 1985.

The period of one year provided for the submission to the competent authorities of the instruments in question expired on 27 June 1986 and the period of 18 months on 27 December 1986.

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 70th Sessions (1948 to 1984). 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 72nd 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 61st to 71st Sessions

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).

71st Session (1985)

Labour Statistics Convention (No. 160) and Recommendation
(No. 170).
Occupational Health Services Convention (No. 161) and
Recommendation (No. 171).



Summary of information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference at its 71st Session (Geneva, 1985) and supplementary information on the texts adopted at its 31st to 70th Sessions (1948-84)

Argentina. The instrument adopted at the 70th Session of the Conference was submitted to Congress on 26 August 1986. The instruments adopted at the 71st Session were submitted on 31 July 1986.

Australia. The instruments adopted at the 71st Session of the Conference were submitted to the House of Representatives and to the Senate on 2 and 3 June 1986, respectively. The procedure to ratify Convention No. 160 has begun.

Austria. The instruments adopted at the 69th and 70th Sessions of the Conference have been submitted to the National Assembly.

Bahamas. The instruments adopted at the 70th and 71st Sessions of the Conference have been submitted to the competent authorities.

Bahrain. The instruments adopted at the 71st Session of the Conference were submitted to the Council of Ministers on 9 September 1985.

Barbados. The instruments adopted at the 70th and 71st Sessions of the Conference have been submitted to Parliament.

Botswana. The instruments adopted between the 64th and 71st Sessions of the Conference were submitted to the National Assembly on 3 December 1986. Ratification of Conventions Nos. 150, 151, 154, 156, 158 and 159 may be considered.

Bulgaria. The instruments adopted at the 71st Session of the Conference have been submitted to the National Assembly.

Burundi. The instruments adopted at the 71st Session of the Conference were submitted to the President of the Republic on 30 November 1985.

Burma. The instruments adopted at the 70th and 71st Sessions of the Conference were submitted to Parliament on 4 November 1985 and 13 October 1986, respectively.

Byelorussian SSR. The instruments adopted at the 71st Session of the Conference were submitted to the Supreme Soviet in May 1986.

Chad. The instruments adopted from the 50th to the 70th Sessions of the Conference were submitted to the Council of Ministers on 3 March 1986.

China. The instruments adopted at the 71st Session of the Conference have been submitted to the National People's Congress.

Comoros. The instruments adopted at the 70th and 71st Sessions of the Conference were submitted to the Federal Assembly on 29 April 1986. The ratification of Convention No. 161 has been proposed.

Costa Rica. Convention No. 159 and Recommendations Nos. 159 to 166, 168 and 169, adopted from the 64th to the 70th Sessions of the Conference, have been submitted to the Legislative Assembly.

Côte d'Ivoire. Convention No. 161 and Recommendation No. 171, adopted at the 71st Session of the Conference, were submitted to the National Assembly on 16 January 1986.

Cuba. The instruments adopted at the 71st Session of the Conference were submitted to the Council of Ministers on 4 November 1985 and 30 July 1986.

Denmark. The instruments adopted at the 68th and 70th Sessions of the Conference, together with Recommendation No. 167 (69th Session) were submitted to Parliament on 9 May and 10 December 1986.

Egypt. The instruments adopted at the 71st Session of the Conference have been submitted to the People's Assembly.

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

Ethiopia. Convention No. 137 and Recommendation No. 145, adopted at the 58th Session of the Conference, Convention No. 152 and Recommendation No. 160 (65th Session) and Recommendation No. 169 (70th Session) have been submitted to the Provisional Military Administrative Council.

Finland. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 30 May 1986.

France. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 22 December 1986. Ratification of Convention No. 160 may be considered.

German Democratic Republic. The instruments adopted at the 71st Session of the Conference were submitted to the People's Assembly.

Greece. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 31 July 1986. Ratification of Conventions Nos. 160 and 161 was proposed.

Hungary. The instruments adopted at the 71st Session of the Conference were submitted to the Presidential Council on 15 May 1986. It was decided to ratify Convention No. 161.

Iceland. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 13 March 1986.

Iraq. The instruments adopted at the 71st Session of the Conference have been submitted to the competent authorities.

Ireland. The instruments adopted between the 66th and the 70th Sessions of the Conference were submitted to Parliament on 26 March 1986. The instruments adopted at the 71st Session were submitted on 22 July 1986. Convention No. 159 was ratified.

Israel. The instruments adopted at the 71st Session of the Conference were submitted to Parliament in February 1986.

Italy. The instruments adopted at the 71st Session of the Conference have been submitted to Parliament on 22 November 1985.

Japan. The instruments adopted at the 71st Session of the Conference were submitted to the Diet on 16 May 1986.

Jordan. The instruments adopted at the 71st Session of the Conference have been submitted to the Council of Ministers.

Kuwait. The instruments adopted at the 71st Session of the Conference have been submitted to the Council of Ministers.

Lesotho. Recommendations Nos. 170 and 171, adopted at the 71st Session of the Conference, have been submitted to the competent authority.

Liberia. The instruments adopted at the 70th and 71st Sessions of the Conference were submitted to the House of Representatives on 31 January 1987.

Libyan Arab Jamihiriya. The instrument adopted at the 70th Session of the Conference was submitted to the General People's Committee on 15 May 1986.

Malawi. The instruments adopted at the 61st Session of the Conference, together with Convention No. 149 and Recommendation No. 157 (63rd Session), Convention No. 158 and Recommendation No. 166 (68th Session), and Convention No. 159 and Recommendation No. 168 (69th Session) have been submitted to the National Assembly. The Conventions have been ratified.

Mali. The instruments adopted at the 71st Session of the Conference have been submitted to the National Assembly.

Malta. The instruments adopted at the 65th, 69th, 70th and 71st Sessions of the Conference were submitted to the House of Representatives on 13 March 1985 and 4 March 1986.

Mexico. The instruments adopted at the 71st Session of the Conference were submitted to the Senate. Ratification of Conventions Nos. 160 and 161 was recommended and approved.

Morocco. The instruments adopted at the 71st Session of the Conference have been submitted to the House of Representatives.

New Zealand. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 10 September 1986.

Nicaragua. The instruments adopted at the 71st Session of the Conference were submitted to the President of the Republic and to the Legislative Assembly on 29 November 1985.

Niger. The instruments adopted at the 71st Session of the Conference have been submitted to the Head of State.

Nigeria. The instruments adopted at the 71st Session of the Conference have been submitted to the competent authorities.

Norway. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 7 November 1986. It was proposed that Convention No. 160 should be ratified.

Peru. The instruments adopted at the 71st Session of the Conference have been submitted to Congress.

Poland. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 7 March 1986.

Portugal. The instruments adopted at the 69th, 70th and 71st Sessions of the Conference have been submitted to the National Assembly.

Romania. The instruments adopted at the 71st Session of the Conference were submitted to the National Assembly on 27 June 1986.

San Marino. The instrument adopted at the 70th Session of the Conference has been submitted to Parliament.

Saudi Arabia. The instruments adopted at the 71st Session of the Conference have been submitted to the Council of Ministers.

Sri Lanka. The instruments adopted between the 69th and 70th Sessions of the Conference were submitted to Parliament on 20 December 1985 and 25 September 1986, respectively.

Sudan. The instruments adopted between the 67th and the 71st Sessions of the Conference have been submitted to the Council of Ministers.

Sweden. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 24 April 1986. Conventions Nos. 160 and 161 have been ratified.

Switzerland. The instruments adopted at the 71st Session of the Conference were submitted to Parliament on 28 May 1986. Ratification of Convention No. 160 was proposed.

Syrian Arab Republic. Convention No. 160, adopted at the 71st Session of the Conference, together with Recommendations Nos. 160, 161 and 167 to 170 (65th, 69th, 70th and 71st Sessions) were submitted to the Council of Ministers.

Turkey. The instruments adopted at the 71st Session of the Conference were submitted to the Grand National Assembly on 19 December 1985.

Ukrainian SSR. The instruments adopted at the 71st Session of the Conference have been submitted to the Supreme Soviet.

USSR. The instruments adopted at the 68th, 69th and 70th Sessions of the Conference have been submitted to the Supreme Soviet.

United Kingdom. The instruments adopted at the 71st Session of the Conference were submitted to Parliament in November 1986. Ratification of Convention No. 160 was proposed.

United States. The instruments adopted at the 61st Session of the Conference, together with Convention No. 147 and Recommendation No. 155 (62nd Session) were submitted to the Senate on 11 April 1986. Ratification of Conventions Nos. 144 and 147 was proposed. Convention No. 161 and Recommendation No. 171 (71st Session) were submitted to Congress on 8 July 1986.

Uruguay. Convention No. 159, adopted at the 69th Session of the Conference, was submitted to the General Assembly on 26 February 1986. Its ratification was proposed. Recommendation No. 169 (70th Session) was submitted to the General Assembly on 3 March 1986.

Venezuela. Recommendation No. 159, adopted at the 64th Session of the Conference, together with Convention No. 152 and Recommendation No. 160 (65th Session), Recommendation No. 162 (66th Session), Convention No. 154 (67th Session), the instruments adopted at the 69th Session, Convention No. 160 and Recommendation 170 (71st Session) have been submitted to Congress.

Yemen. The instruments adopted between the 65th and the 69th Sessions of the Conference have been submitted to the Council of Ministers. Ratification of Conventions Nos. 156 and 158 may be considered.

Zaire. The instruments adopted at the 62nd and the 66th to the 69th Sessions of the Conference were submitted to the President of the Republic on 21 March 1986.

Zambia. The instrument adopted at the 70th Session of the Conference was submitted to the National Assembly on 7 August 1986.



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International Labour Conference
73rd Session 1987

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
73rd Session 1987

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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CONVENTION (NO. 148) AND RECOMMENDATION (NO. 156), 1977

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

INDEX TO COMMENTS MADE BY THE COMMITTEE, BY COUNTRY

Country	Observations made by the Committee (published in the present report) ¹	Direct requests addressed by the Committee to the Governments (not reproduced in the present report) ²
Afghanistan	General Report, paras. 124, 132. I A and B, Nos. 13, 95, 105. III.	Art. 22, Nos. 105, 111, 137, 139, 140, 141.
Albania	I A.	
Algeria	I B, Nos. 13, 32, 44, 62, 87, 105, 111, 120, 127.	Art. 22, general. Art. 22, Nos. 24, 77, 78, 87, 94, 98, 105, 111, 122, 138, 142, 150. Subm.
Angola	General Report, paras. 124, 132. I A and B, No. 105. III.	Art. 22, general. Art. 22, Nos. 12, 17, 18, 29, 81, 88, 89, 98, 105, 107, 108, 111.
Antigua and Barbuda . . .	General Report, para. 124. I A.	Art. 22, Nos. 17, 87, 98, 138. Subm.
Argentina	I B, Nos. 87, 88, 98.	Art. 22, Nos. 1, 71, 81. Subm.
Australia	I B, Nos. 42, 111.	Art. 22, Nos. 81, 111. Art. 35, No. 29.
Austria	I B, No. 100.	Art. 22, Nos. 29, 95, 98, 100, 111, 122, 142. Subm.
Bahamas	I B, No. 144.	Art. 22, Nos. 94, 117, 144. Subm.
Bangladesh	I B, Nos. 22, 29, 87, 98, 105, 107, 149.	Art. 22, Nos. 27, 29, 96, 98, 105, 106, 107, 111, 144, 149. Subm.
Barbados	General Report, paras. 124, 132. I A and B, No. 111.	Art. 22, Nos. 87, 98, 111, 115, 122, 144.
Belgium	I B, Nos. 98, 122.	Art. 22, Nos. 29, 147. 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)
Belize		General Report, para. 109. Art. 22, Nos. 8, 22, 98, 105, 115. Subm.
Benin	I B, No. 18.	General Report, para 109. Art. 22, general. Art. 22, Nos. 29, 100, 105, 111, 143. Subm.
Bolivia	I B, Nos. 87, 106. III.	Art. 22, Nos. 77, 78, 87, 88, 117, 121, 124, 130.
Botswana	III.	
Brazil	General Report, para. 132. I B, Nos. 29, 98, 107, 122. III.	Art. 22, Nos. 12, 29, 88, 94, 105, 107, 111, 117, 131.
Bulgaria		Art. 22, general. Art. 22, Nos. 29, 111.
Burkina Faso	I B, Nos. 18, 87, 98, 111, 150.	Art. 22, Nos. 6, 17, 29, 81, 95, 111, 129, 132, 143, 150. Subm.
Burma	I B, Nos. 17, 52, 87.	
Burundi	I B, No. 94.	Art. 22, No. 94. Subm.
Byelorussian SSR	I B, Nos. 52, 87, 124.	Art. 22, Nos. 98, 111, 122.
Cameroon	I B, Nos. 87, 94.	Art. 22, Nos. 9, 78, 87, 108, 122, 132, 143. Subm.
Canada	I B, Nos. 87, 100.	Art. 22, Nos. 87, 100. Subm.
Cape Verde	General Report, paras. 124, 132. I A.	Art. 22, Nos. 17, 98, 105, 111. Subm.
Central African Republic	I B, Nos. 18, 29, 41, 52, 81, 87, 94, 105, 111. III.	Art. 22, general. Art. 22, Nos. 29, 81, 88, 95, 100, 105, 111, 117.
Chad	General Report, paras. 124, 132. I A and B, Nos. 87, 98. III.	Art. 22, Nos. 52, 95, 111. Subm.
Chile	I B, Nos. 1, 2, 9, 24, 25, 30, 35, 36, 37, 38, 111, 122.	Art. 22, Nos. 9, 29, 111, 122. Subm.
China		Art. 22, Nos. 14, 22, 23.
Colombia	I B, Nos. 3, 9, 22, 24, 25, 29, 87.	Art. 22, Nos. 24, 25, 29, 87, 88, 95, 98, 105, 106, 107. Subm.

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Comoros		General Report, para. 109. Art. 22, Nos. 14, 17, 29, 52, 77, 78, 87, 98, 100, 101, 105, 106.
Congo.	I B, No. 87. III.	Art. 22, general.
Costa Rica	I B, Nos. 87, 95, 98, 122.	General Report, para. 109. Art. 22, Nos. 1, 87, 88, 94, 95, 101, 107, 111, 122, 135, 137, 144, 145, 150. Subm.
Côte d'Ivoire	I B, Nos. 52, 136.	Art. 22, Nos. 29, 87, 98, 111. Subm.
Cuba	I B, Nos. 29, 52, 63, 87, 91, 101, 105, 122.	Art. 22, Nos. 29, 91, 95, 105, 110, 111, 122.
Cyprus	I B, Nos. 95, 106, 114, 122, 150, 151.	Art. 22, Nos. 87, 111, 143, 150. Subm.
Czechoslovakia.	I B, No. 87.	Art. 22, Nos. 122, 130. Subm.
Democratic Yemen	III.	Art. 22, general. Art. 22, Nos. 29, 98, 105.
Denmark.	I B, Nos. 87, 98, 100, 122, 151. II A and B, Nos. 8, 16.	Art. 22, Nos. 29, 100, 111, 130, 149. Art. 35, Nos. 9, 53, 105. Subm.
Djibouti	I B, No. 44. III.	Art. 22, Nos. 18, 22, 23, 24, 29, 37, 38, 55, 56, 71, 77, 78, 81, 88, 94, 105, 106, 108, 115.
Dominica	General Report, paras. 124, 129.	Art. 22, general. Art. 22, Nos. 8, 26, 81, 87. Subm.
Dominican Republic . . .	General Report, paras. 124, 132. I A and B, Nos. 77, 87, 95, 98, 105. III.	Art. 22, general. Art. 22, No. 88.
Ecuador	I A and B, Nos. 87, 98, 103, 105, 107, 122.	Art. 22, Nos. 11, 29, 77, 78, 88, 100, 101, 105, 107, 110, 115, 121, 122, 130, 144, 149. Subm.
Egypt	I B, Nos. 87, 94, 95, 98, 105, 106.	Art. 22, general. Art. 22, Nos. 22, 23, 29, 55, 62, 105, 111, 115, 139, 142, 147, 149.
El Salvador	I B, No. 105. III.	Art. 22, general. Art. 22, Nos. 105, 107.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Observations made by the Committee (published in the present report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present report)
Equatorial Guinea		Art. 22, general. Art. 22, No. 1. Subm.
Ethiopia	1 B, Nos. 87, 98.	Art. 22, Nos. 88, 111. Subm.
Fiji	General Report, paras. 124, 132, 162. 1 A.	Art. 22, Nos. 84, 98. Subm.
Finland	1 B, Nos. 81, 98, 111, 122, 129, 135, 151.	Art. 22, Nos. 8, 9, 87, 111, 144, 145, 150, 151, 156.
France	General Report, para. 132. 1 A and B, Nos. 22, 81, 122, 129, 134. 11 B, Nos. 22, 29, 35, 36, 98, 115.	General Report, para. 109. Art. 22, Nos. 81, 122, 134, 141, 147. Art. 35, general. Art. 35, Nos. 19, 29, 44, 63, 77, 78, 81, 94, 95, 115, 122, 124.
Gabon	1 B, Nos. 87, 98.	General Report, para. 109. Art. 22, Nos. 87, 95, 124, 150. Subm.
German Democratic Republic	1 B, Nos. 87, 111.	Art. 22, Nos. 122, 124.
Germany, Federal Republic of	1 B, Nos. 29, 87, 102, 111.	Art. 22, Nos. 29, 100, 111, 115, 130, 150. Subm.
Ghana	1 B, Nos. 87, 94, 111, 115. III.	Art. 22, Nos. 22, 50, 64, 98, 100, 111, 117.
Greece	1 B, Nos. 81, 87, 95, 98, 111.	Art. 22, Nos. 11, 68, 77, 78, 87, 103, 111, 124, 144. Subm.
Grenada	General Report, paras. 124, 132. III.	Art. 22, general. Art. 22, Nos. 14, 81, 94, 95, 98.
Guatemala	1 B, Nos. 87, 94, 95, 98, 105.	Art. 22, Nos. 88, 94, 98, 105, 111, 127. Subm.
Guinea	1 B, Nos. 87, 94, 111, 118, 120, 121. III.	Art. 22, Nos. 87, 98, 111, 115, 132, 140, 149, 152.
Guinea-Bissau	General Report, paras. 124, 132. I A and B, No. 98.	Art. 22, general. Art. 22, Nos. 17, 29, 81, 88, 104, 105, 107, 108, 111. Subm.
Guyana		Art. 22, Nos. 29, 87, 95, 98, 111, 115, 136, 137, 139, 140, 144, 150. Subm.

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Haiti	General Report, paras. 124, 132. I A and B, Nos. 24, 25, 42, 87, 105. III.	Art. 22, general. Art. 22, Nos. 14, 98, 106, 111.
Honduras	I B, Nos. 29, 87.	Art. 22, general. Art. 22, Nos. 29, 81, 98. Subm.
Hungary	I B, No. 87.	Art. 22, general. Art. 22, Nos. 98, 115, 122, 159.
Iceland		Art. 22, No. II1.
India	I B, Nos. 1, 107.	Art. 22, Nos. I, 14, II5. Subm.
Indonesia	I B, Nos. 29, 98. III.	General Report, para. 109. Art. 22, Nos. 29, 106.
Iran, Islamic Republic of	General Report, paras. 124, 132, 158. I B, Nos. 29, 111. III.	General Report, para. 109. Art. 22, general. Art. 22, Nos. 29, 95, 106, 111, 122.
Iraq	I B, Nos. 8, 17.	Art. 22, Nos. 22, 23, 29, 95, 98, 100, 105, 111, 132, 139, 140, 150. Subm.
Ireland	I B, Nos. 23, 81, 98, 105, 121. III.	Art. 22, Nos. 29, 132.
Israel	I B, No. 78.	Art. 22, No. 150.
Italy	General Report, paras. 124, 132. I B, Nos. 81, 127, 146.	Art. 22, general. Art. 22, Nos. 29, 45, 74, 79, 81, 92, 95, 97, 105, 111, 132, 134, 136, 137, 145. Subm.
Jamaica	General Report, paras. 124, 132. I B, Nos. 8, 81, 87, 98, 100. III.	Art. 22, general. Art. 22, Nos. 29, 81, 97, 100, 117, 122.
Japan	I B, Nos. 87, 98.	Art. 22, No. 29.
Jordan	General Report, para. 132. I B, Nos. 81, 98.	Art. 22, general. Art. 22, Nos. 29, 81, 100, 105, 106, 111, 117, 122, 124, 135, 142.
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Kenya	I B, Nos. 29, 105. III.	Art. 22, Nos. 29, 94, 98, 105, 129, 132, 138, 140, 142, 143.

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Kuwait	I B, Nos. 87, 106.	Art. 22, Nos. 111, 117.
Lao People's Democratic Republic	III.	Art. 22, general. Art. 22, Nos. 4, 6, 29.
Lebanon	General Report, para. 124. I A. III.	
Lesotho.	I B, No. 87. III.	Art. 22, No. 11.
Liberia	General Report, paras. 124, 132. I A and B, Nos. 29, 55, 87, 98, 105, 114.	Art. 22, general. Art. 22, Nos. 22, 23, 29, 105, 108, 111, 147.
Libyan Arab Jamahiriya .	General Report, paras. 124, 132. I A and B, Nos. 29, 52, 95, 98, 105, 128, 130.	Art. 22, general. Art. 22, Nos. 29, 100, 102, 103, 105, 111, 121, 122, 128, 130. Subm.
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Madagascar	I B, Nos. 29, 87, 120, 122, 127.	Art. 22, Nos. 29, 81, 111, 122, 124, 129, 132. Subm.
Malawi	I B, No. 81. III.	Art. 22, Nos. 98, 111.
Malaysia	I B, No. 98.	Art. 22, Nos. 14, 29, 95. Subm.
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Mauritania.	General Report, para. 124. I B, Nos. 22, 81, 87, 94. III.	Art. 22, general. Art. 22, No. 81.
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Mozambique		Art. 22, No. 88. Subm.
Nepal	III.	Art. 22, general.
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New Zealand	General Report, para. 132. I B, No. 122. II A.	Art. 22, No. 122. Art. 35, No. 105.
Nicaragua	I B, Nos. 1, 8, 30, 87, 98, 105. III.	Art. 22, Nos. 9, 29, 77, 78, 88, 95, 100, 105, 110, 111, 115, 117, 140, 141, 144.
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Nigeria	I B, Nos. 81, 87, 98, 105, 134. III.	Art. 22, Nos. 95, 97, 134.
Norway	I B, Nos. 22, 87, 111, 115, 122, 129, 150.	Art. 22, Nos. 8, 111, 115, 143, 150, 152, 155.
Pakistan	General Report, paras. 124, 132. I A and B, Nos. 22, 29, 81, 87, 96, 98, 105, 107, 111.	Art. 22, Nos. 29, 105, 107, 111. Subm.
Panama	I B, Nos. 8, 17, 22, 29, 32, 52, 53, 55, 68, 87, 92, 94, 98, 105, 107, 122, 126.	Art. 22, Nos. 9, 29, 55, 64, 88, 92, 94, 100, 107, 110, 111, 114, 117, 122, 125, 126. Subm.
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Rwanda	I B, Nos. 11, 94.	General Report, para. 109. Art. 22, general. Art. 22, No. 111. Subm.
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Senegal	I B, No. 87. III.	Art. 22, Nos. 6, 81, 87, 120, 121.
Seychelles	General Report, para. 158. I B, No. 87. III.	Art. 22, No. 2.
Sierra Leone	General Report, paras. 124, 132, 158. I A and B, Nos. 8, 17, 29, 59, 81, 111, 125. III.	Art. 22, general. Art. 22, Nos. 29, 95, 101, 105, 111, 126.
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Solomon Islands	General Report, para. 124. I A.	Subm.
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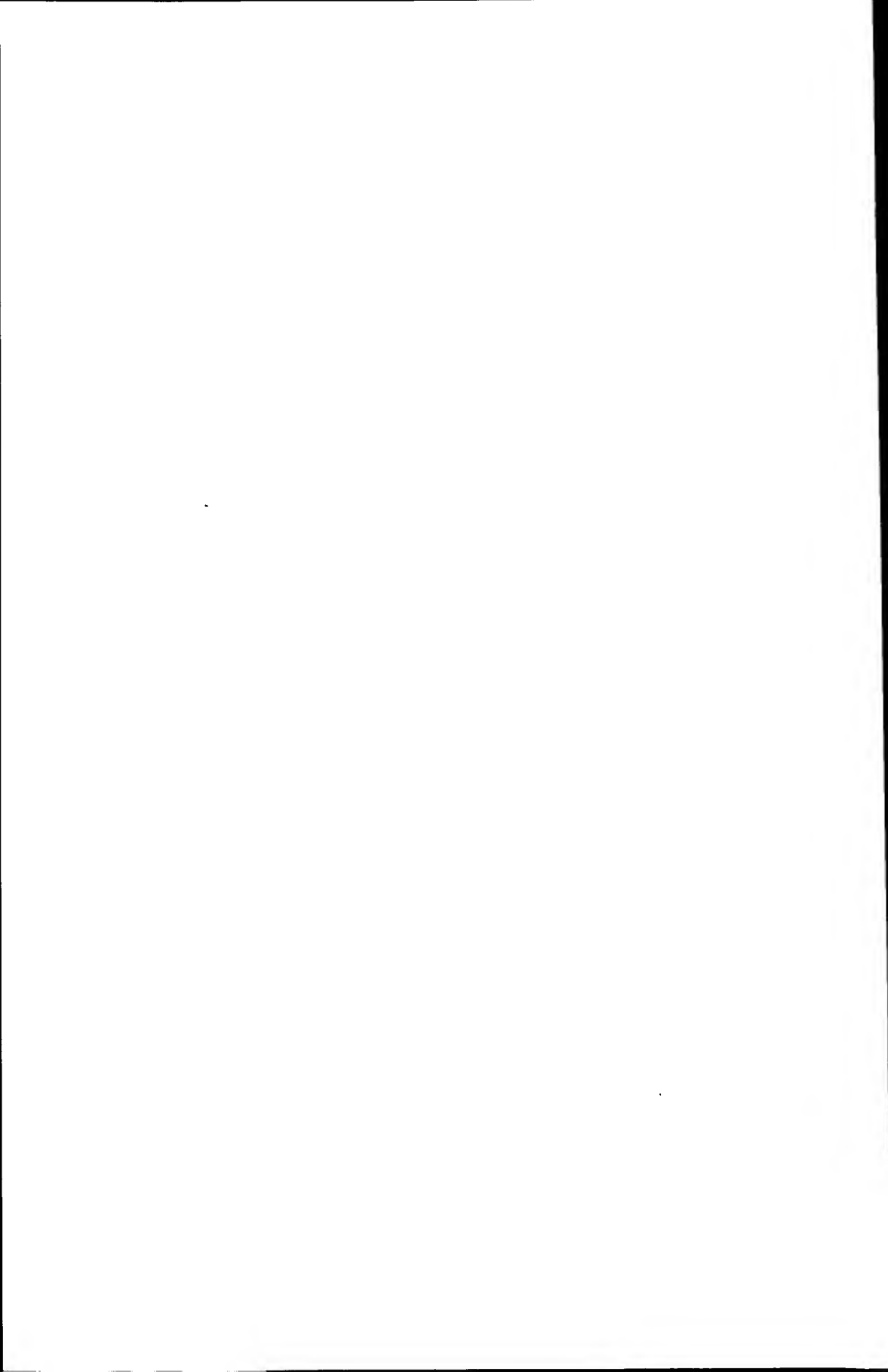
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Spain	I B, Nos. 53, 147.	Art. 22, Nos. 55, 56, 77, 78, 97, 111, 115, 132, 142, 144, 150, 152. Subm.
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Suriname	General Report, para. 158.	Art. 22, Nos. 29, 94, 105, 122, 144, 150. Subm.
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Thailand	General Report, paras. 124, 132. I A and B, Nos. 29, 105, 127. III.	Art. 22, Nos. 29, 88, 105, 122, 127.
Togo	I B, No. 87.	Art. 22, Nos. 98, 111, 138, 143, 144.
Trinidad and Tobago . . .	General Report, paras. 124, 132, 162. I A and B, Nos. 87, 98, 125. III.	Art. 22, general. Art. 22, Nos. 29, 105, 111.
Tunisia	General Report, para. 158. I B, Nos. 55, 87, 111, 127. III.	Art. 22, Nos. 8, 22, 23, 73, 77, 111, 117, 122, 124.
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United Arab Emirates . .	I B, No. 1.	General Report, para. 109. Art. 22, Nos. 1, 89. Subm.
United Kingdom	I B, Nos. 42, 44, 68, 87, 98, 122, 142, 147, 151. II B, Nos. 8, 17.	Art. 22, Nos. 8, 115, 140, 147. Art. 35, Nos. 17, 24, 25, 29, 56, 59, 82, 85, 87, 94, 95, 98, 105, 108, 115, 122, 140.
United States		Subm.
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Venezuela	I A and B, Nos. 22, 29.	Art. 22, Nos. 29, 81, 87, 88, 95, 98, 100, 111, 118, 122, 140, 141, 144, 150. Subm.
Yemen	General Report, para. 162. I B, Nos. 87, 98. III.	General Report, para. 109. Art. 22, Nos. 29, 111, 132, 135. Subm.
Yugoslavia.	General Report, paras. 124, 132. I A and B, No. 111.	Art. 22, general. Art. 22, Nos. 102, 111, 121, 122, 132, 140, 142. Subm.
Zaire	I B, Nos. 98, 121.	Art. 22, Nos. 94, 95, 98, 117, 121. Subm.
Zambia	I B, Nos. 29, 105, 122.	Art. 22, Nos. 29, 97, 100, 111, 122, 138, 144, 149, 150, 151. Subm.
Zimbabwe		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 57th Session in Geneva from 12 to 25 March 1987. The Committee has the honour to present its report to the Governing Body.

2. The Committee noted with regret that Sir Adetokunbo ADEMOLA, GCFR, GCON, KBE, Kt, CFR, PC (Nigeria) had asked to be relieved of his duties as a member of the Committee. It paid tribute to the outstanding contribution that he had made to the work of the Committee for 25 years, through his experience and devotion to the principles of the ILO, and through the wisdom and fairness with which he chaired the work of the Committee over the previous ten years.

3. The Committee noted that, in order to fill the vacant seat, the Governing Body had appointed Mr. B.O. NWABUEZE (Nigeria), 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 Emeritus 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.

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),

Former 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),

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

Mr. Arnold GUBINSKI (Poland),

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

Mr. Semion A. IVANOV (USSR),

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

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

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

Mr. Kéba MBAYE (Senegal),

Judge of the International Court of Justice; First Honorary President of the Supreme Court of Senegal; associate member of the Institute of International Law; Arbitrator of the ICSID;

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former 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. Benjamin Obi NWABUEZE (Nigeria),
LLD (London); Senior Advocate of Nigeria; 1980 Laureate of the Nigerian National Merit Award; former Professor of Law at the University of Nigeria; former Professor and Dean of the Faculty of Law at the University of Zambia; member, Governing Council, Nigerian Institute of International Affairs; member, Governing Council, Nigerian Institute of Advanced Legal Studies; member, Council of Legal Education;

Mr. Edilbert 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 the Legal Section and 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; President of the International Association of Supreme Administrative Jurisdictions; Chairman of the Finnish Section of the International Association of Legal Sciences;

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; Vice-President (Asia) of the International Society of Labour Law and Social Security;

Mr. Fernando URIBE RESTREPO (Colombia),

Judge of the Court of Justice of the Cartagena Accord; former President of the Supreme Court of Colombia; former 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, LLM; 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 William DOUGLAS as Chairman and Mr. E. 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;

GENERAL REPORT

- (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (iii) the information and reports on measures taken by Members in accordance with article 35 of the Constitution.

7. The Committee, after an examination and evaluation of the above-mentioned reports and information, drew up its present report, 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 118 to 148 below), on the application of Conventions in non-metropolitan territories (see section II and paragraphs 118 to 148 below), and on the obligation to submit instruments to the competent authorities (see section III and paragraphs 149 to 159 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 Guarding of Machinery Convention, 1963 (No. 119) and Recommendation, 1963 (No. 118) and on the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) and Recommendation, 1977 (No. 156) (see also paragraphs 160 to 164 below).

8. Mr. Kurt Herndl, Assistant Secretary-General for Human Rights in the United Nations, addressed the Committee. He stressed the value of existing collaboration between the United Nations and the ILO, which operated both between established organs and at secretariat level, and voiced his appreciation of the professionalism of the International Labour Organisation and its expert organs in their work in aid of human rights. He expressed the hope that mutual understanding between the ILO and the UN human rights organs would continue to prevail, based on a realisation of the complexities of the tasks involved and the complexities faced by each organisation with regard to its constituency.

II. SIXTIETH ANNIVERSARY OF THE ESTABLISHMENT OF THE COMMITTEE - RESTATEMENT OF THE FUNDAMENTAL PRINCIPLES, MANDATE AND METHODS OF WORK OF THE COMMITTEE

Introduction

9. The Committee of Experts was set up by the Governing Body following the adoption of a resolution by the Conference in 1926. The Committee's first session took place in May 1927. It then comprised eight members and met for three days. It had to examine 180 reports on the application of ratified Conventions, from 26 States. The International Labour Organisation was at that time composed of 55 member States, which had deposited a total of 229 instruments of ratification. The International Labour Conference had adopted 23 Conventions and 28 Recommendations. At 31 December 1986, 150 States were Members of the Organisation, the Conference had adopted 162

Conventions and 172 Recommendations; the Office had registered 5,276 ratifications and 1,161 declarations of application of Conventions to non-metropolitan territories (1,092 of which were without modification). These developments have not failed to influence the volume and complexity of the Committee's work. They explain why the Committee has periodically reviewed its working methods. It last did so in 1977 on the occasion of the 50th anniversary of its establishment.¹ After an interval of ten years, and following a preliminary discussion in 1986, the Committee decided once more to consider these matters and to include in the present report an up-to-date statement of its fundamental principles, terms of reference and working methods.

10. According to the resolution of 1926, the work of the Committee was aimed at "making the best and fullest use" of the reports on ratified Conventions and "securing such additional data as may be provided for in the forms approved by the Governing Body and found desirable to supplement that already available". The Committee's report was to be submitted to the Conference through the Governing Body. In 1946, the Conference adopted an instrument to amend the Constitution of the ILO that introduced several new reporting obligations: governments were called on to supply information on the submission of newly adopted Conventions and Recommendations to the competent national authorities, on the effect given to unratified Conventions and to Recommendations, and on the application of ratified Conventions in non-metropolitan territories. The Governing Body accordingly widened the terms of reference of the Committee of Experts to include these additional matters.

11. Within these broadly defined terms of reference, the Committee has always enjoyed autonomy in determining its working methods. This is indeed a general characteristic of ILO supervisory procedures, to be found also in relation to other bodies such as the Committee on Freedom of Association, commissions of inquiry and fact-finding and conciliation commissions. In his reply to the discussion of his report to the Conference in 1984, which dealt more particularly with international labour standards, the Director-General of the ILO pointed out that the methods used by the various bodies had evolved gradually and in a realistic way over a period of time, and that stock had been taken of them in periodic reviews. It followed clearly from the broad debate on standards at the Conference in 1984 that this process of review, adaptation and improvement should continue.

12. Mention should also be made of the spirit of mutual respect, co-operation and responsibility that has always existed in relations between the Conference and the Conference Committee on the Application of Conventions and Recommendations, the Governing Body and the Committee of Experts. Thus, when called upon after the constitutional revision of 1946 to examine the reports of member States on the application of unratified Conventions and on Recommendations, the Committee of Experts considered it appropriate to make general surveys

¹ See ILO: Report III (Part 4A), International Labour Conference, 63rd Session, 1977, General Report, para. 10 ff.

of law and practice in the countries concerned (and, since 1956, to take account also of the reports prepared under article 22 of the Constitution by States that had ratified the Conventions in question). Arrangements were later made between the ILO and the United Nations and between the ILO and the Council of Europe for the ILO to assist in the examination of the implementation of the International Covenant on Economic, Social and Cultural Rights and of the European Code of Social Security respectively. It was to the Committee of Experts that the Governing Body entrusted the responsibility of analysing the reports (or those parts of the reports dealing with matters within the competence of the ILO) submitted by States under those special procedures. For practical reasons - to avoid overburdening its report - the Committee decided in 1957 to address certain comments directly to the governments concerned, instead of setting them out in its report, such cases being, however, listed in the report. Direct requests are used in particular when the Committee wishes to obtain clarification on certain points before expressing an opinion or when the questions raised are of a technical nature.

13. In 1959 there was a typical example of collaboration between the Committee of Experts, the Governing Body and the Conference Committee on the Application of Conventions and Recommendations, when the last-mentioned bodies approved the suggestion made by the Committee of Experts that changes be made in the frequency with which detailed reports were to be requested under article 22 of the Constitution: reports were henceforth called for only every two years (a period extended to four years in 1976 for most Conventions),¹ except where there were serious and persistent divergencies, when an examination of the situation ought not to be delayed. It is on this basis that the Committee of Experts decided to refer in footnotes to cases in which governments were to be asked to report in detail during the intervening period and/or to supply full particulars to the Conference at the following session. The Committee then explained that the fact of requesting the communication of particulars in certain cases to the following session of the Conference should in no way deprive the Conference of the possibility of asking a government to provide information on other cases on which comments had been made.

14. Employers' and workers' organisations have a distinctive role to play in the supervisory machinery of the ILO. The

¹ See ILO: Report III (Part 4A), International Labour Conference, 63rd Session, 1977, General Report, p. 16. The Governing Body has recently adopted further measures to simplify the procedures for submission of reports on the application of ratified Conventions. It decided that, subject to certain guarantees, detailed reports should no longer be called for on certain instruments that appeared to have lost their relevance. It also considered the possibility of simplifying the forms of report and approved certain changes in this connection. See the Report of the Committee of Experts for 1986, General Report, paras. 17 and 18.

International Labour Conference emphasised this aspect particularly in 1971 and in 1977, in resolutions calling for the strengthening of tripartism.¹ It may be recalled that, by virtue of article 23, paragraph 2, of the Constitution of the ILO, member States are required to communicate to the representative organisations of employers and workers copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22. The above-mentioned resolutions led the Committee of Experts to examine with particular care the manner in which States carry out this obligation. Workers' and employers' organisations, moreover, have the right to make observations on the application of Conventions, communicating them through the government concerned or directly to the ILO. The Committee gave a full account of these procedures in its report of 1986.² It recalled that the Governing Body had decided that any comments addressed directly to the Office should be communicated to the governments concerned for observations, but that if such observations were not received within a reasonable period the Committee would nevertheless examine the substance of the comments.

15. Following the above-mentioned Conference resolutions, and on the recommendation of the Committee of Experts, the Governing Body decided to amplify the question in the report forms for ratified Conventions relating to the obligation to communicate to the representative organisations copies of reports sent to the ILO, as well as the question concerning any comments received from the employers' and workers' organisations.³ The Office has also taken measures to inform employers' and workers' organisations of the possibilities open to them of contributing to the application of ILO standards. At the request of Workers' delegates, it has organised study meetings on ILO standards for worker representatives at the International Labour Conference and regional conferences; more recently national seminars for workers and employers have also been organised with the assistance of the ILO. These measures have made employers' and workers' organisations better aware of the part they can play in ILO supervision, a fact reflected in the increase in the number of comments received under the regular system of supervision based on the submission of reports (147 in 1986, 155 this year). A

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

² See Report III (Part 4A), International Labour Conference, 72nd Session, 1986, General Report, paras. 80-108.

³ The forms of report on unratified Conventions and on Recommendations and the questionnaire appended to the Memorandum concerning the obligation to submit newly adopted Conventions and Recommendations to the competent authorities have been similarly supplemented.

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significant increase has also taken place in the number of representations received under article 24 of the Constitution.¹

16. The Committee's work has thus greatly increased with the expansion of the obligations of member States and the corresponding expansion of its terms of reference, and also with the growing numbers of member States and of the standards adopted. The Committee has examined the implications of these developments. Its constant concern has been to adapt and to improve its working methods, without departing from the basic principles which it has always followed and which have won respect for its activities and largely explain the results obtained.² These principles and methods, as well as the Committee's terms of reference, are recalled below.

Terms of reference in regard to obligations under the ILO Constitution and ILO Conventions

17. Under its terms of reference, as revised at the 103rd Session of the Governing Body (Geneva, 1947), the Committee is 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 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.

Composition

18. The members of the Committee are appointed by the Governing Body in their personal capacity, on the proposal of the Director-General, for a period of three years, renewable for further periods of three years. According to the principles adopted by the Governing Body when it set up the Committee, the members are to be chosen as persons of independent standing, completely impartial and on

¹ See the Report of the Committee of Experts for 1986, Report III (Part 4A), International Labour Conference, 72nd Session, 1986, General Report, paras. 83 and 110.

² Since 1964 the Committee has each year listed cases in which, following comments, governments, have made changes in the law or practice of their countries with a view to better application of ratified Conventions. The total of such cases has now reached 1,670. There are also many less clearly apparent cases in which progress can be attributed to international labour standards and the procedures instituted for supervising them.

the ground of their competence; they should in no sense be considered as representatives of governments. The members are drawn from all parts of the world so as to possess first-hand experience of different legal, economic and social systems.

Fundamental principles

19. The Committee once more reaffirms that its work can have value only to the extent it remains true to its tradition of independence, objectivity and impartiality in pointing out the extent to which the position in each State appears to be in conformity with the terms of Conventions and the obligations that the State has undertaken by virtue of the Constitution of the ILO.

20. The Committee also recalls its earlier statement that, in its evaluation of national law and practice in relation to the requirements of international labour Conventions, "its function is to determine whether the requirements of a given Convention are being met, whatever the economic and social conditions existing in a given country. Subject only to any derogations which are expressly permitted by the Convention itself, these requirements remain constant and uniform for all countries. In carrying out this work, the Committee is guided by the standards laid down in the Convention alone, mindful, however, of the fact that the modes of their implementation may be different in different States. These are international standards, and the manner in which their implementation is evaluated must be uniform and must not be affected by concepts derived from any particular social or economic system".¹

21. The Committee has also pointed out that its terms of reference do not require it to give definitive interpretations of Conventions, competence to do so being vested in the International Court of Justice by article 37 of the Constitution; nevertheless, in order to carry out its function of evaluating the implementation of Conventions, the Committee has to consider and express its views on the meaning of certain provisions of Conventions.²

Application of ILO Conventions in different economic and social conditions

22. Paragraph 20 above restates the position of principle adopted by the Committee regarding the manner of determining whether the requirements of a Convention are met. When the application of the Conventions on freedom of association, the abolition of forced labour and the prevention of discrimination in particular countries has been considered, two members of the Committee have, however, expressed certain reservations. They have observed that in the world of today, characterised by the existence of different social, economic,

¹ See Report III (Part 4A), International Labour Conference, 63rd Session, 1977, General Report, para. 31.

² *ibid.*, para. 32.

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political and legal systems, the standards of universal international Conventions, which are generally democratic in their social nature, may in the course of their implementation engender domestic legal standards belonging to either a socialist or a capitalist system. This means, in their view, that social realities produced as a result of the implementation of international labour Conventions or social realities with which these Conventions are confronted may be different in capitalist and socialist countries, although in both cases these realities may be in conformity with the Conventions; this is especially true of Conventions that touch on fundamental principles and structures of the existing social systems. They have considered that there is a tendency in this situation to assume that the methods and results of implementation of these Conventions in capitalist countries are the only ones that are in conformity with the Conventions, and have observed that such an approach is incompatible with the very foundation of international law, which is peaceful coexistence.

23. In the light of these statements, the Committee has regularly reasserted its position. It recognises that the social realities existing in countries based on different social and political systems, although differing from one another, may be in conformity with particular ILO Conventions. Divergencies between national law 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 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 law and practice to the obligations that derive therefrom and are binding on them, irrespective of their political, social or economic system. 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.

24. The Committee feels it appropriate to point out that, in addition to evaluating the extent to which the requirements of ratified Conventions are being met, ILO supervisory bodies also have to consider the nature and timing of efforts made by governments with a view to correcting any shortcomings noted. In the latter respect, they regularly take account of difficulties encountered, such as natural calamities or even general economic difficulties. They have also repeatedly stressed the importance which the provision of assistance by the ILO may have in overcoming such difficulties.

Examination of national laws

25. The Committee has considered to what extent it may be called upon to enter into questions concerning the meaning and scope of national law. It is obviously for the national courts or other competent organs to provide an interpretation of the legal texts of their country. However, in evaluating the application of Conventions in countries that have ratified them, the Committee of Experts has a duty to consider the meaning and scope attributed, especially in

practice, to particular national provisions. The Committee will examine the available decisions in the country concerned, in order to determine whether they are compatible with the requirements of the Convention. Where the Committee considers that those decisions do not provide a satisfactory answer to the particular point giving rise to difficulty in the application of the Convention, it will ask for the adoption of measures to correct or clarify the situation.

Dialogue with governments and employers'
and workers' organisations

26. The Committee recognises the value of the broadest possible dialogue between the Organisation and governments and employers' and workers' organisations on questions relating to the application of Conventions. A series of measures have been adopted with a view to intensifying such dialogue. Questions relating to standards appear regularly on the agenda of ILO regional meetings. Regional advisers on international labour standards were appointed in 1980 for Africa, Latin America and Asia and the Pacific; the regional adviser on labour administration for Western Asia also deals with questions concerning ILO standards. Regional and subregional seminars are organised for officials of ministries of labour and for leaders of employers' and workers' organisations. Governments also organise seminars on international labour standards at the national level, with the assistance of the ILO. This is also done by occupational organisations. There has, furthermore, been a marked development in individual training periods organised by the ILO on these matters for national civil servants or leaders of occupational organisations, and increased resources have been set aside for that purpose.

27. The ILO has also recently sought means of improving co-ordination between standard-setting activities and technical co-operation within the Organisation. A study has been made with a view to strengthening the links between these two forms of action. Those links are of two kinds. Firstly, the experience derived from technical co-operation programmes can obviously be of great value when ILO standards are being drawn up, and operational activities should assist in giving effect to those standards and in particular in enabling countries to overcome difficulties noted by the Committee of Experts and other supervisory bodies. Secondly, international labour Conventions and Recommendations must also serve as a guide in the preparation and carrying out of standards-related technical co-operation projects.

28. The ILO has also endeavoured to intensify dialogue through what are known as "direct contacts" missions¹ and other missions of a less formal nature. Direct contacts originated from a proposal made by the Committee in 1967. The procedure has undergone considerable development on account of the welcome it received both in the

¹ For a general review by the Committee of the direct contacts procedure see Report III (Part 4A), International Labour Conference, 65th Session, 1979, General Report, paras. 42 to 69.

Conference Committee on the Application of Conventions and Recommendations and generally from governments. It is also used in connection with other supervisory procedures, in particular in the examination of complaints by the Committee on Freedom of Association. It consists in a visit by a representative of the Director-General of the ILO to the country concerned with a view to resolving difficulties brought to light in examining the application of Conventions and, where appropriate, establishing facts, particularly when the problems under consideration concern the practical application of national and international standards. Very frequently, too, direct contacts have provided the country concerned with technical assistance, in the form, for example, of advice on the kind of measures to adopt or assistance in the drafting of amendments to national legislation or in the introduction of procedures to facilitate the observance of the obligations deriving from ILO standard-setting activities. From September 1969 to March 1986, leaving aside cases dealt with by the Committee on Freedom of Association, some 40 countries, from every region of the world, have resorted to the procedure of direct contacts, several of them more than once. These contacts have related to some 370 cases of difficulties encountered, mainly in the application of ratified Conventions, though also in the observance of the constitutional obligations concerning the submission of newly adopted instruments to the competent authorities and the communication of reports under articles 19 and 22 of the Constitution. The representative appointed by the Director-General can be an independent person or an official of the ILO. Generally speaking, the Committee of Experts has not deemed it appropriate, as it stated in its report in 1979,¹ for the representative to be chosen from among its members, since the Committee is called on subsequently to assess the situation.

29. Even in the absence of recourse to the procedure of direct contacts, the Director-General may instruct a representative to make a less formal visit for discussions with the government authorities and employers' and workers' organisations, to assist in resolving a given problem. Such advisory missions have increased in recent years. That trend has the full support of the Committee.

30. The continuing development of these procedures should bring about improved dialogue with governments and employers' and workers' organisations and facilitate the practical application of Conventions. Such visits to countries ought also to lead to a better understanding of the problems facing governments and accordingly to help in finding the most appropriate solutions in the light of ILO standards. The Committee may recommend such missions, for example, when there is reason to suppose that the questions at issue may sooner or later be discussed by the Conference.

31. An important aspect of the ILO supervisory system resides in the opportunities which are provided for participation by employers' and workers' organisations. In the case of the work undertaken by the

¹ See Report III (Part 4A), International Labour Conference, 65th Session, 1979, General Report, paras. 48(viii) and 60.

Committee of Experts, this finds expression more particularly in the communication of information and comments by such organisations, for consideration by the Committee. The Committee reviewed practice and experience in this regard in its report of 1986.¹

Co-ordination between supervisory procedures

32. The question has arisen how far the Committee, in studying the application in a given country of Conventions on freedom of association, may take account of complaints presented to the Committee on Freedom of Association. While a matter is before another supervisory body of the ILO, the constant practice of the Committee is to wait for the conclusions of that body before examining the questions raised.² The Committee has, however, regularly referred to the conclusions and recommendations adopted by the Committee on Freedom of Association, even where they are of an interim nature. Where the country concerned has ratified the Convention in question, the Committee on Freedom of Association, moreover, generally calls the attention of the Committee of Experts to any conclusion which it has reached on points of law. The Committee of Experts is thus called upon to follow developments.

33. The Committee on Freedom of Association has also to deal with many questions of fact in its particular field. Some of these questions have too restricted a significance to call for examination by the Committee of Experts. Others, however, refer to constant or general practices that may have a lasting effect on the application of the Conventions on freedom of association. The Committee of Experts considers it appropriate to be systematically informed of all such cases, in order to be able to examine their implications for the observance of relevant ratified Conventions.

Application of "promotional" Conventions

34. The Committee has also had to examine the way in which States fulfil their obligations in the application of what have come to be called "promotional" Conventions. Such Conventions cannot be satisfied merely by the process of legislation. They generally do not lay down precise standards: their objectives can only be fulfilled by steady and continuing progress towards the goals set; action will need to be taken at times to resist countervailing tendencies. It is of course a matter of degree. Many Conventions have elements of this kind but still can rest on the firm ground of legislation properly enforced. Others rely more heavily upon policies and attitudes adopted and action taken not susceptible to that type of legal formalism.

¹ See Report III (Part 4A), International Labour Conference, 72nd Session, 1986, General Report, paras. 80 ff.

² Similarly, while direct contacts are going on, the Committee suspends the examination of the questions involved for a reasonable period, not exceeding one year.

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35. Examples of such promotional Conventions are those concerning employment policy (No. 122), human resources development (No. 142), vocational rehabilitation and employment of disabled persons (No. 159), and occupational health services (No. 161). In such Conventions the ratifying State binds itself to achieve set objectives, which can be elusive, by a continuing programme of action. Various other Conventions lay down certain requirements of a clearly defined nature while also calling for promotional measures of a more general character. Examples of this type of instrument are the Conventions relating to equal remuneration (No. 100), discrimination in respect of employment and occupation (No. 111) and rural workers' organisations (No. 141).

36. The nature of the questions which the Committee has to consider in supervising the implementation of standards of a promotional nature may be illustrated by reference to a particularly obvious example, Convention No. 122. Its aim is to achieve "full, productive and freely chosen employment", requiring a co-ordinated policy in a wide range of economic spheres (investment policy, fiscal and monetary policies, trade policy, policies concerning prices, incomes and wages, etc.) and social spheres. These will require continual adjustment to meet changing national and international conditions. The reports received by the Committee in respect of Convention No. 122 will disclose changes, some of them unfortunately adverse. How has the Committee dealt with them? It recognises that there will be areas in which a variety of options may be open to the governments concerned. It feels, however, that it can properly monitor progress in these respects. The evolving pattern in the State itself can be considered and questions raised to clarify the causes of the changes (whether for better or worse) and the actions taken by the State to continue the trends (where there is improvement) or to reverse them (where the case is otherwise). It is equally important to look at the changes in the wider context of States of similar nature. No two States are alike but divergent trends can be a useful indicator and differing action can be a helpful guide to future policy. Although the Committee may indicate whether the objectives of the Convention have been partly achieved and may find it necessary to draw the State's attention to a failure, the aim of its comments will more often be to clarify problems and to assist with comments of a constructive nature.

Organisation of the work of the Committee

37. Dates of the annual session. The Committee holds its annual session at a date and for a period determined by the Governing Body.

38. Chairman and Reporter of the Committee. At every session the Committee elects a chairman and a reporter for the duration of the session.

39. Participation of other organisations. The United Nations is invited to appoint a representative to attend the sessions of the Committee. When the Committee examines instruments or questions that also come within the competence of other intergovernmental organisations, whether belonging to the United Nations system or of a regional character, representatives of those organisations are invited to take part in the sittings of the Committee.

40. Confidentiality. The Committee meets in private. Its discussions and preparatory documents are confidential.

41. Examination of questions before the Committee. The Committee assigns to each of its members the initial responsibility for a group of Conventions or a given subject. The number of reports and of subjects requiring study makes it essential for a preliminary analysis to be carried out before the Committee as a whole examines the questions to be dealt with. Information and reports received by the Office sufficiently early are transmitted to the experts concerned before the meeting of the Committee. Each expert submits to the Committee in plenary sitting conclusions in the form of draft observations or direct requests for examination and approval by it.

42. The Committee establishes working parties to consider two types of questions. Certain working parties are set up regularly to deal with matters of a general and recurring nature. One example relates to the preparation of the general surveys based on the reports submitted under articles 19 and 22 of the Constitution that are devoted each year to a particular subject chosen by the Governing Body. Another has concerned the preparation of reports on the progress made in achieving the observance of the International Covenant on Economic, Social and Cultural Rights. Other working parties are set up occasionally on an ad hoc basis to deal with specific questions. For example, in 1978 the Committee set up a working party on the submission of Conventions and Recommendations to the competent authorities. Other working parties have been set up occasionally to examine questions of interpretation and principle relating to particular Conventions or the relations between several Conventions. The conclusions of all working parties are submitted to the whole Committee for consideration and adoption.

43. Furthermore, the Committee decided in 1977 that members should be able to consult one another at the preliminary stage in the examination of reports. Accordingly, any member may ask to be consulted by the expert responsible for a given Convention before the completion of the draft findings, and the responsible expert himself may consult other members of the Committee where he considers this desirable. The final wording of the drafts to be submitted to the Committee, however, remains the responsibility of the expert entrusted with the examination of the reports or information concerned. All drafts are examined and approved by the Committee in plenary sitting, and each member is naturally free to make comments and proposals at that stage.

44. Available information. The Committee has requested the Office, in the case of first reports received from governments after ratification of a Convention and also after major changes in legislation, to prepare a comparative analysis of the situation of law and practice in the country concerned in relation to the Convention; the analysis is submitted to the expert responsible for the Convention. The Committee has also asked the Office to prepare for the responsible expert notes on legal questions which may prove to be necessary on a given file. It has further asked the Office to ascertain, on receipt of a report, whether the report takes account of any earlier comments by the Committee. If it does not, the Office is requested, without going into the substance of the matter, to call the

attention of the Government to the need for a reply. The Office is also requested, where reports are not accompanied by copies of the relevant legislation, statistical data or other documentation necessary for a full examination of the situation and this material is not otherwise available, to write to the governments concerned requesting them to supply such documents.

45. In general, the documentation available to the Committee includes the information supplied by governments in their reports or to the Conference Committee on the Application of Conventions and Recommendations, legislative texts, collective agreements and relevant court decisions, information on the results of inspections furnished by member States, information and comments from employers' and workers' organisations, conclusions of other ILO bodies (such as commissions of inquiry and the Committee on Freedom of Association)¹ and the results of technical co-operation.

46. The problem of securing sufficient information on the practical application of Conventions remains one of the most difficult facing the Committee, leaving much uncertainty as to the way in which States give effect in practice to ILO instruments of the ILO.² Measures permitting increased dialogue with governments and occupational organisations, including wider use of direct contacts and other advisory missions, should lead to a better understanding of the difficulties met with in giving effect to ILO standards.

47. Forms of the Committee's conclusions. The Committee presents its conclusions in the form of observations, comments and surveys set out in its report or of requests that, for practical reasons, are communicated directly to the governments concerned by the Director-General on behalf of the Committee. Direct requests may be made available to any person or organisation having a justifiable interest to consult them.

48. Although the conclusions of the Committee have traditionally represented unanimous agreement among its members, decisions can be taken by a majority. Where that happens, it is the established practice of the Committee to include in its report the opinion of the dissenting members, if they so request, together with any response which the Committee may deem appropriate.

49. Submission of the report. The Committee's report is submitted to the Governing Body and published as a report to the next general session of the International Labour Conference.

* * *

50. A member of the Committee, Mr. A. Gubinski, while noting that the point of departure for the Committee's work was the text of the international instruments, stated that, in evaluating their implementation, one could not avoid taking into account differences in

¹ See paras. 32 and 33 above.

² These questions were last reviewed by the Committee in 1978; see Report III (Part 4A), International Labour Conference, 64th Session, 1978, General Report, paras. 40 ff.

social and economic as well as in political and legal conditions. Those conditions had repercussions on the mechanisms of social development, on the motivation for people's activities, on the hierarchy of current values. It followed from all this that account must be taken not only of the actual terms of the international instruments, but also of the realities of life. The question of the operating methods of the Committee of Experts was related to that issue. While the practice of assigning to individual experts the responsibility of acting as reporter had worked effectively for Conventions which might be described as organisational or technical, doubts arose when one was dealing with Conventions concerning fundamental human rights, such as those on forced labour, discrimination, employment policy and freedom of association. The evaluation of application of those Conventions was linked to questions concerning varying social and economic conditions, to diverse political and moral conceptions, and to differences in legal systems. In Mr. Gubinski's view, comments concerning the latter Conventions ought to be prepared not by one expert, but by working groups composed of representatives of the main social and economic systems. That was all the more indicated because an analysis of practice showed that experts who came from countries where the socialist system of law prevailed were never designated as reporters on Conventions dealing with fundamental human rights. Mr. Gubinski stated that he saw no difficulty in a higher rank being assigned by the Committee to the Conventions dealing with basic human rights.

51. Another member, Mr. S.A. Ivanov, associated himself with Mr. Gubinski's observations. Furthermore, he emphasised the current interest in setting up small working groups to examine the application of Conventions dealing with fundamental human rights. Such groups should be composed of three experts coming from countries with different legal, economic and social systems. In his view, this would make it possible to examine national legislation and practice in relation to these Conventions in a thorough manner.

52. Having regard to the preceding observations, the Committee wishes to point out that, although it assigns to individual members responsibility for the initial examination of reports on the application of ratified Conventions, those reports and other relevant documentation are at the disposal of the entire Committee. The arrangements which the Committee has instituted for consultation among its members at the stage of preparation of draft comments have made it possible to take into account the knowledge and expertise of the various members, sometimes to obviate differences of assessment, and in any event to facilitate a proper understanding of the situation. In the limited number of cases in which the Committee's conclusions have not been unanimous, the points at issue have related to problems which necessarily required a full discussion by the Committee as a whole. Examination of such cases by small working groups would be unlikely to eliminate the differences which have found expression. The issues involved would still require consideration and decisions by the entire Committee, in exercise of its collective responsibility.

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Membership of the Organisation

53. Since the Committee's last session the number of member States of the ILO has remained at 150.

New standards adopted by the Conference in 1986

54. The Committee noted that at its 72nd Session (June 1986) the International Labour Conference adopted the Asbestos Convention (No. 162) and Recommendation (No. 172).

Obligations binding member States

55. Following the ratification by Mexico of the Occupational Health Services Convention, 1985 (No. 161), the Convention will enter into force on 17 February 1988.

56. During 1986, 35 ratifications by 11 member States were registered. The total number of ratifications at 31 December 1986 was 5,276.

57. No denunciations were registered during 1986, leaving the total number of denunciations unchanged at 47.

58. In 1986, 114 new declarations (111 without modifications and 3 with modifications) were registered concerning the application of Conventions to non-metropolitan territories, of which 67 were by France, 45 by the Netherlands and 2 by the United Kingdom. The total number of declarations at 31 December 1986 included 1,092 declarations without modifications and 69 declarations with modifications. The number of non-metropolitan territories at 31 December 1986 was 31.

59. When Zimbabwe was admitted to the ILO in 1980, the Government stated that, "subject to a declaration of accession to pre-independence treaties and Conventions, which will be made in due course to the Secretary-General of the United Nations", it would continue to be bound by international labour Conventions Nos. 14, 19, 29, 45, 50, 86 and 105 which had been declared applicable to its territory. In a letter dated 8 May 1986, the Government informed the Director-General of the ILO that following a re-examination of the seven Conventions in question, it was decided: (a) to confirm its obligations under the provisions of Convention No. 19; (b) to study the acceptance of the obligations under Conventions Nos. 14 and 45; and (c) to terminate its obligations under Conventions Nos. 29, 50, 86 and 105. Consequently, after informing the Governing Body, the Director-General cancelled the registration of ratification by Zimbabwe of Conventions Nos. 29, 50, 86 and 105. A new communication should be sent to the Director-General from the Government concerning Conventions Nos. 14 and 45.

Discussions and decisions of the ILO Governing Body
on international labour standards

60. The Working Group on International Labour Standards, established by the Governing Body in 1984, continued its work in 1986. During the 232nd and 234th Sessions (February-March and November 1986) of the Governing Body, the Working Group re-examined the 1979 classification and held further discussions on the ILO's general policy in this regard. At the conclusion of its meetings, a draft final report was prepared, which was adopted by the Governing Body at its 235th Session (February-March 1987). In addition to the revised classification of existing instruments and possible subjects for new standards, the report contains a summary of the discussions and of comments made on the general policy of the ILO in regard to standard-setting activity as well as overall suggestions concerning practical measures which may be taken to improve the understanding and use of standards.

61. At its 234th Session (November 1986), the Governing Body decided to recommend to the Conference, at its 73rd Session (1987), the amendment of certain articles of the Standing Orders of the Conference concerning the procedure for drawing up Conventions and Recommendations in order to ensure better consultation with employers' and workers' organisations and the inclusion of summaries of replies from employers' and workers' organisations in the reports submitted to the Conference, and the introduction of stricter rules for the transformation of a draft Recommendation into a Convention at the second discussion.

Constitutional and other procedures

62. 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.

63. 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. The report of the Commission of Inquiry was presented at the 235th Session (February-March 1987) of the Governing Body, which deferred its examination to its 236th Session (May-June 1987).

64. At its 234th Session (November 1986), the Governing Body adopted the report of the committee set up to examine 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 and it declared the procedure closed. The Government was requested to

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supply, in the reports due under article 22 of the Constitution, detailed information on the measures taken to give effect to the various recommendations of the Committee, in order to enable the Committee of Experts to pursue the examination of the points concerned.

65. At its 234th Session (November 1986), the Governing Body declared receivable the representation made under article 24 of the Constitution by 29 Japanese trade unions alleging non-observance by Japan of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), and the representation made by the State Federation of Associations of Employees and Workers of the State Administration under article 24 of the Constitution alleging non-observance by Spain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117). The Governing Body set up a tripartite committee to examine each of these representations.

66. At its 233rd Session (May-June 1986), the Governing Body decided that the representation made under article 24 of the Constitution by the Union of Building and Construction Workers of Nablus and 13 other trade unions alleging non-observance by Israel of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) was not receivable and requested the Director-General, when transmitting its decision to the authors of the representation, to inform them that they were entitled to submit the information contained in the representation once again in the form of a complaint under the freedom of association procedure.

67. A complaint was made under article 26 of the Constitution by the Government of Tunisia alleging non-observance by the Libyan Arab Jamahiriya of the Protection of Wages Convention, 1949 (No. 95), the Discrimination (Employment and Occupation), Convention, 1958 (No. 111) and the Equality of Treatment (Social Security) Convention, 1962 (No. 118). A representation was made under article 24 of the Constitution by the Egyptian Trade Unions Federation alleging non-observance by the Libyan Arab Jamahiriya of Conventions Nos. 95 and 101. Discussions concerning these questions are taking place under the auspices of the International Labour Office between Libyan and Tunisian government experts. New measures to find a solution to the problems raised are under examination.

68. At its 235th Session (February-March 1987), the Governing Body declared irreceivable the representation presented by the Oil, Chemical and Atomic Workers (OCAW) International Union, AFL-CIO, under article 24 of the ILO Constitution, regarding the non-observance by the Government of the Federal Republic of Germany of Conventions Nos. 29, 62, 81, 87, 98, 99, 100, 102, 111, 132, 135, 138, 139, 144, 148, 154, 155 and 156.

69. At the same session, the Governing Body declared receivable the representation made under article 24 of the ILO Constitution by the Hellenic Airline Pilots Association alleging non-observance by the Government of Greece of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), and set up a tripartite committee to examine it.

70. 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 1986 Session (244th to 250th Reports). This applied in particular to the cases concerning Bangladesh (Case No. 1326), the Dominican Republic (Case No. 1339), Fiji (Case No. 1379), Guyana (Case No. 1330), Malta (Case No. 1349), Pakistan (Case No. 1332), Peru (Case No. 1367), the Philippines (Case No. 1353), Portugal (Case No. 1370) and Turkey (Cases Nos. 997, 999 and 1029).

71. In its 245th, 247th and 249th Reports, the Committee on Freedom of Association submitted interim conclusions to the Governing Body concerning Turkey, in respect of which a constitutional procedure has been applied. This concerns a representation under article 24 of the Constitution by the General Federation of Norwegian Trade Unions regarding the non-observance of Conventions Nos. 11 and 98 (Cases Nos. 997, 999 and 1029).

72. In its 250th Report, the Committee on Freedom of Association submitted final conclusions to the Governing Body concerning France, in respect of which a constitutional procedure had been applied. This concerned a representation under article 24 of the Constitution by two trade union organisations regarding the non-observance by France of Conventions Nos. 87, 98 and 135 (Case No. 1364).

Twelfth American Regional Conference

73. The Twelfth Conference of American States Members of the International Labour Organisation, which was held from 18 to 26 March 1986 in Montreal, devoted a special sitting to the question of the ratification and application of international labour standards in the countries of the region. The speakers who took part in the discussion generally endorsed the aims of the ILO's standard-setting activities, which for them remained the corner-stone of the ILO's action for the promotion of human rights and social justice.

74. The Conference adopted a resolution concerning international labour standards in the countries of the Americas, in which it called on American States Members of the ILO not to lose sight of the fundamental importance attached to the ratification and implementation of the ILO instruments considered to be of priority and to co-operate fully with the procedures for the supervision of the application of standards, in particular by sending the reports and information requested by the Committee of Experts and by participating in the work of the Conference Committee on the Application of Conventions and Recommendations.

75. In another resolution concerning the protection and promotion of freedom of association of workers and employers in the American region, the Conference invited the Governing Body to call upon the governments of American States Members of the ILO to ratify and fully apply Conventions Nos. 87, 98, 135, 141 and 151 and, pending their ratification, to guarantee in law and in practice the observance of the principles set forth in those Conventions. In addition, the Conference adopted a resolution concerning the strengthening of tripartism in the States of the Americas and in the activities of the ILO.

Functions in regard to other international
and regional instruments

International Covenant on Economic,
Social and Cultural Rights

76. 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. Since 1978 the Committee has at each of its sessions examined the position in a number of States Parties to the Covenant and has presented to the Economic and Social Council eight reports on the progress made in the observance of the provisions of the Covenant.

77. This year the Committee prepared its ninth report in accordance with this procedure. The report contains indications on the situation in 13 States, whose reports were forwarded to the ILO by the United Nations. In the cases of Jordan and the Netherlands (Netherlands Antilles), the reports concerned the application of articles 6 to 9 of the Covenant (respecting the right to work, the right to just and favourable conditions of work, trade union rights and the right to social security). The other reports (Austria, Byelorussian SSR, Czechoslovakia, Denmark, German Democratic Republic, Federal Republic of Germany, Japan, Jordan, Mongolia, Poland, Sweden and USSR) concerned the application of article 10 of the Covenant (on maternity protection and the protection of children and young persons in employment and work).

78. It should be recalled that, by resolution 1985/17, the United Nations Economic and Social Council decided to set up a Committee on Economic, Social and Cultural Rights, composed of 18 experts sitting in a personal capacity. In 1987 this Committee succeeded the Working Group of governmental experts that the Economic and Social Council had set up in order to assist it in its examination of the reports on the application of the International Covenant on Economic, Social and Cultural Rights. The first meeting of the new Committee on Economic, Social and Cultural Rights in Geneva from 9 to 27 March 1987 accordingly coincided with the session of the Committee of Experts. For this reason it was not possible for the Committee of Experts to transmit its ninth report in time for it to be examined at the first session of the new Committee on Economic, Social and Cultural Rights.

79. Following the creation by the Economic and Social Council of a committee of experts with the responsibility of examining the reports on the application of the Covenant, the Committee of Experts re-examined the contribution that should be made by specialised agencies to the application of the Covenant, and in particular the most appropriate way for the ILO to report in accordance with article 18 of the Covenant. It is submitting a separate note on this question to the Governing Body.

European Code of Social Security
and Protocol thereto

80. 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 13 States having ratified these instruments, were sent to the Office by the Secretary-General of the Council of Europe, including first reports from Italy and Portugal. The Committee has examined all these reports except the first report from Portugal, which was received too late, as well as additional information. This enabled it to observe that the majority of the States Parties to the Code and the Protocol continue to apply them in full or nearly in full. 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 December 1986. 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

81. 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. As concerns collaboration with the Council of Europe, the Committee noted that an ILO representative attended, on an advisory basis, the 75th, 76th and 77th Sessions of the Committee of Independent Experts on the Supervision of the Application of the European Social Charter, held in Strasbourg in October and December 1986 and February 1987. Such participation, which is provided for by Article 26 of the Charter, facilitates 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.

82. In the context of the collaboration established with other international organisations on questions concerning the supervision of 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.

83. 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

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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 and to the World Health Organisation (WHO). In addition, a copy of the report on the Nursing Personnel Convention, 1977 (No. 149) was forwarded to the WHO, and copies of the reports on the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) were sent to the WHO, UNESCO and the United Nations. A copy of the report on the Human Resources Development Convention, 1975 (No. 142), was sent to UNESCO, and copies of the reports on the Rural Workers' Organisations Convention, 1975 (No. 141), were sent to the FAO. Furthermore, copies of the reports on the Marine Shipping (Minimum Standards) Convention, 1976 (No. 147) were forwarded to the International Maritime Organisation (IMO). Representatives of these organisations were invited to participate in the sittings of the Committee of Experts at which the above Conventions were discussed.

General questions concerning the application of Conventions

Application of Conventions to offshore industrial installations

84. 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 1986 the Committee again invited governments to continue submitting information on the extent to which and the manner in which the Conventions they had ratified were applied to work in such installations. It also expressed the hope that more employers' and workers' organisations would communicate their comments on these matters.

85. In 1986, 16 governments provided replies, 2 of which were initial responses.¹ This brought the total number of governments which have supplied replies up to the present time to 61, a number of which have replied on several occasions. The Committee has also received 2 comments since 1981 from employers' organisations,² and 2 from workers' organisations.³

¹ Belize, Côte d'Ivoire.

² L'Union des chambres syndicales de l'industrie du pétrole (France), the Norwegian Shipping and Offshore Federation.

³ The United Kingdom Trades Union Congress (in 1985 and 1986), the Norwegian Seamen's Union.

86. The Committee notes with interest that, in accordance with the 1986-87 ILO Programme and Budget, a preliminary study has been undertaken with a view to determining the main problems which should be examined in this very complex field. The Committee proposes to examine these questions further when the preliminary study has been completed. In this connection, the Committee hopes that, in the meantime, governments and employers' and workers' organisations who have not yet done so will supply their comments and information on the application of Conventions to offshore industrial installations.

Application of Conventions in export
processing zones and enterprises

87. The Committee continued its consideration of this question, which it first examined in 1981. It recalls that the special arrangements for export processing activities may take place in geographical zones or in particular enterprises (see paragraph 47 of the Committee's 1983 report). In 1986, 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 in this connection.

88. In 1986, 16 governments replied to the request for information, two for the first time. Of these, Belize indicated that it has no export processing zones; and South Africa states that "no export processing zones have been set up in the Republic of South Africa": in this connection, the Committee refers to its general observation concerning the application of ratified Conventions by South Africa in the so-called "independent homelands" or "bantustans". No comments concerning export processing zones have been received this year from employers' and workers' organisations.

89. The Committee has now received explicit replies to its request for information on this matter from a total of 60 countries: the majority of these countries have indicated that they have no export processing zones or were not concerned by the request or that labour legislation is applicable throughout the country. In certain other cases, the Committee has noted either that such zones or enterprises exist or that the question is being studied: in these cases, the Committee has, where appropriate, requested further information in order to enable it to determine the extent to which effect is being given to ratified Conventions in the zones or enterprises in question. While the Committee has noted governments' indications in the general part of its report, it has taken up particular problems which have presented themselves within the framework of its regular supervision of the application of ratified Conventions, i.e. in direct requests and observations addressed to the individual countries concerned.

90. The Committee intends to continue its examination of the question in this way. While the Committee is grateful to the numerous governments and to the workers' organisations which have responded to its request for information, it must nevertheless again point out that some other countries which, according to information available to the Office, have established export processing zones or enterprises have not provided any information on the application of ratified

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Conventions in them. The Committee must once again invite the governments of these countries and also of the countries where there are or may be problems in respect of the application of international labour standards in these zones and enterprises to provide full information on the matter.

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

91. The Committee has examined the application of the Convention in 51 countries this year. In doing so it has followed its usual practice of making observations and direct requests to the individual countries concerned; it has taken the opportunity, where appropriate, of pointing out significant improvements in the achievement of the Convention's aims of full, productive and freely chosen employment, as well as problems which have arisen.

92. In pursuing its task, the Committee has been encouraged by the spirit of co-operation and the positive response to its comments shown by governments. It has noted with satisfaction that the great majority of the members of the Conference Committee on the Application of Conventions and Recommendations have welcomed its analysis of the situation in relation to Convention No. 122.¹ In examining the reports on the Convention, the Committee has also borne in mind the views expressed and suggestions made by various members of the Conference Committee from the three groups, and especially the Employers' and Workers' groups. In this connection, the Committee would observe that it is bound to operate within the framework of the established supervisory procedures and the wording of the Convention itself: the Committee has thus found it most useful to refer to the indications given in the report form for the Convention as adopted by the Governing Body. The Governing Body has included in the report form under Article 1 of the Convention specific questions as to the relation between employment objectives and other economic and social objectives, referring explicitly to overall and sectoral development policies and measures in such fields as investment policy, fiscal and monetary policies, trade policy, prices, incomes and wages policies, and regional policies, as well as labour market policies and education and training policies. In order to contribute to a better understanding of the requirements of the Convention and facilitate its application, it was also decided by the Governing Body to append to the report form the texts of the Employment Policy Recommendation, 1964 (No. 122) and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169). According to the recent Recommendation, the 1964 instruments should be placed in the wider framework of the Declaration of Principles and Programme of Action adopted in 1976 by the World Employment Conference; the report form, too, draws attention to these texts. On the basis of this guidance,

¹ See International Labour Conference, 72nd Session, 1986. Report of the Committee on the Application of Conventions and Recommendations, para. 55.

the Committee has raised what it regards as appropriate questions, endeavouring to determine the relationship of this wide range of policies and measures to the employment aims of the Convention. In analysing the sometimes very substantial and detailed reports and information supplied by governments regarding matters mentioned in the report form, the Committee has had the support of the appropriate specialised services of the Office.

93. The Committee must stress that, whilst Convention No. 122 is often considered the classic example of a "promotional" Convention, this in no way implies that it is not a legal instrument containing concrete obligations: thus, Article 1 requires that the ratifying State "shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment", and it lists the aims of such a policy and the factors to be taken into account. Article 2 requires decision on and review of measures as may be appropriate; and Article 3 requires that persons affected by the measures to be taken, especially employers' and workers' representatives, should be consulted. In this sense, the Committee finds it useful, in many cases, to insist on the clear formulation of an employment policy, and on the need for governments to keep under review the extent to which they are succeeding in achieving the goals they have set themselves. This position is in line with the considerations already expressed as follows by the Committee in its 1972 General Survey on the reports relating to the 1964 instruments on Employment Policy: "A formal declaration of employment policy is thus a basic obligation under the Convention ... an express commitment to the pursuit of an active employment policy as a major national objective is in practice essential if the goals of the Convention are to be given the necessary prominence in government policy and action."

94. One problem referred to on various occasions in the governments' reports and thus in the Committee's own comments, where appropriate, is that of the relationship between the employment aims of the Convention and the specific problem of international debt. The Committee has taken particular note of a communication received from the International Confederation of Free Trade Unions (ICFTU), which states that "the grave problem of external debt of developing countries has led their governments to resort to economic and social policy measures designed to meet international financial interests and obligations. In a number of countries, these obligations have affected the governments' capacity to adopt policies in accordance with Convention No. 122". The impact on the employment market and the standard of living is described as alarming. More particularly, as regards countries of Latin America and the Caribbean, the Statement "First the People and then the Debt" (agreed by a special ICFTU/ORIT Conference on Debt and Development held in Buenos Aires in September 1986 in which 114 trade union leaders from 29 countries participated) refers to increasing unemployment and underemployment, and calls for a

¹ See International Labour Conference, 57th Session, 1972. Report III (Part 4B), para. 51.

reform of the international financial system and the adoption of new economic and social policies.

95. The Committee has been informed of the establishment by the Governing Body of a Committee on Employment at the 234th Session (November 1986); and of the convening of a Tripartite Preparatory Meeting on Employment and Structural Adjustment in April 1987 to advise on the issues to be addressed by a High Level Meeting in November 1987 with the participation of representatives of governments, employers and workers and the competent international organisations, to examine the present world economic situation in the light of the ILO's social objectives, and in particular the consequences of international trade, financial and monetary practices on employment and poverty. Further to its comments last year referring to views expressed at the Asian and American Regional Conferences of the ILO, the Committee notes with interest that the African Advisory Committee meeting in Yaoundé in January-February 1987 also drew attention, in connection with the application of international labour standards, to the economic crisis involving high unemployment, illiteracy and poverty, and to the fact that governments sometimes resort to measures such as retrenchment: the Worker members referred to "the role played by international financial institutions in laying down constraints as part of structural adjustment programmes, the consequences of which frustrated the efforts of countries to adhere to international labour standards".¹

96. The Committee, for its part, has considered it quite proper in appropriate cases to request the information included in the report form adopted by the Governing Body, on the relationship between overall economic policies and the aims of the Convention. The Committee feels that this approach gives due weight to recent decisions of the International Labour Conference (Recommendation No. 169, as well as the Resolution concerning Employment Policy adopted in 1984 and the Resolution concerning Development, Foreign Debt and the Social Objectives of the International Labour Organisation adopted in 1986) and regional meetings, while respecting the obligations contained in Convention No. 122. As a means of contributing to closer collaboration with the international financial institutions, the Committee would like to reiterate the suggestion made in its 1985 Report that the Office should communicate copies of the Committee's comments on the implementation of Convention No. 122 to the economic and financial organisations concerned.

97. In making its comments on the governments' reports which it has examined this year, the Committee has noted that, whilst the problem of unemployment remains grave in most parts of the world, many initiatives have been taken to pursue the aims of the Convention, and that a number of governments have been able to present evidence of positive results. The Committee would cite only a few cases by way of illustration:

- (a) Some countries have indicated a level of employment which may be regarded as full employment (e.g. Cyprus, Norway); in other cases

¹ Report of the Eighth Session of the African Advisory Committee (Yaoundé, 28 Jan.-3 Feb. 1987), GB.235/3/18, para. 133.

of IMEC countries, the unemployment level, while not satisfactory, has remained relatively low (e.g. Austria, Finland, New Zealand) or has fallen somewhat (e.g. Belgium, Denmark, Netherlands). These countries have all provided evidence of pursuing an active employment policy and taken appropriate measures to promote the aims of the Convention. The Committee has, in addition, noted with interest the ratification of the Convention by Japan in June 1986.

- (b) Several countries with planned economies facing problems of declining growth rate of their labour force and of a relative decline of employment in manufacturing and other production have extended their efforts to ensure more efficient employment services (e.g. Hungary, USSR) or to improve productivity or ensure better co-ordination between training and employment opportunities by giving greater autonomy to individual enterprises (e.g. Poland); or moving to create closer links between training institutions and industrial combines (e.g. German Democratic Republic); greater use has been made of the organisation of labour into Brigades (e.g. USSR).
- (c) As regards the quality and quantity of information provided by governments, the Committee has been struck by the important efforts made by several developing countries to provide full information according to the report form and replying to the Committee's own comments (e.g. Algeria, Cameroon, Cuba, Papua New Guinea, Philippines, Suriname, Tunisia, Uruguay). Yet in certain other cases of developing countries and countries with planned economies, the Committee has had to request the statistical and other information necessary to enable it to assess the extent to which the Convention is applied.

98. The Committee in its comments concerning individual countries, has in certain cases tried to encourage governments to make contact with the ILO's regional employment teams in order to see what steps can be taken both to improve the degree of application of the Convention and to provide information for the ILO. The Committee hopes that governments will use the competent services of the Office whenever possible for these purposes.

99. Problems of youth employment

- (a) It is clear to the Committee, in its examination of reports, that young people are increasingly among the groups most severely affected by high levels of unemployment and underemployment: entry into jobs of a type which enables young people to gain a foothold in the world of work is made difficult. This has resulted in the growth of intermittent, casual and generally low-paying forms of employment. Even more worrying is the incidence of long-term youth unemployment, which has been rising. A number of governments have drawn attention to the disproportionate burden of unemployment that falls upon their youth population, generally defined as those aged 15-24. Whilst the general picture is of a serious, and often even worsening, situation, several governments, particularly among the IMEC countries (e.g. Belgium, Finland, France, Norway) have now been able to point to a slight fall in youth unemployment.
- (b) The Committee has noted the importance that the ILO has attached to youth unemployment over the past few years. The Employment

Policy (Supplementary Provisions) Recommendation, 1984 (No. 169) includes a full section on the Employment of Youth and Disadvantaged Groups and Persons and outlines special measures which should be taken for young people. The Committee notes with interest the convening of a Tripartite Advisory Meeting on the Integration of Youth into Working Life (Geneva, 30 September-4 October 1985) leading to the adoption of conclusions: the adoption of a Resolution concerning youth employment by the Tenth Asian Conference (Jakarta, 4-13 December 1985); and the placing of an item on Youth on the Agenda of the International Labour Conference at its 72nd Session (1986) resulting in the adoption of a resolution concerning young people together with conclusions. The Committee wishes to draw attention to the contents of these Resolutions and Conclusions and hopes governments will give full consideration to the necessary follow-up as a means of improving the application of the Convention in respect of the young.

- (c) The Committee notes with particular interest the accounts of initiatives that certain governments have taken on behalf of unemployed youth. These range from the creation of special agencies and committees (e.g. Suriname, Uruguay) to self-employment, training and community work programmes and incentives offered to employers for hiring youth (e.g. Belgium, Cyprus, France, Netherlands, United Kingdom). The Committee acknowledges that government action targeted on youth has a major role to play and would encourage governments to describe their experiences with such measures in future reports and any difficulties encountered in their implementation. It is particularly interested in programmes aimed at ensuring that young people obtain training and qualifications which will lead to regular long-term employment.
- (d) At the same time, the Committee has noted the position taken by governments and the social partners in the previously cited conclusions adopted by the International Labour Conference and the Tripartite Advisory Meeting, to the effect that schemes for young people cannot be viewed as a substitute for an effective overall economic and employment policy.

100. The Committee's firm opinion of the need to ensure the application of Article 3 of the Convention as regards consultation of representatives of persons affected by measures to be taken, and in particular representatives of employers and workers, has been strengthened by its examination of reports again this year. Nowhere is the tripartite approach to problems more pertinent than in the complex field of employment, where those in government cannot hope to know what policies are appropriate or can be implemented without being in constant contact and collaboration with the employers and workers with actual experience. Their views are worth listening to: it would indeed be unrealistic to suppose that employment policies and measures could ever be applied successfully without securing the full co-operation of employers and workers in formulating and supporting them. The Committee believes that the results in some individual countries - referred to above - fully bear out the wisdom of including these provisions in the Convention.

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

101. In 1986, direct contacts missions concerning freedom of association took place in the following countries: Argentina, Burkina Faso, Colombia, El Salvador, Honduras and Tunisia.

102. The Regional Advisers on international labour standards, whose tasks consist essentially of assisting governments to fulfil their obligations under the ILO Constitution and ratified Conventions, visited the following countries: Africa: Botswana, Burkina Faso, Central African Republic, Djibouti, Kenya, Lesotho, Liberia, Malawi, Nigeria, Somalia, Swaziland, Zaire, Zambia and Zimbabwe; America: Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Peru; Asia and the Pacific: Burma, India, Lao People's Democratic Republic.

103. The Committee has also been informed that during 1986, 22 officials of the following 18 countries undertook training (normally of two weeks' duration) in the International Labour Standards Department: Benin, Burkina Faso, Colombia, Congo, Egypt, Equatorial Guinea, Guinea Bissau, Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Nepal, Nicaragua, Pakistan, Sierra Leone, Sudan, Zaire and Zimbabwe.

104. 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.

105. In 1986, a regional seminar on international labour standards for officials directly responsible for questions related to their countries' obligations under the ILO Constitution and ratified Conventions was held for 22 French-speaking African countries and Haiti in Ouagadougou (Burkina Faso). Two subregional seminars took place in Asia: the first in Dhaka (Bangladesh) for the countries of South Asia (Bangladesh, Burma, India, Nepal, Sri Lanka) and the second in Kuala Lumpur (Malaysia) for the member States of the Association of South-East Asian Nations (Indonesia, Malaysia, Philippines, Singapore, Thailand). Representatives of employers' and workers' organisations also participated in the above seminars.

106. In addition, tripartite national seminars on international labour standards were held in the following countries: Burma, Brazil, Cuba, El Salvador, Indonesia, Mexico, Peru and Yugoslavia. Seminars were also organised for employers in India and Thailand and for workers in India.

107. The Regional Advisers on standards participated in the work of a number of seminars organised by other ILO departments in various regions of the world. The Regional Adviser for French-speaking Africa gave a series of lectures for labour inspectors being trained in the African Regional Centre for Labour Administration (CRADAT) in Yaoundé (Cameroon).

V. ROLE OF EMPLOYERS' AND WORKERS' ORGANISATIONS

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

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 the reports due under article 19 of the Constitution.³

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

Observations by employers' and
workers' organisations

111. Since its last session, the Committee has received 155 observations, 34 of which were communicated by employers' organisations and 121 by workers' organisations. This total figure, which is the highest ever received, shows 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.

¹ Direct requests have been addressed to the following countries which have not provided such indications: Belize, Benin, Indonesia, Islamic Republic of Iran, Peru, Somalia, United Arab Emirates and Yemen.

² A direct request has been addressed to Peru.

³ Direct requests have been addressed to the following countries: Comoros, Costa Rica, France, Gabon, Peru, Rwanda and United Arab Emirates.

112. The majority of the observations received (146) relate to the application of ratified Conventions.¹ Nine observations relate to

¹ Argentina: Labour Inspection Association of Argentina on Conventions Nos. 81 and 129; Austria: Austrian Congress of Chambers of Labour on Convention No. 95; Bangladesh: Bangladesh Employers' Association on Conventions Nos. 22, 27, 87, 96, 98, 106, 107, 111 and 144; Brazil: National Confederation of Industrial Workers on Conventions Nos. 98, 107, 117 and 122; Canada: Canadian Labour Congress on Convention No. 87; Chile: National Association of Fiscal Employees on Convention No. 122; National Confederation of Seafarers, Dockers and Fishermen's Trade Union Federations on Convention No. 9; Colombia: General Workers' Union in the Clothing Industry (HERMEGA) on Convention No. 95; Dominican Republic: United Workers' Organisations on Convention No. 105; Finland: Central Organisation of Finnish Trade Unions (SAK) on Conventions Nos. 111, 122, 144 and 150; Confederation of Salaried Employees (TVK) on Conventions Nos. 14, 111, 122, 144 and 150; Confederation of Technical Employees' Organisations (STTK) on Conventions Nos. 122, 144; Employers' Confederation of Service Industries (LTK) on Conventions Nos. 111, 122, 144 and 150; Finnish Employers' Confederation (STK) on Conventions Nos. 111, 122, 144 and 150; Finnish Seamen's Union on Convention No. 8; the Local Authorities Negotiating Commission (KSV) on Convention No. 144; France: National Federation of Maritime Trade Unions on Conventions Nos. 8, 9, 22, 53, 55, 58, 69, 71, 74, 87, 98, 108, 111, 145 and 146; Isère Trade Union Sections of the CGT and the CFTD on Convention No. 81; Federal Republic of Germany: German Federation of Trade Unions (DGB) on Convention No. 87; Greece: Panhellenic Association of Women Telephone Operators of OTE on Convention No. 111; India: Centre of Indian Trade Unions on Conventions Nos. 14, 26, 100 and 115; Employers' Federation of India on Convention No. 14; National Front of Indian Trade Unions on Convention No. 14; RDSO Karmachari Sangh on Convention No. 1; Ireland: Irish Congress of Trade Unions on Conventions Nos. 87 and 98; Japan: General Council of Trade Unions (SOHYO) on Conventions Nos. 87 and 98; Japanese Confederation of Labour (DOMEI) on Conventions Nos. 87 and 98; Malta: Confederation of Trade Unions (CMTU) on Conventions Nos. 87 and 98; Netherlands: Federation of Christian Trade Unions (CNV) on Convention No. 87; Netherlands Council of Employers' Federations (RCO) on Conventions Nos. 87 and 144; Norway: Confederation of Trade Unions on Convention No. 42; Norwegian Seamen's Union on Convention No. 22; Norwegian Shipping and Offshore Federation on Conventions Nos. 8, 56, 111, 145 and 150; Peru: Inter-Ethnic Association for the Development of the Peruvian Forest (AIDSESP) on Convention No. 107; Portugal: Confederation of Portuguese Industry on Conventions Nos. 95, 117, 122, 131, 137 and 144; Confederation of Portuguese Trade on Convention No. 95; Portuguese Association of Merchant Shipping Owners on Convention No. 145; Spain: College of Merchant Shipping Officers of Spain (COMME) on Conventions Nos. 53 and 147; Co-ordinating Committee of Psychologists, Physiologists and Social Workers in the Public Service on Convention No. 142; Democratic Confederation of Labour (Morocco) on Convention No. 97; Union of Textile Technicians (EL RADIUM) on

(footnote continued on next page)

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the reports provided by governments under article 19 of the Constitution relative to the Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963 and to the Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), 1977.¹

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

114. The Committee notes that, of the observations received this year, 85 were transmitted directly to the ILO, which, in accordance with established practice, referred them to the governments concerned for comment. In 70 cases the governments transmitted the observations with their reports, sometimes adding their own comments. Part Two of

(footnote continued from previous page)

Convention No. 132; Sri Lanka: Ceylon Workers' Congress on Convention No. 11; Employers' Federation of Ceylon on Conventions Nos. 98, 106 and 131; Lanka Jathika Estate Workers' Union on Conventions Nos. 11, 95, 98, 131 and 136; Sweden: Central Organisation of Salaried Employees on Convention No. 140; Switzerland: Swiss Workers' Union on Convention No. 14; United Kingdom: Trades Union Congress on Conventions Nos. 44, 87, 98, 122, 140 and 151; Uruguay: Progressive National Movement of Retired Persons and Pensioners on Convention No. 128; Union of Maritime Transport Ship Masters and Officers on Conventions Nos. 9 and 22; Workers' Union of Paycueros (UTP) on Conventions Nos. 95 and 131; Turkey: Turkish Confederation of Employers Associations on Convention No. 14.

In addition, observations have been received from the International Confederation of Free Trade Unions and the Latin American Central of Workers on the application of Convention No. 29 in Brazil; from the World Confederation of Organisations of the Teaching Profession on the application of Convention No. 122 in Chile; from the International Federation of Plantation, Agricultural and Allied Workers on the application of Convention No. 107 in India; from the International Federation of Free Teachers Unions on the application of Conventions Nos. 87 and 98 in Ireland; from the International Organisation of Employers on the application of Convention No. 87 in Nicaragua; from the World Confederation of Organisations of the Teaching Profession on the application of Conventions Nos. 98 and 151 in the United Kingdom; from the International Confederation of Free Trade Unions on the application of Conventions Nos. 29, 111 and 122 in the USSR as well as on the application of Convention No. 122 in various countries.

¹ Austria: Austrian Congress of Chambers of Labour; Finland: Central Organisation of Finnish Trade Unions (SAK), Confederation of Salaried Employees (TVK), Employers' Confederation of Service Industries (LTK), Finnish Employers' Confederation (STK); New Zealand: Employers' Federation of New Zealand; Portugal: Confederation of Portuguese Industry; General Workers' Union; Spain: General Workers' Union.

this Report contains the Committee's comments on cases where the observation raised an issue concerning the application of ratified Conventions.

115. The Committee had to postpone the examination of a number of observations to its next session, when they were received too close to or even during the Committee's meeting, so as to allow sufficient time for the governments concerned to make comments and for the Committee to consider the matters involved.

116. The Committee notes that in most cases the occupational organisations had endeavoured to gather and present precise facts on the application in practice of ratified Conventions. It notes that the matters dealt with in its observations have touched on a very wide array of Conventions relating to the following subjects: the right to organise and the right to collective bargaining, employment policy, forced labour, tripartite consultation on international labour standards, protection of wages, discrimination, labour administration, labour inspection, weekly rest, indigenous and tribal populations, and so forth.

117. The Committee notes with interest that the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) has now received 39 ratifications. The Committee hopes that in accordance with the favourable ratification prospects noted in the General Survey on the Convention in 1982,¹ many more countries will be able to ratify it.

VI. REPORTS ON RATIFIED CONVENTIONS

(articles 22 and 35 of the Constitution)

Supply of reports

118. 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.

119. 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 1986, were due to be examined this year in respect of 37 Conventions.² 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 International Labour Conference, 68th Session, 1982. Report III (Part 4B), para. 202.

² Conventions Nos. 8, 11, 14, 22, 23, 24, 25, 44, 52, 55, 56, 71, 77, 78, 82, 84, 87, 94, 95, 97, 98, 101, 106, 107, 111, 114, 115, 117, 122, 124, 130, 132, 140, 143, 144, 145, 150.

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Reports requested and received

120. A total of 1,752 detailed reports were requested from governments on the application of Conventions ratified by States Members (article 22 of the Constitution). At the end of the present session of the Committee, 1,388 of these reports had been received by the Office. This figure corresponds to 79.2 per cent of the reports requested, compared with 78.7 per cent last year. The Committee regrets that, as indicated in paragraph 132 below, a number of reports received are incomplete and do not enable it to reach conclusions regarding the application of the Conventions concerned. A table showing reports received and reports overdue, classified by country and by Convention, is to be found in Part 2 (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.

121. In addition, 354 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, 232 reports, or 65.5 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 2 of this report.

122. Apart from the above-mentioned reports, 33 governments also supplied general reports on the Conventions for which detailed reports were not due for the period under review: Australia, Bahamas, Bahrain, Belgium, Burkina Faso, Burma, Burundi, Canada, Chile, Colombia, Cyprus, Ecuador, Equatorial Guinea, Gabon, German Democratic Republic, Ireland, Kenya, Mozambique, Nepal, New Zealand, Norway, Poland, Rwanda, Saudi Arabia, South Africa, Sri Lanka, Suriname, Sweden, Switzerland, Turkey, United Arab Emirates, United Kingdom, United States; Australia (Norfolk Island), United Kingdom (Falkland Islands (Malvinas), Gibraltar, Hong Kong).

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

Compliance with reporting obligations

124. 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 2, section I. However, 31 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: Afghanistan, Angola, Antigua and Barbuda, Barbados, Cape Verde, Chad, Dominica, Dominican Republic, Fiji, Grenada, Haiti, Islamic Republic of Iran, Italy, Jamaica, Lebanon, Libyan Arab

Jamahiriya, Mauritania, Mongolia, Saint Lucia, Sao Tome and Principe, Solomon Islands, Sierra Leone, Singapore, United Republic of Tanzania, Thailand, Yugoslavia. No reports have been received for the last two years from the following countries: Guinea-Bissau, Liberia, Pakistan, Qatar, Trinidad and Tobago.

125. The Committee urges the governments of these countries, and also of 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, could enable the government to overcome its difficulties.

Late reports

126. 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, to examine reports and legislation, etc. 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.

127. The Committee observes that on 15 October 1986 the proportion of reports received was 11.8 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 lack of time. It has thus had to examine a number of reports at its present session that have been held over from 1986.

128. The Committee can only express its great concern over this state of affairs, especially in the light of the relief that the present frequency of reporting and the various measures of assistance provided by the Office have introduced. The Committee trusts that governments will in future endeavour to observe the time-limits laid down for the sending of their reports more closely so that it may carry out its supervisory function adequately.

Supply of first reports

129. A total of 50 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

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following States since 1984: Dominica (Conventions Nos. 100, 111, 138); Saint Lucia (Conventions Nos. 100, 111); United Republic of Tanzania (Conventions Nos. 134, 137, 140, 142, 144, 149, 152). 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

130. 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 19 governments contacted in this way, only 4 have sent the information requested.

131. The Committee notes with concern that there are 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 no report or 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.

132. This represents a total of 185 cases,¹ by comparison with 127 last year and 154 the previous year. The Committee is therefore

¹ Afghanistan (Conventions Nos. 95, 111, 139, 140, 141); Angola (Conventions Nos. 27, 98, 107, 111); Barbados (Conventions Nos. 87, 98, 111, 115, 122, 144); Brazil (Conventions Nos. 94, 107, 117, 122); Cape Verde (Conventions Nos. 17, 98, 111); Chad (Conventions Nos. 87, 95, 98, 111); Dominican Republic (Conventions Nos. 87, 95, 98, 105); Fiji (Conventions Nos. 84, 98); France: Saint Pierre and Miquelon (Conventions Nos. 22, 63, 77, 78, 122), Grenada (Conventions Nos. 14, 94, 95, 98, 105); Guinea-Bissau (Conventions Nos. 98, 107, 111); Haiti (Conventions Nos. 14, 24, 25, 42, 87, 98, 105, 106, 111); Islamic Republic of Iran (Conventions Nos. 95, 106, 111, 122); Italy (Conventions Nos. 29, 92, 95, 97, 105, 111, 122, 127, 132, 137, 143, 145, 146); Jamaica (Conventions Nos. 8, 81, 87, 98, 100, 117, 122); Jordan (Conventions Nos. 98, 106, 111, 117, 122, 124); Liberia (Conventions Nos. 22, 23, 55, 87, 98, 111, 114); Libyan Arab Jamahiriya (Conventions Nos. 52, 95, 98, 122); Mongolia (Conventions Nos. 87, 122); Netherlands: Netherlands Antilles (Conventions Nos. 33, 94, 106, 122); New Zealand: Niue Island (Convention No. 105); Pakistan (Conventions Nos. 22, 29, 87, 96, 98, 105, 107, 111); Qatar (Convention No. 111); Saint Lucia (Conventions Nos. 8, 14, 17, 29, 87, 94, 95, 98, 105); Sao Tome and Principe (Convention No. 111); Sierra Leone (Conventions Nos. 8, 59, 95, 101, 105, 111, 119); Singapore (Conventions Nos. 5, 8, 98); Thailand (Convention No. 122); Trinidad and Tobago (Conventions Nos. 87, 98, 111); Yugoslavia (Conventions Nos. 111, 122, 132).

obliged to repeat the observations or direct requests already made on the Conventions in question.

133. 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 over-emphasise the special importance of ensuring the dispatch of the reports and replies to its comments.

134. With regard to the discussion that takes place every year in the Conference Committee concerning the individual cases for which the Committee of Experts has made observations, the Committee of Experts notes that the Conference Committee has felt obliged to express its regret that in spite of the repeated invitations it has made, a number of governments have not participated in the discussions concerning their country. Having already expressed its concern at the failure of a number of governments to send reports and replies to its comments, the Committee of Experts can only join with the Conference Committee in expressing regret that certain governments do not participate in the dialogue which is initiated and continued each year in the Conference Committee as an integral part of the regular system of supervision of the implementation of international labour standards.

Examination of reports

135. 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. Each member has submitted to the whole Committee in plenary session his or her preliminary findings on the instruments concerned for discussion and approval.

Observations and direct requests

136. In many cases, the Committee has found that no comment is called for regarding the way in which a ratified Convention has 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 of either "observations", which are reproduced in the report of the Committee, or "direct requests", which are communicated to the governments concerned.

137. 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 Convention concerned, it has seemed appropriate to ask the government to supply a detailed report earlier than would otherwise have been the case. Under the system of spacing out reports over a 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 government to supply full particulars to the Conference at its next session in June 1987.

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138. The observations of the Committee appear in Part 2 (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

139. 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 40 instances in which measures of this kind have been taken, in 28 States and one non-metropolitan territory. The full list is as follows:

<u>States</u>	<u>Conventions Nos.</u>
Australia	111
Bangladesh	22, 149
Burkina Faso	150
Burundi	94
Byelorussian SSR	124
Canada	100
Central African Republic	111
Chile	24, 111
Cuba	91
Cyprus	106, 150
Denmark	100
Egypt	105
Finland	111
France	81
Greece	81
Guatemala	87, 94
Ireland	81, 121
Malta	105
Norway	115, 129, 150
Panama	32, 68, 92
Peru	25, 29
Portugal	88, 111
Syrian Arab Republic	117
Ukrainian SSR	124
USSR	124
United Arab Emirates	1
Uruguay	105
Zambia	29
<u>Non-metropolitan territory</u>	<u>Convention No.</u>
<u>France</u>	
French Polynesia	115

140. 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 1,670 since the Committee began listing them in its reports in 1964. In addition, there have been numerous cases in which the Committee has taken note with interest of different measures that have also been taken following its comments with a view to ensuring a fuller application of ratified Conventions. These measures provide an indication of the efforts made by governments to ensure that their national law and practice are in conformity with the provisions of the ILO Conventions they have ratified.

141. 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 has noted 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.

Practical application

142. 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.

143. The Committee once again welcomed the positive response to the appeal it made in 1985 and noted with particular interest that about 53 per cent of the reports on Conventions examined, for which special requests had been made for information on the effect given to them in practice, contained such information. This percentage, which is the highest ever reached, reflects real progress over past years.

144. The following countries have provided information on practical application in more than half the reports concerned: Australia, Austria, Bangladesh, Belgium, Bolivia, Burkina Faso, Byelorussian SSR, Cameroon, Canada, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Dominica, Ethiopia, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Grenada, Guyana, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Kuwait, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Poland, Portugal, Qatar, Senegal, Seychelles, South Africa, Swaziland, Sweden,

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Switzerland, Thailand, Tunisia, Turkey, Ukrainian SSR, United Kingdom, Uruguay, Venezuela, Yemen, Zambia.

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

146. 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 this up in coming years and will include in its report information that should be useful to governments in this connection.

147. 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. Forty-two 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.

148. The Committee recalls that, under the provisions of many international labour Conventions, measures must be taken to ensure their observance 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 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 to examine the need to adapt monetary penalties from time to time in the light of inflation.

VII. SUBMISSION OF CONVENTIONS AND RECOMMENDATIONS TO THE COMPETENT AUTHORITIES

(article 19 of the Constitution)

149. In accordance with its terms of reference, the Committee this year examined the following information¹ supplied by the

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, 73rd Session, Geneva (1987).

Governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on the steps taken to submit to the competent authorities within the time limit of 12 or 18 months, as provided in the Constitution, the following instruments, adopted at the 71st (1985) Session of the Conference: the Labour Statistics Convention (No. 160) and Recommendation (No. 170), 1985; and the Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985;
- (b) additional information on the steps taken to submit the instruments adopted by the Conference from its 31st (1948) to its 70th (1984) Sessions to the competent authorities (Conventions Nos. 87 to 159 and Recommendations Nos. 83 to 169);
- (c) replies to observations and direct requests made by the Committee in 1986.

71st Session

150. The Committee notes with interest that the Governments of the following 50 member States have indicated that they have submitted to the authorities considered by them to be competent the instruments adopted by the Conference at its 71st Session: Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, China, Comoros, Cuba, Dominica, Egypt, Finland, France, German Democratic Republic, Greece, Hungary, Iceland, Iraq, Ireland, Israel, Japan, Jordan, Kuwait, Liberia, Mali, Malta, Mexico, Morocco, Mozambique, New Zealand, Nicaragua, Niger, Nigeria, Norway, Peru, Poland, Portugal, Romania, Saudi Arabia, Sudan, Sweden, Switzerland, Turkey, Ukrainian SSR, United Kingdom.

31st to 70th Sessions

151. 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: Afghanistan (numerous instruments adopted from the 52nd to the 69th Sessions), Bolivia (63rd to 69th Sessions), Botswana (64th to 71st Sessions), Chad (55th to 70th Sessions), Ireland (66th to 71st Sessions), Yemen (65th to 69th Sessions).

152. 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 the Conventions and Recommendations adopted by the Conference to the competent authorities. Appendix II shows the overall position in this respect for the instruments adopted from the 31st to the 71st Sessions of the Conference.

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General aspects

153. 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.

154. 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 made 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 of the Committee and replies from governments

155. 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.

156. 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.

157. The Committee wishes once more to point out 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

158. 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

(65th to 71st) have in fact been submitted to the competent authorities: Islamic Republic of Iran, Mauritius, Seychelles, Sierra Leone, Suriname, Tunisia.

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

159. 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 previous sessions the Committee was informed of the results of certain of these consultations and of the fact that in some cases these results have already been brought to the attention of the Commission of the European Communities. In a number of other cases such consultation has not yet taken place. The most recent information in this respect is as to the adoption by the Council of a new Regulation on the harmonisation of certain social legislation relating to road transport. The question of the ratification of the Convention is therefore undergoing re-examination in view of the fact that the new Regulation differs considerably from the proposals of the Commission of the European Communities, particularly with regard to breaks and daily rest periods. The Committee hopes that the governments concerned will provide information on the implementation of this procedure and any decisions which may have been made on this subject.

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

160. 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 Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963, and the Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), 1977.

161. Of a total of 544 reports requested, only 356 have been received.¹ This represents 65.4 per cent of the reports requested.

162. The Committee notes with regret that the Governments of Fiji, Saint Lucia, Syrian Arab Republic, Trinidad and Tobago and Yemen, have not, for the past five years, supplied any of the reports

¹ ILO: Summary of reports (articles 19, 22 and 35 of the Constitution), Report III (Parts 1, 2 and 3), ILC, 73rd Session, 1987.

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on unratified Conventions and on Recommendations requested under article 19 of the ILO Constitution.

163. 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

164. Part 3 of this report (issued separately as Report III (Part 4B)) contains the General Survey of the Committee on the matters dealt with by the instruments in question. In accordance with the practice followed in previous years, the survey has been prepared on the basis of a preliminary examination by a working party comprising two members of the Committee, appointed by it.

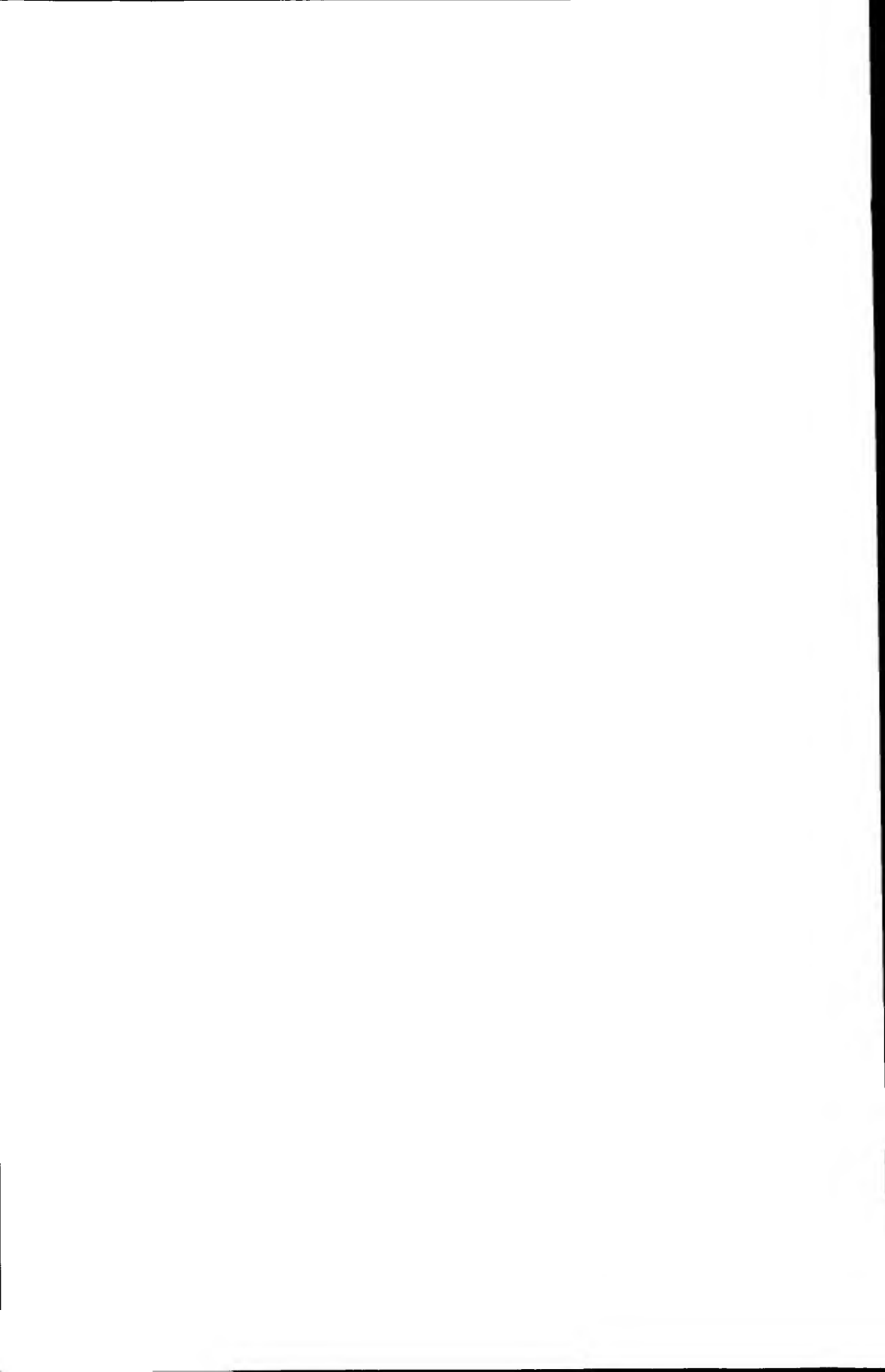
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165. The Committee would like to express its appreciation of the invaluable assistance again rendered to it by the officials of the ILO, whose competence and devotion to duty make it possible for the Committee to accomplish its increasingly complex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

Geneva, 25 March 1987.

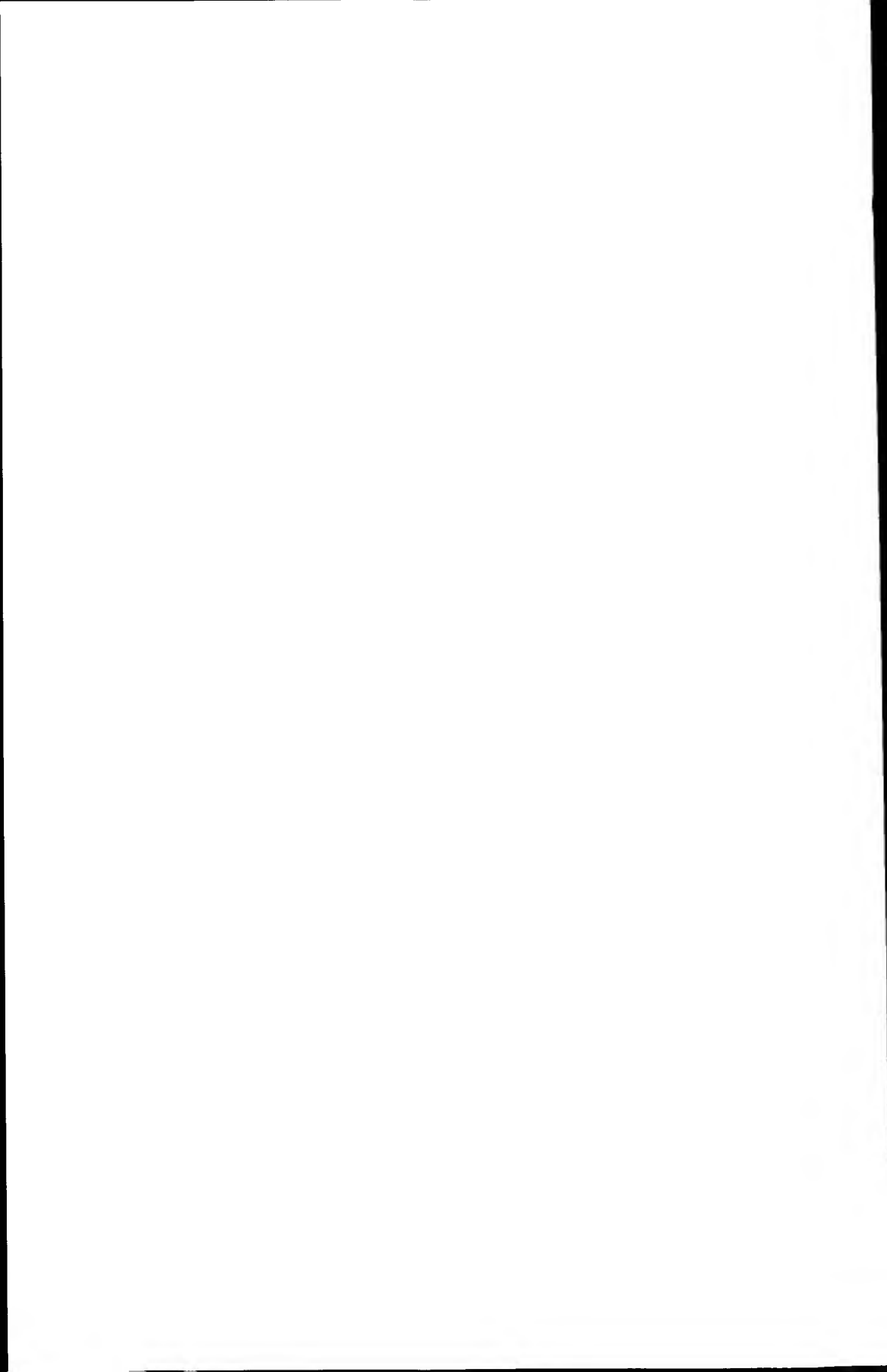
(Signed) Sir William Douglas,
Chairman.

E. Razafindralambo,
Reporter.



PART TWO

**OBSERVATIONS CONCERNING PARTICULAR
COUNTRIES**



OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

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

A. GENERAL OBSERVATIONS

Afghanistan

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

Albania

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

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

Angola

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

Antigua and Barbuda

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

Barbados

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

Cape Verde

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

Chad

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

Dominican Republic

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

Ecuador

The Committee refers to its comments addressed to the Government this year, with regard to the application of a number of Conventions.

In the light of the natural disaster by which the country has recently been afflicted, the Committee will not fail to take into account the difficult conditions experienced by Ecuador, in so far as they may affect the action taken by the Government with regard to the points raised in the Committee's comments.

Fiji

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

France

The Committee notes that, in a communication dated 9 July 1986, the National Federation of Maritime Trade Unions (FNSM) transmitted comments to the International Labour Office concerning the application by France of a number of ratified Conventions. These comments were transmitted to the Government in August 1986, in order to enable it to

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

make any observations it considered appropriate. The Committee notes that the Government has not made any observations on this subject up to the present time.

In its comments, the FNSM points out that, on 17 June 1986 the Government issued an Order prescribing that on board trading, fishing or pleasure vessels registered in the French Southern Antarctic Territories, the proportion of crew members of French nationality may not be less than 25 per cent of the seafarers registered on the crew list; in its opinion this means that 75 per cent of the crews of vessels registered under these conditions will be made up of foreign seafarers engaged under discriminatory conditions, while French seafarers will be left unemployed. According to the FNSM, one vessel had already been commissioned under these conditions, six others were about to be so commissioned and the practice could be extended to 75 vessels according to the Shipowners Committee. In the opinion of the FNSM, as a consequence several of the Conventions ratified by France, and particularly Conventions Nos. 8, 9, 22, 53, 55, 58, 69, 71, 74, 87, 98, 108, 111, 145 and 146, would not be applied.

The Committee hopes that the Government will not fail to transmit its observations on the questions raised by the FNSM, in order to enable the Committee to examine them at its next session. It hopes that the Government will indicate the extent to which the Order of 17 June 1986 affects the implementation of the various Conventions ratified by France, and that it will specify the manner in which the above-mentioned Conventions are applied on vessels registered under that Order.

Guinea-Bissau

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

Haiti

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

Democratic Kampuchea

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

Lebanon

The Committee refers to the comments 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 circumstances make it possible and that the Government will supply with its reports information on any developments in this respect.

Liberia

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

Libyan Arab Jamahiriya

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

Mongolia

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

Pakistan

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

Qatar

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

Saint Lucia

The Committee notes with regret that the reports due and, in particular, the two first reports on Conventions Nos. 100 and 111, which have been due for two years, have not been received. It trusts

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Sao Tome and Principe

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

Sierra Leone

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

Singapore

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

Solomon Islands

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

South Africa

1. The Committee refers to its general observations made since 1982 concerning reports received on the Conventions by which South Africa has remained bound although it withdrew from the ILO in 1964, namely Nos. 2, 19, 26, 42, 45, 63 and 89. The Government has supplied further reports on all the Conventions in question and the Committee has again examined them 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 recalls 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, 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 recalls 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. The corresponding Report for the 72nd Session of the Conference (1986), notes that whilst certain changes have occurred in the labour field, they have been of relatively little benefit to the Black labour force: other forms of control over Black labour have been introduced which avoid explicit racial features but maintain many of the long-standing racial practices in the labour field.

4. In these circumstances, 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.

United Republic of Tanzania

The Committee notes with regret that the majority of the reports due, including the first reports on Conventions Nos. 134, 137, 140, 142, 144, 149 and 152 which have been due for two years, have not been received. It trusts that the Government will not fail in future to discharge its obligation to supply all the reports due on the application of ratified Conventions.

Thailand

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

Trinidad and Tobago

The Committee notes with regret that for the second year in succession the reports due have not been received. It trusts that the

Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Venezuela

The Committee notes that although most of the reports due have been received, the Government has not supplied, for the second consecutive year, three first reports due on Conventions Nos. 117, 128 and 153. It trusts that the Government will not fail in future to discharge its obligations to supply all the reports due on the application of ratified Conventions.

Yugoslavia

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

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Belize, Benin, Bulgaria, Central African Republic, Comoros, Congo, Costa Rica, Democratic Yemen, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, France, Gabon, Grenada, Guinea-Bissau, Haiti, Honduras, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Mauritania, Nepal, Niger, Paraguay, Peru, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sudan, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen, Yugoslavia.

B. INDIVIDUAL OBSERVATIONS

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

Chile (ratification: 1925)

The Committee notes the Government's report. It also notes the conclusions of the Committee set up by the Governing Body to examine the representation submitted by the National Trade Union Co-ordinating Council (CNS) of Chile under article 24 of the Constitution.

1. In its report, the Committee set up by the Governing Body confirms that there are divergencies between national legislation and the provisions of Article 2(b) of the Convention, which establish that in no case shall the daily limit for the working day be exceeded by more than one hour. The Government states in its report that only if the parties so agree may the weekly maximum working hours established in section 34, paragraph 1, of Legislative Decree No. 2200 of 1978

(amended in 1981 and 1984) be distributed over five days. The Government adds that in this case the daily working time is nine hours 36 minutes and that the worker is entitled to an extra day's rest in compensation. The Committee can only repeat the observation it formulated in previous comments, and the conclusions of the Committee set up by the Governing Body, concerning the restriction on the reduction of the working week to five days and the normal length of the working day established at ten hours (except for a number of exceptions). The amendment made to section 39 of Legislative Decree No. 2200 by Act No. 18372 of 1984 leaves a discrepancy with the above provisions of the Convention.

The Committee of Experts consequently requests the Government to take measures to amend section 39 of Legislative Decree No. 2200 in such a way that, in the event of the unequal distribution of the 48 weekly hours of work, normal working days shall not exceed nine hours in industry, in accordance with the standards of the above Convention.

2. Regarding overtime, which is regulated by the provisions of sections 42 and 43 of Legislative Decree No. 2200, the Committee notes the information supplied by the Government in its report. The Government states that in the labour system in Chile the wishes of the parties take priority, with the exception of certain rights which, in all cases to the benefit of the worker, are inviolable and therefore may not be subject to an individual or collective agreement. Consequently, according to the Government, the most common exception to normal working hours is a result of the wishes of the worker who, within the legal limits, agrees to work overtime, and normally for his own benefit. The provisions of Article 6 of the Convention do not exempt the competent authorities from issuing regulations (following consultations with the organisations of employers and workers concerned) determining exceptions to normal working hours. In this connection, the Committee refers to its comments of 1981 and 1985, and to the recommendations of the Committee set up by the Governing Body to the effect that the appropriate measures should be taken to amend section 42 of Legislative Decree 2200 in order to bring the national legislation into conformity with Article 6 of the Convention. The Committee requests the Government to take the necessary measures to give full effect to the above provision of the Convention.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

India (ratification: 1921)

The Committee has examined the information communicated by the Government in its report for the period ending on 30 June 1984, as well as the comments presented by the Centre of Indian Trade Unions (CITU) in September 1984.

1. In reply to a question raised by the CITU, the Committee recalls in the first place that the application of the Convention to India is still governed by the special provisions contained in Article 10 of the Convention, according to which "the principle of a sixty-hour week shall be adopted for all workers in the industries at

present covered by the Factory Acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference."

2. The CITU refers once again to the duration of work in the railway sector. In that connection, and further to its previous comments, the Committee takes note of the information supplied by the Government on the normal weekly hours and on the maximum daily hours.

The Committee has, however in previous observations drawn attention to the fact that the legislation on hours of work on the railways does not fix the maximum permitted hours of overtime, as required by Article 6, paragraph 2, of the Convention.

The Government states that overtime is permitted only in certain contingencies and that instructions have been issued to the railways with a view to ensuring that running staff are not made to work beyond a reasonable limit, in excess of the prescribed hours of employment in a fortnight.

The Committee requests the Government to provide a copy of these instructions and information on any measures taken to give effect to this requirement of the Convention.

3. The CITU also refers to the situation with regard to the duration of work in various other sectors. While noting that some of these sectors (agriculture, fishing, inland water transport) are not covered by the Convention, the Committee requests the Government to communicate its comments with regard to the other categories of workers (workers in loading and unloading operations, workers paid on a piece-rate basis, motor transport workers) mentioned by the organisation in question.

4. Further to another point raised by the CITU, the Committee asks the Government to supply detailed information on the application of the Convention to the workers employed in offshore industrial installations which, in contrast to those employed in factories set up in export processing zones, do not seem to be covered by the Government's report.

Nicaragua (ratification: 1934)

The Committee has noted the information provided by the Government in its report, which, in particular, indicates that a preliminary draft revision of the legislation was under consideration on the basis of the comments of the Committee.

The Committee trusts that the draft will be adopted in the near future and that it will lay down, after consultation with the employers' and workers' organisations concerned, the circumstances in which additional hours may be worked and the maximum number of additional hours authorised, in conformity with Article 6, paragraphs 1(b) and 2 of this Convention, as well as with Article 7, paragraphs

2(c), 2(d) and 3 and Article 8 of Hours of Work (Commerce and Offices) Convention (No. 30), 1930.

The Committee requests the Government to provide in its next report detailed information on any developments in relation to this question.

* * *

Peru (ratification: 1945)

Further to its previous observations, the Committee notes the information provided by the Government in its last two reports, as well as that communicated to the Conference (June 1985).

The Committee has particularly noted the employers' and workers' organisations have continued to express their disagreement or formulate reservations on the draft Presidential Decree containing provisions designed to guarantee that hours of work in excess of eight hours in the day and 48 hours in the week are not authorised outside the limits fixed by the Convention.

The Committee trusts that these differences will be quickly resolved and that appropriate measures will be taken to ensure that additional hours will not be authorised except in the circumstances provided for under Articles 3 to 6 of the Convention. The Committee hopes that the ILO will be able to accede to the Government's request for assistance in this connection.

United Arab Emirates (ratification: 1982)

Further to its previous comments, the Committee notes with satisfaction Federal Law No. 24 of 1981 repealing article 3 of Federal Law No. 8 of 20 April 1980, which excluded from its scope salaried employees in small establishments generally employing a maximum of five persons and establishments which carry out temporary work the completion of which does not require more than six months.

A request concerning a number of other points is addressed directly to the Government.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Argentina, Costa Rica, Equatorial Guinea, India, United Arab Emirates.

Convention No. 2: Unemployment, 1919

Chile (ratification: 1933)

Article 2, paragraph 1, of the Convention. The Committee refers to its previous observation and to the conclusions of the report of the Committee set up to examine the representation made by the

National Trade Union Co-ordinating Council of Chile alleging failure to implement, among others, Convention No. 2; the above report was approved by the Governing Body at its 234th Session (November 1986).

The Committee notes from the information supplied by the Government in its reports for Conventions Nos. 2 and 9 that: (a) public employment offices operate free of charge, both for workers and employers and (b) Supreme Decree No. 42 of 1986, issuing regulations under the Employment and Training Statute, regulates the organisation and consultation through regional committees composed of employers' and workers' representatives in respect of the operation of public employment offices.

The Committee once again requests the Government to indicate whether, under Act No. 18391 of 8 January 1985 and the above Supreme Decree of 1986, such committees have in fact been appointed.

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

* * *

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

Convention No. 3: Maternity Protection, 1919

Colombia (ratification: 1933)

1. Article 3, paragraphs (a), (b) and (c), of the Convention. In response to the Committee's previous comments, the Government indicates that one of the priority tasks of the Ministry of Labour and Social Security consists in the reform of the Labour Code in the context of the Government's general philosophy in social matters, which is to eliminate poverty and to improve substantially the conditions of life and work of the most vulnerable sectors of the population. It adds that, while being conscious of the necessity to align the national legal provisions with the requirements of the Convention, post-natal leave of six weeks is in practice guaranteed to women workers, for they take their leave from the day of confinement and not from the approximate date indicated by the doctor. The Committee takes note of this information. It also notes the Government's statement that Act No. 24 of 1986 extended the benefits under section 236 of the Labour Code to mothers who adopt a child.

The Committee must however observe that no measures have yet been taken to bring section 236 of the Labour Code and section 33 of Decree No. 1848 of 1969 (applicable to workers of the public sector) into conformity with Article 3, paragraphs (a), (b) and (c), of the Convention. This legislation provides for maternity leave of eight weeks in all, while, according to paragraphs (a) and (b) of Article 3, a woman may not be permitted to work during a period of six weeks after confinement and must have the right to leave her work on production of a medical certificate stating that her confinement will probably take place within six weeks. Moreover, it follows from

paragraph (c) of Article 3, that pre-natal leave should be extended when confinement takes place after the estimated date. Taking into account the importance of the question, which has been the subject of observations for a number of years, the Committee trusts that the Government will in the near future take the necessary measures to amend section 236 of the Labour Code and section 33 of Decree No. 1848 of 1969 in the manner indicated above. It also hopes that the Government will make every effort to amend section 16(b) of Decree No. 770 of 1975 relating to health and maternity insurance so as to align the length of maternity benefits with that of leave.

2. The Committee has taken note of the information submitted by the Government as to the territorial extension of the social security scheme. It requests information on any new extension taking effect during the period covered by the report.

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

A request regarding certain points is being addressed directly to the Lao People's Democratic Republic.

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

Singapore (ratification: 1965)

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

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.

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

Requests regarding certain points are being addressed directly to the following States: Burkina Faso, Lao People's Democratic Republic, Senegal.

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

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

Iraq (ratification: 1966)

For a number of years now the Committee has been drawing the Government's attention to the need to adopt legislation prescribing: (a) in conformity with Article 2 of the Convention, that all persons employed on board a vessel shall be entitled in case of loss or foundering of a vessel to an indemnity fixed at the same rate as the wages payable under their contract provided that the total indemnity payable to each seaman may be limited to two months' wages; (b) in accordance with Article 3 of the Convention, that this indemnity will be given the same guarantees as arrears of wages, and that seamen shall have the same remedies for recovering such indemnity as they have for recovering arrears of wages.

In its report, the Government refers once again to section 19 of the Labour Code of 1970, which is applicable to all questions not covered by Law No. 201 of 1975, regarding the Civil Marine Service. According to the Government, shipwreck is regarded as being similar to an involuntary stoppage of work and consequently seamen do not risk being unemployed in the event of shipwreck and are regarded as continuing the work and receive their full wages. This is applied in practice by the authorities responsible for seamen in the public and private sectors, ensuring that effect is given to the provisions of the Convention.

The Committee notes this information; however, it draws the Government's attention to the fact that under section 69(b) of the Labour Law, the indemnity due for partial or total stoppage of work for an emergency or force majeure is limited to two weeks' salary, contrary to the provisions of Article 2, paragraph 2 of the Convention which provide for a minimum of two months. The Committee therefore hopes that the necessary measures will be taken to give full effect to Articles 2 and 3 of the Convention.

Jamaica (ratification: 1963)

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

In reply to the Committee's previous comments concerning section 157 of the United Kingdom Merchant Shipping Act 1894 (applicable to Jamaica), which, unlike the Convention, provides

that "in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim to wages", the Government states that the final draft of the Jamaican Bill on Merchant Shipping has now been circulated by the Chief Parliamentary Counsel to the relevant bodies for comments before being submitted to Parliament. The Committee hopes that this Bill will become law shortly and that the Government will supply the text of the new Act.

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

Mauritius (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:

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

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

Nicaragua (ratification: 1934)

With reference to its previous comments, the Committee takes note of the information supplied by the Government in its report to the effect that the Juridical Department of the Ministry of Labour is preparing draft reforms based on the comments of the Committee, which will be transmitted to the Office when they have been revised by the higher authorities in the Ministry. The Committee expresses the hope that in the near future the Government will complete the reform of the Labour Code, which was announced a few years ago, and will give full effect to the Convention. The Committee recalls that the present provisions of the Labour Code (Article 155 in relation with Articles 116 and 117) are not sufficient to ensure that full effect is given to Article 2 of the Convention, which provides that the unemployment indemnity due to seamen, irrespective of the type of contract, in every case of loss or foundering of any vessel, shall be paid for the

days during which the seaman remains unemployed at the same rate as the wages payable under the contract, but the indemnity may be limited to two months' wages if the period of unemployment is longer than two months.

Panama (ratification: 1970)

Article 2 of the Convention. With reference to its previous comments, the Committee notes the information supplied by the Government to the effect that under Part C-II of the Registration Regulations 1-76, of 17 December 1976, the loss or foundering of the vessel involves the loss of the flag, and that consequently, in accordance with section 5 of the Labour Code, section 256 of the same Code, in conjunction with sections 255 and 259, become applicable to establish the indemnities payable to seafarers as a result of the shipwreck of the vessel in which they were serving.

The Committee ventures to point out that the Labour Code contains explicit provisions regarding shipwreck (sections 259 and 225) which are insufficient to give full effect to the Convention and the Committee therefore considers that the provisions referred to by the Government could be misleading, particularly since, as pointed out by the Government itself, it regularly occurs that foreign crews do not resort to the courts because of their apparent ignorance of the national labour legislation. The Committee also notes that the draft maritime labour legislation, section 49 of which establishes provisions in accordance with the Convention, is still under examination by the Legislative Council. The Committee hopes that the above draft will be adopted in the near future and requests the Government to continue to supply information on any progress achieved in this respect.

Practical application. The Committee also notes the information concerning the operation of the Department of Labour Statistics. It hopes that in the near future this Department will be in a position to compile statistics concerning the application of the Convention, and that the Government will transmit them to the ILO.

Sierra Leone (ratification: 1978)

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 takes note of the information provided by the Government. It notes that information and extracts regarding amendments which have been made to the United Kingdom Merchant Shipping Act of 1894 have been forwarded to the Law Officers' Department in order to begin introducing the same amendments for Sierra Leone. The purpose of this is to eliminate, in conformity with the Convention, the loss of the right to unemployment indemnity in case of shipwreck when it can be proved that the seafarer has not exerted himself to the utmost to save the ship, cargo and stores. The Committee hopes that the necessary changes

will be made in the near future, and requests the Government to report on any progress made towards this end.

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

Singapore (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:

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.

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

* * *

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

Convention No. 9: Placing of Seamen, 1920

Chile (ratification: 1935)

The Committee notes the observations transmitted to the Office by the "National Confederation of Federations of Trade Unions of Seafarers, Portworkers and Fishermen of Chile" (CONGEMAR). It also notes the information supplied by the Government in reply to these observations.

The Committee notes that the questions raised concern Article 5 of the Convention (constitution of joint advisory committees). In its report, the Government refers to the texts regulating the organisation of the National Employment Promotion Service, and particularly the constitution and consultation of regional advisory committees composed of equal numbers of representatives of workers and employers (as provided for in Presidential Decree No. 42 of 1986 issuing regulations under the Employment and Training Statute). The Committee refers in this connection to its comments concerning Convention No. 2. The Committee would be grateful if the Government would supply in its next report additional information on the way in which shipowners and

seafarers are represented on the regional advisory committees and indicate where appropriate the measures taken to specify their powers, with particular regard to the power to receive assistance from persons concerned with the welfare of seafarers. Furthermore, the Committee is addressing a direct request to the Government concerning a number of other points.

Colombia (ratification: 1933)

With reference to its previous observation, the Committee notes the information supplied by the Government in its report to the effect that the draft labour law for seafarers, prepared in 1983 in collaboration with an ILO expert, is to be the subject of a new examination by the Ministry of Labour and Social Security, due to a recent change of Government. The Committee trusts that it will be possible in the near future to adopt the above draft, which is intended to give effect to the present Convention, and that its enactment will give full effect to Articles 2, 4, 5 and 10 of the Convention, which have been the subject of earlier comments by the Committee.

Mexico (ratification: 1939)

1. The Committee notes the information supplied by the Government in its report. The Government states that as a consequence of the two major earthquakes suffered by the City of Mexico on 19 and 20 September 1985, the building in which units of the Secretariat of Labour and Social Insurance operated collapsed. For this reason, the National Employment and Training Unit was not able to give full effect to the programmes of activities which had been planned. The Government adds that a large amount of documentation was lost and that the task of reorganisation is formidable, but that it is attempting to regain the stage previously reached in the programmes. The Government informed the Department of Employment, the administrative unit that is responsible for serving the placement needs of seafarers, of the need to take specific steps as soon as possible to deal with questions concerning the implementation of this Convention, taking into account the previous comments of the Committee. Consequently, the Committee can only reiterate the hope that in its next report the Government will be in a position to supply full information, including statistics, concerning the work carried out by the Department of Employment with regard to the establishment of an efficient and adequate system of employment services for seafarers, in accordance with Article 4 of the Convention. The Committee hopes that the Government will also be in a position to describe the consultation procedures operating with the participation of equal numbers of representatives of shipowners and seafarers, in accordance with the provisions of Article 5.

2. The Government states in its report that the semi-state controlled "Petróleos Mexicanos" is the organisation employing the highest number of seafarers, and that some shipowners employ staff

through the trade unions to which seafarers belong. Furthermore, many vessels are owned by co-operatives which are in themselves responsible for deciding which of their members will form part of the crew. The Committee notes this information with interest and, since the Mexican merchant fleet has grown continuously (336 vessels registered in 1978, 638 in 1985), it hopes that the Government will continue to supply detailed information in this respect.

* * *

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

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.

Rwanda (ratification: 1962)

With reference to its previous observations concerning the exclusion of workers employed in agriculture from the provisions of the Labour Code by virtue of s.186, the Committee notes the information contained in the Government's report that the Bill to amend the Labour Code, repealing s.186 and covering agricultural workers, has still not been adopted. The Government states that since the workers' trade union is in the process of establishing itself, the competent authorities will soon adopt the draft; it undertakes to send a copy of the text once it is approved.

The Committee looks forward to receiving confirmation of its adoption and a copy of the amended Labour Code at an early date.

* * *

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

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

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

Requests regarding certain points are being addressed directly to the following States: Angola, Brazil.

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

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

Afghanistan (ratification: 1939)

The Committee notes from the Government's reply to its previous observation that specific regulations covering the provisions of the Convention have been drafted in the framework of the new draft Labour Code and submitted to the Ministry of Justice. The Committee recalls that it has drawn attention since 1950 to the need to adopt legislative provisions or regulations to give effect to the Convention and that following direct contacts which took place in 1974 between the national competent service and a representative of the Director-General of the ILO, a draft decree was drawn up with a view to implementing the Convention. The Committee can only express once again the hope that the Government will make every effort to ensure the early adoption of the laws or regulations required to give full effect to the Convention.

Algeria (ratification: 1962)

With reference to its earlier observations, the Committee notes from the Government's report that the draft texts and regulations relating to workers' health which are to give effect to the provisions of the Convention have still not been adopted, due to other priorities in legislative work and the complexity of the task. It further notes the Government's statement that the legislation which formerly gave effect to the Convention continues to be applied in practice and that circulars and instructions which prescribe minimum safety and health measures have been issued to respond to the needs of specific sectors. The Committee requests that copies of any relevant circulars and instructions be provided with the next report. It can only reiterate the hope that the Government will take all necessary steps to adopt very shortly the draft texts, to which reference has been made for many years.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

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

Requests regarding certain points are being addressed directly to the following States: China, Comoros, Grenada, Haiti, India, Malaysia, Mauritius, Saint Lucia.

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

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

The Committee notes the information supplied by the Government in its report to the effect that the draft amendments to the Workmen's Compensation Act, 1923, and to the Social Security Act, 1954, have been submitted to the Council of People's Attorneys; the Government points out that the various amendments submitted to this Council, in addition to its regular functions, take up a great deal of its time and make such proceedings very lengthy. The Committee notes this information. However, although noting the difficulties to which the Government refers, it considers that this does not explain the delay in adopting the draft regulations amending the Workmen's Compensation Act, 1923, to which the Government has been referring since 1967. Consequently, the Committee can only express once again the hope that the draft regulations will be adopted in the near future 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 requests the Government to report any progress made in the adoption of these draft regulations.

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

Iraq (ratification: 1960)

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

1. Article 2 of the Convention. In reply to the Committee's previous comments, the Government points out that in accordance with the Presidential Decree of 5 November 1978, the social security scheme, and therefore its industrial accidents compensation branch, has now been extended to private enterprises with at least five employees in all regions of the country. The Committee takes note with interest of this information; nevertheless, the Committee is bound to point out again to the Government that this provision of the Convention covers all enterprises and establishments whether public or private, irrespective of the number of workers employed in them. Consequently, the Committee expresses the hope that the Government will take the necessary steps to extend the social security system to all such establishments.

2. Article 5. The Committee has examined Regulation No. 62 of 1959 respecting the Payment of Compensation, and finds that this Regulation only refers to persons whose entitlement depends on the

deceased workman, whereas this provision of the Convention also refers to the injured workman himself. Furthermore, contrary to this provision of the Convention, section 2 of the Regulation provides for the payment of the indemnity in the form of a lump sum, whose amount is fixed under section 22 of the Labour Code of 1958 which was repealed by Labour Code No. 151 of 1970. Consequently, the Committee hopes that the Government will take the necessary steps, in accordance with the Convention, to ensure the proper utilisation of the lump-sum indemnity paid to the victims of industrial accidents who suffer permanent incapacity of less than 35 per cent (or to his dependants in the event of his death).

3. Article 7. In its previous comments, the Committee expressed the hope that the necessary steps would be taken for the national legislation to provide for the award of additional compensation to the victims of industrial accidents whose incapacity necessitates the constant assistance of another person.

In reply to these comments the Government states that section 45, paragraph 3 of Law No. 126 of 1980 concerning Social Welfare, meets the objectives of this Article of the Convention, since it provides for the assistance of persons who suffer from a total incapacity to work, through the creation of social assistance, medical, etc., centres and organisations which provide all the services needed for a tranquil and dignified life. The Committee takes note of this statement and requests the Government to transmit the legal text/texts under which the above additional assistance is provided for victims of industrial accidents who suffer total incapacity.

Panama (ratification: 1958)

The Committee takes note of the detailed statistical information supplied by the Government in its report for the years 1978-84 with regard to the benefits awarded in respect of industrial accidents and occupational diseases and with regard to the scope of the Convention.

Articles 5 and 7 of the Convention. With reference to its previous comments, the Committee takes note that the Bill to amend sections 306 and 311 of the Labour Code is the subject of consultations with the Social Insurance Fund which considers that within a reasonable space of time, the National Government will be in a position to make known the outcome of the consultations and to take decisions in this respect. The Committee hopes that the Bill will be adopted in the near future and that it will give effect to these provisions of the Convention. The Committee requests the Government to supply information on any progress achieved in this respect.

Sierra Leone (ratification: 1961)

Article 5 of the Convention. The Committee takes note of the information supplied by the Government in its report. It regrets to note that no progress has been reported with regard to the amendment of the Workmen's Compensation Ordinance, 1954, as amended in 1969, of which sections 6, 7 and 8 are not in accordance with Article 5 of the

Convention, since, although they provide for periodical benefits nominally equivalent to the amount of the workman's wages, they restrict payment of the benefits to a certain number of months. The Convention, although it does not set the level of the periodical benefits, which may be only a percentage of wages, provides for their provision throughout the period of the contingency.

In its report, the Government once again states that the question is still under examination and that a committee set up recently will examine the possibility of introducing an insurance fund, even though consideration is being given to the introduction of a national social security scheme incorporating the administration of compensation for industrial injuries awarded in accordance with the relevant legislation. In this respect the services of the Regional Adviser on social security will be taken into account. The Committee notes this information with interest and hopes that the general revision of compensation for industrial injuries and occupational diseases will make it possible to resolve the problems arising under this provision of the Convention.

* * *

With regard to the Government's request for technical co-operation, the Committee expresses the hope that the problems arising from the implementation of the Convention can be resolved in the near future within the framework of a technical co-operation project with the participation of the International Labour Office.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Antigua and Barbuda, Burkina Faso, Cape Verde, Comoros, Guinea-Bissau, Mauritius, Mexico, Saint Lucia.

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

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

Benin (ratification: 1960)

The Committee takes note of the information supplied by the Government in its report to the effect that the amendments required to give effect to the Convention do not fall within the competence of one department alone, and that it requests sufficient time to be granted for the various procedures that this process involves. The Committee notes with regret that the draft amendment to Ordinance No. 10/PCM of 21 March 1959 has not yet been adopted; the Government stated in 1983 that the draft amendment took into account the comments of the Committee and had been submitted to Parliament.

The Committee hopes that the draft amendment will be adopted in the near future, and will supplement the list of occupational diseases appearing in national legislation taking into account the following points of Article 2 of the Convention:

- (a) Poisoning by lead, its alloys and compounds. The list of occupational diseases in the annex to the above-mentioned Ordinance contains only a restrictive list of certain pathological manifestations due to these forms of poisoning, whereas the Convention, drawn up in general terms on this subject, covers all forms of poisoning caused by these substances.
- (b) Poisoning by mercury, its amalgams and compounds. The above-mentioned list in the national legislation does not mention any of these forms of poisoning nor the activities which are likely to cause them, contrary to the provisions of the Convention.

Burkina Faso (ratification: 1960)

The Committee notes the information supplied by the Government in its reports. It notes with regret that no progress has been achieved with regard to the adoption of the draft Decree amending the list of occupational diseases annexed to Act No. 3-59 ACL of 30 June 1959, which was prepared in 1980 with the technical assistance of the ILO. The Committee notes, however, that a draft text amending the list of occupational diseases will shortly be submitted to the competent authorities for adoption.

The Committee therefore hopes that this draft will be adopted in the near future and that the list of occupational diseases annexed to the above legislation will be completed so as to include the following items in accordance with Article 2 of the Convention:

- (a) in general, 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 indicate in its next report the progress achieved in this respect.

Central African Republic (ratification: 1960)

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

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

* * *

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

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

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

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

Bangladesh (ratification: 1972)

Further to its earlier comments, the Committee notes with satisfaction the adoption of the Merchant Shipping Ordinance No. XXVI of 1983, section 125 of which ensures that the provisions of the Convention will be applied to seamen engaged in ports outside Bangladesh.

Colombia (ratification: 1933)

With reference to its previous observation, the Committee takes note of the information supplied by the Government in its report to the effect that the Bill on the work of seafarers, which was prepared in 1983 with the collaboration of an ILO expert, will be examined once again by the Ministry of Labour and Social Security, due to a recent change of Government. The Committee trusts that the above Bill, which is intended to give effect to the present Convention, can be adopted in the near future.

[The Government is asked to report in detail for the period ending 30 June 1988.]

France (ratification: 1928)

With reference to its previous comments concerning the observations presented by the National Federation of Maritime Trade

Unions concerning the different treatment accorded to Indonesian personnel on board French vessels, the Committee takes due note of the information supplied by the Government to the effect that the Indonesian personnel concerned was not included in the list of the crew, which removed it from the scope of the Convention, and that the last vessel affected by this problem has been taken out of commission.

Article 9, paragraph 1, of the Convention. In its previous observation, the Committee indicated that under sections 10, 95, 98 and 101 of the Maritime Labour Code, the seaman is entitled to terminate his agreement, although this termination can only take effect in metropolitan ports (or, under section 96 of the Code, in ports of an overseas department or territory for a seaman embarked in a vessel registered in one of these ports). Since the Government has not supplied any new information in this respect, the Committee once again expresses the hope that the Government will reconsider the question and that it will be possible to take suitable measures in order to ensure the application of this provision of the Convention which entitles a seaman, provided that due notice has been given, to terminate an agreement for an indefinite period in any port where the vessel loads or unloads.

Mauritania (ratification: 1963)

With reference to its previous observation, the Committee notes the Government's statement in its report to the effect that all the steps are being taken towards the adoption of the draft Ordinance prepared in 1979 to bring the legislation into conformity with Article 9, paragraph 1, of the Convention (the possibility for the seaman of terminating an agreement for an indefinite period in any port where the vessel loads or unloads), Article 12 (determining the circumstances in which the seaman may demand his immediate discharge) and Article 14, paragraph 2 (the right of the seaman to a certificate). The Committee trusts that the Government will be able to report the adoption of the above draft in the very near future and transmit its text.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Mexico (ratification: 1954)

Article 9, paragraph 1, of the Convention. The Committee notes that the Government maintains its position in its report that section 209 (III) of the Federal Labour Act should be read in the sense that termination of an employment agreement for an indefinite period is only prohibited abroad when the vessel is in an uninhabited place or in port, and in this latter case, only when this would expose the vessel to some risk. However, in view of the ambiguous nature of the present text of section 209 (III) which has given rise to various interpretations, and recalling that the Government had considered in earlier reports the possibility of amending it, the Committee hopes that this possibility will be borne in mind in any future revision of

the above Act. In any event, for the purpose of avoiding any doubts on the part of those concerned about the scope of the above section, the point in question should be clarified for the seafarers and authorities concerned through appropriate circulars or directives.

Norway (ratification: 1940)

The Committee has noted the observations presented by the Norwegian Seamen's Union as regards a new provision introduced by the Act of 31 May 1985 (No. 37) concerning amendments to the Seamen's Act. Under this provision (Section 1, second paragraph, of the Seamen's Act as amended) persons who are neither residents in Norway, nor Norwegian nationals, and who are hired by a foreign employer to attend passengers on Norwegian cruise ships, are only subject to certain specified provisions of the Act. These provisions do not include those of the Act that deal with seamen's articles of agreement.

The Norwegian Seamen's Union refers in this connection to the statement made by the Directorate for Seamen to the Ministry of Trade that "it may be asserted that Section 1, second paragraph, of the Seamen's Act is inconsistent with most of the requirements in Articles 3, 4, 9, 11, 12 and 15 of the Convention", and that "with the entry into force of the exception provision contained in ... the Seamen's Act, there will no longer be any Norwegian legislation to secure this group of employees the rights to which they are entitled under Convention No. 22". The Norwegian Seamen's Union states that it agrees with the statement of the Directorate for Seamen.

In its comments, the Ministry of Trade takes the view that Section 1 of the Seamen's Act is not in direct contravention of Convention No. 22.

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

According to this definition of Article 2(b), the non-resident foreign nationals referred to above, being persons employed on board ship, are to be regarded as seamen for the purpose of Convention No. 22, provided that they are entered on the ship's articles.

If the foreign staff in question are entered on the ship's articles, Convention No. 22 should be applied to it.

The Committee accordingly would be glad if the Government would examine the matter, taking into account the above considerations, and provide all relevant information in this respect.

Pakistan (ratification: 1932)

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

Article 1 of the Convention. Further to its previous comments, the Committee has noted with interest the information supplied by the Government to the Conference Committee in 1982 to the effect that the scope of the Convention has been extended by Executive Order to seamen engaged in ports outside Pakistan for service on Pakistani vessels, pending the promulgation of the new Merchant Shipping Law, adoption of which has been delayed, and which, according to the Government's report, will give effect to the Convention on this point. The Committee hopes that the above-mentioned Law will be adopted in the near future.

Panama (ratification: 1970)

Article 14, paragraph 2, of the Convention. Further to its previous observation, the Committee has noted with interest Decision No. 603-07-04-ALCN of 15 July 1986, which authorises the issuing of certificates of service for all crew members of Panamanian ships.

The Committee further recalls that its previous observation 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), and Article 3, paragraph 4 (provision to ensure that the seafarer has understood the agreement).

The Committee hopes that the Government will be able also to supply in the near future the text of the provisions adopted in this respect.

Somalia (ratification: 1960)

Further to its previous comments, the Committee notes from the Government's report that the committee of experts of the Standing Committee of the People's Assembly, which was responsible for preparing the draft amendments to the Maritime Code, has not yet completed its work due to other urgent matters. The Committee also notes that the competent minister has requested the committee to bring the Maritime Code rapidly into complete conformity with the Convention. The Committee therefore trusts that these amendments will be adopted by the Assembly in the very near future, in order to 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)

Article 9, paragraph 1, of the Convention. With reference to its previous observations, the Committee takes note of the information supplied by the Government in its report to the effect that there is before Congress an Organic Labour Bill in which the provision prohibiting the termination of an agreement for an indefinite period when the vessel is in a foreign port, contained in section 289 of the regulations issued under the current Labour Act, has been substituted

by a provision prohibiting the dismissal of the seaman while the boat is at sea or in a foreign country.

The Committee also notes that the above Bill contains a broad authorisation for the Executive to regulate maritime working conditions and that, when adopted, it will make it possible to regulate such conditions even further within the spirit of the Convention. The Committee therefore hopes that when the new Labour Bill has been adopted the need will be borne in mind for measures to be taken so that the corresponding regulations reflect the provisions of Article 8 of the Convention (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 claim his discharge to obtain a post of a higher grade) and Article 14, paragraph 2 (right of a seaman to obtain from the master a certificate as to the quality of his work).

The Committee hopes that the next report of the Government will supply information concerning the progress made in giving effect to the Convention.

[The Government is asked to report in detail for the period ending 30 June 1988].

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Belize, China, Djibouti, Egypt, Ghana, Iraq, Liberia, Portugal, Tunisia, Uruguay.

Convention No. 23: Repatriation of Seamen, 1926

Ireland (ratification: 1930)

Article 3, paragraphs 1 and 4, of the Convention. In its earlier comments, the Committee recalled that section 32 of the Merchant Shipping Act, 1906, does not cover the right to repatriation of (a) a seaman who leaves the ship in a Commonwealth country nor (b) a foreign seaman who joins the ship in a foreign port and leaves it in another foreign port. The first of these exceptions conflicts with Article 3, paragraph 1, of the Convention and the second, when applied to a foreign seaman who joins a ship in his own country, conflicts with paragraph 4 of the same Article.

The Committee notes the information supplied by the Government to the Conference Committee in 1985 and in its last report to the effect that the amendment of the 1906 Act has been delayed due to more urgent work, but that it will be carried out as soon as possible. The Committee trusts that the necessary measures will be taken in the near future.

[The Government is asked to report in detail for the period ending 30 June 1988.]

* * *

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

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

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

Chile (ratification: 1931)

1. The Committee has noted the Government's report for the 1984-86 period, as well as the conclusions and recommendations made by the Committee set up by the Governing Body to examine the representation presented by the National Trade Union Co-ordinating Council (CNS), under article 24 of the Constitution, alleging the non-enforcement by Chile of, inter alia, Convention No. 24 (Doc. GB.234/23/28, 234th Session, 17-21 November 1986).

2. Article 2 of the Convention. The Committee requests the Government to provide information concerning the measures which it envisages taking to amend the Minimum Employment Programme (PEM) and the Employment Programme for Heads of Household (POJH), so that the workers registered in these programmes can benefit from sickness insurance in the conditions provided for by this Convention.

3. Article 4, paragraph 1. With regard to its earlier observations, the Committee notes with satisfaction that Act No. 18469 of 23 November 1985 grants to insured persons the right of medical benefits throughout the period of sickness in accordance with this provision of the Convention.

4. Article 7, paragraph 1. The Committee requests the Government to indicate the provision whereby effect is given to this Article of the Convention under which employers shall share in providing the financial resources of the sickness insurance system.

Colombia (ratification: 1933)

The Committee notes the information supplied by the Government in its report, and the information contained in the report of the activities of the Social Insurance Institute (ISS) for 1982-86, and contained in the document "Social Security in Colombia" published by the National Health Institute, which gives a wide-ranging and systematic analysis of the population covered by social security in general and by the ISS in particular. The Committee notes with interest that, according to the Government's indications, both social security coverage for categories of the workforce according to branches of economic activity and geographical coverage have been greatly increased and that the number of municipalities benefiting from coverage is continually rising. The Committee hopes that progress will continue to be made in this direction and requests the Government to supply information in its next report concerning the steps taken in this respect.

Haiti (ratification: 1955)

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

Peru (ratification: 1945)

1. Article 2, paragraph 1 of the Convention. In reply to the earlier comments of the Committee, concerning the need to extend medical assistance to all provinces referred to by Presidential Decree No. 002-75-TR of 1975, the Government states that on 28 July 1986, Presidential Decree 022-86-SA was adopted in conformity with the provisions of article 16 of the Political Constitution of Peru, providing for the integration of the health services of the Ministry of Health and of the Peruvian Institute of Social Security in order to ensure the promotion, protection, recuperation and rehabilitation of the health of all the inhabitants of the national territory. This integration will involve the joint use of health care resources and facilities and of the human, material and technical infrastructure which is already functioning or will be introduced by both Institutions. The operational core of the system in practice is ensured both at regional and national level by the supporting hospitals, and the health and clinical centres and posts of both Institutions. It will subsequently be possible to incorporate the health services of other institutions and the resources earmarked for health care by the communities and other groups. A national operational integration committee has been set up together with operational integration committees at department level, and it was envisaged that priority would be given to funds earmarked for the extension of the coverage of health care services to the whole of the population and in particular to the rural and marginal urban populations.

The Committee notes in particular that legislation is currently being enacted to apply sickness insurance not only to workers but also to their families throughout the country and not only to the provinces as provided for by D.S.002-75-TR.

The Committee hopes that health care services will be extended in such a way as to protect all the workers covered by the Convention, and requests the Government to continue supplying information concerning any progress achieved in this respect.

2. Article 4, paragraph 1 (medical care). With reference to its earlier comments, the Committee notes that on 23 December 1986 Act No. 24620 was adopted, replacing section 18 of Legislative Decree No. 22482 of 27 March 1979, under which the granting of medical care was subject to a number of qualifying conditions (payment of a certain number of monthly contributions). The Committee notes with interest that it is no longer indispensable for insured persons to have paid three consecutive monthly contributions or four non-consecutive contributions, in order to qualify for benefits. However, the Committee also notes that the new Act empowers the Peruvian Institute of Social Security (IPSS) to determine the qualifying periods for insured persons in respect of the provision of health care, taking into account working conditions. The Committee points out that this provision of the Convention does not authorise the supply of medical assistance to be subject to any qualifying conditions. Consequently, the Committee expresses the hope that the Government will take the necessary measures to abolish any type of qualifying condition, however minimal, in conformity with the Convention.

3. The Committee notes with interest that the Government has sent a communication to the IPSS in order to request its agreement to an ILO expert being sent out. The Committee hopes that this request will be made in the near future for the purpose of making it possible to give full effect to the above provisions of the Convention.

* * *

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

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

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

Chile (ratification: 1931)

See under Convention No. 24.

Colombia (ratification: 1933)

See under Convention No. 24.

Haiti (ratification: 1955)

See under Convention No. 24.

Peru (ratification: 1945)

1. Article 2, paragraph 1 of the Convention. With reference to its previous comments, the Committee notes the information supplied by the Government in its report concerning the integration of the health services of the Ministry of Health and of the Peruvian Institute of Social Security (IPSS) as a result of the adoption of Presidential Decree 022-86-SA. It also notes with satisfaction the adoption of Act No. 24645 under which express recognition is given to the right to the health care provided for under Legislative Decree No. 22482 for agricultural workers belonging to various agricultural groups and communities, etc., providing them in the initial stages with the corresponding preventive, promotional and assistance benefits and prescribing that organisations in the national public sector will support and actively participate in the planning, co-ordination and supervision of these benefits. The Committee notes in particular with interest that legislation is currently being enacted to apply sickness insurance not only to workers, but also to their families throughout the country and not only in the provinces as provided for by D.S.002-75-TR. The Committee requests the Government to transmit a copy of Act No. 24645.

2. Article 4, paragraph 1 (medical assistance) (see under Convention No. 24).

3. The Committee notes with interest that the Government has sent a communication to the IPSS in order to request its agreement to an ILO expert being sent out. The Committee hopes that this request will be made in the near future for the purpose of making it possible to give full effect to the above provisions of the Convention.

* * *

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

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

Convention No. 26: Minimum Wage-Fixing Machinery, 1928South Africa (ratification: 1932)

The Committee refers to its previous observation, in which it noted comments from the International Metalworkers' Federation dated 21 November 1984, transmitting a memorandum from the Metal and Allied Workers' Union of South Africa. This memorandum stated that wages below the minimum were being paid in part of the metalworking industry, in particular at the Transvaal Alloys (Pty) Ltd. The

Committee requested the Government to indicate whether minimum wages had been fixed for this sector and, if so, whether these rates were in fact being paid to workers at this undertaking. It also requested the Government to indicate whether, if this undertaking is not covered by minimum wages, the consultations with employers' and workers' representatives required by Article 2 of the Convention in this respect were carried out.

The Government has now replied to these comments, stating in its report received in January 1987 that the minimum wages being paid in the sectors concerned are contained in collective agreements (usually in-house agreements) entered into between some of the trade unions and employers' organisations, parties to the Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry or by individual employers. It also details the minimum wage rates now being paid in the undertaking concerned, and states that these rates were fixed after consultation with the works committee representing the workers.

The Committee notes that the Government has indicated the minimum wages being paid at this plant late in 1986, i.e. more than three years after the events referred to in the memorandum from the workers' organisation concerned. In that memorandum it was stated that the minimum wages then being paid were considerably lower than those referred to in the Government's report; and the workers concerned were dismissed from their jobs following a strike which concerned these wages, among other things. It appears from the Government's reply to these comments that the workers in this sector are not covered by generally-applicable minimum wage rates, but rather that minimum wages are fixed on an undertaking basis by in-house collective agreements. Thus, it appears that the minimum wage fixing system contemplated in the Convention is not applicable to this sector, or at least is not applicable to all parts of it. The Committee therefore requests the Government to indicate in its next report what consultations were carried out with the employers' and workers' organisations in the trade or part of the trade concerned, as required in Article 2 of the Convention, before it was decided to what trades the minimum wage-fixing system was to apply.

The Committee notes that the report contains no information on the application of the Convention in the areas of Transkei, Bophuthatswana, Venda and Ciskei, to which the Convention also applies. It refers in this connection to its general observation.

The Committee is also raising certain questions in a request being addressed directly to the Government.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Dominica, South Africa.

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

The Committee was informed that the Government of the Federal Republic of Germany has drawn the attention of the Office to certain difficulties encountered in applying the Convention to containers and suggested that it might be acceptable not to mark the total weight on the container but to enter it in the appropriate documents. In the Governing Body Working Party on International Labour Standards, the same Government made a proposal to revise the Convention in order to take into account modern methods of cargo transport.

The Committee observes that, in referring to "any package or object of one thousand kilograms and more", Article 1 of the Convention is worded in such general terms as to cover containers, to which the obligation to mark the gross weight plainly and durably on the outside before their being loaded on a ship or vessel should therefore apply. However, it may be appropriate to ascertain whether the application of the Convention to modern means of cargo transport such as containers is meeting with difficulties.

The Committee would be grateful if governments would provide in their next reports on the application of the Convention detailed information on the manner in which the Convention is applied to containers, both in law and in practice, and to indicate any difficulties encountered in this regard.

* * *

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

Convention No. 28: Protection against Accidents (Dockers), 1929Luxembourg (ratification: 1931)

Further to its previous observation, the Committee notes, from the report of the Government, that on 13 June 1986, the Government communicated to the employers' and workers' organisations its intention to denounce Convention No. 28, within the prescribed period starting 1 April 1987. The Committee also notes with interest that the Government envisages submitting the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), to Parliament for its approval. The Committee hopes the Government will keep it informed of any development in this regard.

Convention No. 29: Forced Labour, 1930

A member of the Committee, Mr. S. Ivanov, expressed his disagreement with certain observations made by the Committee regarding

the application of Convention No. 29 (Forced Labour) in the USSR and in certain other socialist countries. In his view, these observations were not justified by the situation and the industrial relations existing in these countries. In today's world characterised by the existence of very different socio-economic and legal systems, it is important to take real account of the concrete conditions of countries in examining questions of application of international labour Conventions. With regard to the ICFTU communication of 24 July 1986 concerning the USSR, Mr. S. Ivanov refers to his comments under Convention No. 111.

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

Bangladesh (ratification: 1972)

Legal restrictions on the termination of employment. In comments made for a number of years the Committee noted that under the Essential Services (Maintenance) Act, No. LIII of 1952, it is an offence punishable with imprisonment for up to one year for any person in employment of whatever nature under the Central Government to terminate his employment without the consent of his employer, notwithstanding any express or implied term in his contract providing for termination by notice (sections 2, 3(1)(b) and explanation 2, and section 7(1)). Pursuant to section 3 of the Act, these provisions may be extended to other classes of employment, and according to comments made by the Bangladesh Free Trade Union Congress in 1984, this is done freely, for successive periods of six months which are renewed indefinitely, and even bank employees are prevented from leaving their employment. Persons to whom the Act applies may also be ordered, subject to penal sanctions, not to leave specified areas (sections 4, 5(c) and 7(1)). Similar provisions are contained in the Essential Services (Second) Ordinance, No. XLI of 1958 (sections 3, 4(a) and (b) and 5). The Committee observed that although in such cases the employment initially results from a freely concluded agreement, the effect of statutory restrictions preventing termination of employment of indefinite duration by means of notice of reasonable length is to turn a relationship based on the will of the parties into service by compulsion of law, and is thus incompatible with the Convention.

The Committee notes the Government's indication at the Conference Committee in 1985 as well as in its report that the Essential Services (Maintenance) Act, No. LIII of 1952 has not been adopted by the present Government and that the Essential Services (Second) Ordinance, No. XLI of 1958 is sparingly used to ensure the supply of community services allowed under Article 9 of the Convention. Rejecting the allegation made in 1984 by the Bangladesh Free Trade Union Congress as to actual practice, the Government states in its report that it had imposed restrictions on two establishments during the year 1985, and also refers to comments by Bangladesh Jatiyatabadi Sramik Dal, dated 21 July 1981, and transmitted by the Government in 1985. According to these comments, the provisions of the Essential Services (Maintenance) Act 1952 were to have a deterrent effect and were not frequently applied, and when applied remained in force for six months; employees

were free to leave after giving notice and there had not been any instance of penal action.

The Committee has taken due note of these indications. With regard to the number of persons and categories of employment covered by a prohibition from termination by notice, and the duration of such prohibition, the Committee notes that all persons in government employment, of whatever nature, are under a prohibition from leaving their employment by giving notice; this prohibition was not brought into force under enabling provisions for a specific duration, but is directly laid down in the Essential Services (Maintenance) Act and the Essential Services (Second) Ordinance and thus permanently in force. Whether government employees can legally leave their employment depends in each case on the consent of the employer. In addition, restrictions on termination of employment have been extended by the Government to other persons for periods of six months at a time.

The Committee again refers to the explanations provided in paragraph 67 of its 1979 General Survey on the Abolition of Forced Labour, where it indicated that workers may be prevented from leaving their employment in emergency situations within the meaning of Article 2, paragraph 2(d), of the Convention, i.e. any circumstances that would endanger the life, personal safety or health of the whole or part of the population. Restrictions under the essential services legislation referred to are not limited to such circumstances. The Committee has also pointed out in paragraph 116 of the same General Survey of 1979 that, even regarding employment in 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 of the right to terminate their employment by giving notice of reasonable length. The Government has referred to Article 9 of the Convention, which specifies conditions and guarantees under which forced labour could, in certain exceptional circumstances, be exacted during the transitional period allowed for in Article 1, paragraph 2, of the Convention with a view to its complete suppression; aimed at phasing out certain colonial practices, these provisions provide no basis for turning a contractual relationship based on the will of the parties into service by compulsion of law.

In view of the Government's indication that voluntary termination of employment by giving notice has in actual practice never been restricted, the Committee once more expresses the hope that the necessary measures will soon be adopted to bring the Essential Services (Maintenance) Act, No. LIII of 1952, and the Essential Services (Second) Ordinance, No. XLI of 1958, into conformity with the Convention, and that the Government will indicate the action taken or contemplated.

Brazil (ratification: 1957)

The Committee takes note of the comments made in November 1986 by the Latin American Central of Workers on the application of the Convention, a copy of which was communicated to the Government in

December 1986 to enable it to make the observations it considered appropriate.

In its comments, the trade union organisation alleges that many workers, principally in the regions of the Amazon, Mato Grosso and the North-East, are subjected to forced labour. The documents enclosed with the communication of the organisation refer in particular to the deceptive methods of recruitment, used by private persons or organised undertakings that traffic in manpower, to the inhuman conditions of work, since the working day is of from 12 to 14 hours, and to the fact that the workers are deprived of their freedom and watched over by armed guards. It is also alleged that workers who try to escape are mutilated or murdered. It is further stated that in some cases minors working with their parents are subjected to the same treatment.

The Committee also takes note of the comments of the International Confederation of Free Trade Unions (ICFTU) in which this organisation alleges the existence of forced labour and debt bondage in the so-called agricultural frontiers of Brazil. These indications are contained in the complaint submitted to the Committee on Freedom of Association in August 1986, alleging violation of Conventions Nos. 87 and 98. At the request of this organisation the Committee of Experts has noted the elements in the complaint which concern the application of Convention No. 29.

The Committee observes that for some years it has been referring to the situation in certain regions of the country in respect of the recruitment of workers in deceptive conditions and the difficulties that the workers encounter when they wish to leave their workplace. The Committee has asked for information on the results obtained by the labour inspection service.

In the absence of information on this question in the last report of the Government and in view of the above-mentioned information received from trade union organisations, the Committee hopes that the Government will furnish detailed information on the measures taken to investigate the various situations of forced labour that have been alleged and, where necessary, to impose suitable penalties in accordance with Article 25 of the Convention.

Central African Republic (ratification: 1960)

1. In its earlier comments, the Committee noted that draft ordinances had been drawn up with a view to repealing Ordinance No. 66/004 of 8 January 1966 respecting the suppression of idleness (as amended by Ordinance No. 72/083 of 18 October 1972), 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 notes the statement by the Government that, by reason of the economic and social effect of these texts, the select committee on legislation has decided to submit the drafts to an expanded committee bringing together all the social partners with a view to assessing more accurately the effects of these repeals at the economic and social level. The Committee trusts that

the necessary measures will be adopted shortly to repeal the provisions that are incompatible with the Convention.

2. In its earlier observations, the Committee referred to section 28 of Act No. 60/109 respecting the development of the rural economy, which provides that minimum surfaces for cultivation shall be fixed for each rural community. The Committee notes the statement by the Government that these provisions were intended to encourage the population to expand the areas under cultivation and to increase its efforts in agricultural activities, without introducing any kind of forced or compulsory labour; despite their apparent severity, these provisions have never been put into effect, since the action of the Government has always consisted in providing moral support for the peasants and encouraging them to work on their own account.

The Committee trusts that measures will be taken very shortly, in accordance with the intention already expressed by the Government, to ensure the observance of the Convention both in law and in practice.

Colombia (ratification: 1969)

1. Article 2, paragraph 2(c), of the Convention. In earlier observations, the Committee has referred to Decree No. 1817 of 1964 (Prison Code), which imposes compulsory labour not only on persons who have been convicted (section 269), but also on all other detainees except those declared medically unfit (section 233).

The Committee takes note of the information furnished by the Government in its report to the effect that the work of the Special Committee, set up to amend the Prison Code, is continuing and that the Minister of Labour and Social Security has emphasised that the new Prison Code must contain the express prohibition of work by detainees. The Committee also notes that circulars have been dispatched to all directors of prisons in the country on the prohibition of work by detainees.

The Committee asks the Government to furnish a copy of these circulars and trusts that the new Prison Code will be adopted shortly and thus bring the legislation into harmony with the Convention on this point.

2. In earlier comments the Committee has referred to section 182 of Decree No. 1817 of 1964, under which work in prison establishments may be arranged through the administration directly or through contractors who are provided with premises and the labour of the detainees and convicted prisoners, and who in exchange supply the necessary equipment and material for the work and pay the wages in accordance with the terms and conditions laid down by the prison administration.

The Committee notes the statement by the Government to the effect that the demand to perform labour made by the prisoners is enormous in relation to the amount of work that can be offered to them and that they are therefore permitted to work for contractors, who have to provide the prison authorities with guarantees that the legal standards in the field of labour will be observed.

The Committee states once again that in these cases, work is compatible with the Convention only so far as the labour relation can

be assimilated to a free employment relation, that is to say, if the prisoners concerned have freely consented on the basis of appropriate guarantees concerning the payment of normal wages, social security, consent of trade unions, etc. The Committee hopes that measures to bring the legislation into conformity with practice will be adopted shortly to give effect to the principle that the prisoners must consent freely to the employment relation with private individuals. The Committee asks the Government to indicate the progress made to this end.

Cuba (ratification: 1953)

The Committee takes note of the information furnished by the Government in its report and in the statement made before the Conference Committee in 1984.

Obligation to work. In its earlier comments the Committee has referred to section 77 of the Penal Code, clause (e) of which includes habitual vagrancy among the indications of dangerousness. This provision describes as being in a dangerous state of vagrancy a man of working age, physically and mentally fit for work, who refrains without justification from all occupational activity and is not registered in a public educational establishment or in a vocational training centre operated by the State and therefore lives as a social parasite on the work of others. Under section 84 habitual vagrants may be interned in a specialised work establishment or a workshop school or sent to a labour collective for periods of up to four years, as a predelinquency security measure. The Committee, as it has already observed in paragraph 46 of its General Survey of 1979 on forced labour, emphasises that vagrancy for which penalties involving the obligation to work may be inflicted must be defined in relation to definite offences, since a very broad definition of vagrancy may lead to a direct or indirect obligation to work.

The Committee takes note of the statement by the Government in its report that, if the activities accompanying vagrancy are considered separately, they have neither the importance nor the dangerousness to be described as offences but are rather elements of appreciation for the court that judges habitual vagrancy as an indication of dangerousness.

The Committee observes that, if the activities accompanying vagrancy have not their own element of an offence, the object of the security measure is then the state of vagrancy itself.

The Committee once more asks the Government to take the necessary measures to amend section 77 of the Penal Code so that the imposition of penalties involving compulsory labour is confined to those who disturb public order by begging, neglecting to support their dependants or by some other act in addition to habitual abstention from work.

Federal Republic of Germany (ratification: 1956)

Article 2, paragraph 2(c), of the Convention. In its previous comments, the Committee observed that, contrary to the Convention, prisoners are placed at the disposal of private undertakings and that the provisions of the Act on the execution of sentences adopted in 1976 to bring practice into conformity with the Convention have not been put into effect. Thus, the requirement of the prisoner's formal consent to employment in a workshop maintained by private enterprise, laid down in section 41(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; the Act also recognised the prisoner's right to wages, but a provision for increases above the initial amount which is 5 per cent of the average wage of workers and employees was not given effect; finally, legislation which was to extend sickness and old-age insurance to prison labour was not adopted.

The Government indicates in its latest report that there has been no change in law and practice regarding prison labour placed at the disposal of private enterprise, and that enactment of the legal provision requiring the prisoner's formal consent would lead to costs which cannot be borne by the state authorities. The Committee notes this indication and regrets that, over a number of years, none of the legislative measures designed to bring penitentiary law and practice into conformity with the Convention have been put into effect. The Committee maintains the hope that measures will be taken to ensure the observance of the Convention, either by abolishing the hiring out of prison labour to private enterprises, or by granting 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.

Honduras (ratification: 1957)

The Committee takes note of the report of the Government.

Article 2, paragraph 2(a), of the Convention. In the comments it has been making for some years, the Committee has referred to the situation concerning the non-military work that conscripts can be required to perform. Article 274 of the Constitution of the Republic (formerly article 320) provides that the armed forces shall co-operate with the Executive in the fields of literacy campaigns, education, agriculture, conservation of natural resources, road construction, communications, health, land reform and emergency activities. The Committee has asked the Government to adopt the necessary measures to ensure that conscripts may be called upon to perform only work or services of a purely military character, except in cases of emergency, in conformity with Article 2, paragraph 2(a), of the Convention.

The Committee takes note of the statement by the Government in its report to the effect that, despite the provisions of article 274 of the Constitution, the armed forces use their personnel in activities proper to their own organisation and only exceptionally in the co-operation referred to in article 274.

The Committee asks the Government, in order to bring the law into conformity with the provisions of the Convention, to take the necessary measures to lay down expressly that non-military work can be required of persons engaged in compulsory military service only in emergency situations.

Indonesia (ratification: 1950)

Article 25 of the Convention. The Committee notes the information supplied by the Government in answer to its previous comments which referred to the discussions at the Conference Committee since 1979 concerning the contract labourers in North Sumatra and Aceh; the Committee had requested the Government to supply detailed information on the action taken to investigate the allegations made in the Conference Committee in 1981 that there were still thousands of workers on the plantations who could not return home, to enable all contract labourers concerned to decide in full freedom upon the expiry of each contract whether to stay with their employers or to return home, and to ensure, in conformity with Article 25 of the Convention, that all illegal exaction of work is punished as a penal offence.

The Committee notes with interest that a Ministerial Decision was issued to give protection to contract labourers in North Sumatra by setting conditions of contracts to be followed by the suppliers of plantation labour, such as the obligation of the company to bear all the transportation costs for returning workers to their homes or providing for fines and a possible withdrawal of the permit accorded to the company if the latter did not comply with the requirements set forth under the Decision.

The Committee hopes that the Government will continue to supply information on the practical application of this decision as well as, more generally, on the measures taken in the various regions of the country to supervise the activities of labour contractors, to investigate allegations of forced labour and to ensure that all illegal exaction of work is strictly punished.

Islamic Republic of Iran (ratification: 1957)

1. Referring to its previous comments on the health, literacy and development corps, the Committee notes from the Government's report supplied in January 1987 that the Act creating the revival and development corps which provided for the call-up of graduates from secondary and higher schools, not needed by the army for military service, was repealed by an Act adopted by the Revolutionary Council on 16 February 1980, thus bringing the legislation on compulsory national service into conformity with the Convention.

2. In its previous comments, the Committee referred to the provisions of section 273 bis of the Penal Code, under which any person who does not have 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. Referring to paragraphs 45 to 48 of its 1979 General Survey on the abolition of forced or compulsory labour, the Committee recalled that laws compelling all able-bodied citizens to engage in a gainful occupation 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 a means of direct or indirect compulsion to work should be amended.

In its report the Government refers to the prohibition of forced labour in article 43 of the Constitution of the Republic and indicates that since long before the adoption of the present Constitution, section 273 bis of the Penal Code has been enforced only against those who violated public order. The Committee accordingly again expresses the hope that in order to bring the law into conformity with the Convention as well as with the practice referred to by the Government, section 273 bis of the Penal Code will be amended so as to refer clearly to activities disturbing public order and that the Government will soon indicate the measures taken or envisaged to this end.

3. In its report supplied in 1977 the Government indicated that the Regulations of 24 March 1938 concerning unemployed persons and vagrants were repealed. As the Government has not so far supplied a copy of the repealing legislation, the Committee trusts that it will be supplied soon.

Kenya (ratification: 1964)

In previous comments the Committee noted that, under sections 13 to 18 of the Chiefs' Authority Act (Cap. 128), able-bodied male persons between 18 and 45 years of age may be required to perform any work or service in connection with the conservation of natural resources for up to 60 days in any year. It expressed the hope that these sections would be either repealed or amended so as to meet the criteria for "minor communal services" which are exempted from the scope of the Convention under its Article 2(2)(e). The Committee noted that a proposed amendment which was intended to be included in the Employment Act had been rejected and that fresh discussions were re-opened on the earlier proposal of amending the Chiefs' Authority Act.

The Committee notes from the Government's reports that its comments together with the Government's proposals for solutions have been forwarded to the Law Reform Commission for action. Since this matter has been the subject of comments for a number of years, the Committee hopes that the necessary action will soon be completed and that the Government will indicate the measures taken to bring the Chiefs' Authority Act into conformity with the Convention.

Liberia (ratification: 1931)

1. Constitutional guarantees against forced labour. The Committee notes that the Draft Constitution approved by the Constitutional Advisory Assembly on 19 October 1983 provided, in

Article 12, that no person should be held in slavery or forced labour and that no-one might subject any other person to forced labour, debt bondage or peonage. In the Simplified Version of the Approved Revised Draft Constitution submitted to a referendum in 1984, this provision was replaced by one apparently confined to the question of slavery (stating that "no person in Liberia shall be allowed to sell, buy or pawn another human being"). The Committee would appreciate information on the definitive wording of the relevant provision in the new Constitution, and on the date of its entry into force.

2. Penal sanctions for illegal exaction of forced labour. The Committee recalls that, under Article 25 of the Convention, the illegal exaction of forced labour shall be punishable as a penal offence, with adequate penalties. Legislative provisions to give effect to these requirements remain to be adopted. As this matter has been the subject of comments for many years, the Committee trusts that the necessary legislation will be enacted at an early date.

3. Local public works. In previous observations, the Committee had noted that, notwithstanding the purported repeal in 1962 of provisions for the exaction of forced labour for public works contained in the Revised Laws and Administrative Regulations for Governing the Hinterland, 1949, continued use had been made of such powers for carrying out local development works through self-help projects. A Government representative stated in the Conference Committee in 1980 that the Ministry of Local Government was determined to see that abuses in carrying out self-help projects were eliminated and that it had instructed its local representatives to submit monthly reports on the manner in which such projects were executed. According to the annual report of the Ministry of Local Government, Rural Development and Urban Reconstruction for 1981, 75 per cent of rural development projects visited during a nation-wide inspection tour were funded through self-help.

The Committee would appreciate further information on the measures taken to eliminate the exaction of labour in connection with local public works, including the report stated to have been made on the above-mentioned inspection tour and any similar report which may have been made subsequently.

The Committee hopes that the legislative provisions to be adopted with a view to giving effect to the requirements of Article 25 of the Convention will ensure that any exaction of labour in connection with local development works can be the subject of effective penalties.

4. Enforcement of the prohibition of forced or compulsory labour. In previous observations, the Committee pointed out that, under Articles 24 and 25 of the Convention, the Government was under an obligation to ensure the strict observance of the prohibition of forced or compulsory labour. It stressed the importance, in this Convention, of measures to ensure adequate labour inspection, particularly in non-concessionary agricultural undertakings and in relation to Chiefs. The Committee notes that, according to the last available annual report of the Ministry of Labour (for 1983), inspection visits were made exclusively to industrial undertakings and commercial establishments. It must therefore once more emphasise the importance, for the observance of the Convention, of adequate inspection arrangements in the agricultural sector. It trusts that

the necessary measures will be taken, and that full information on the nature and results of those measures will be supplied.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Libyan Arab Jamahiriya (ratification: 1961)

In comments that it has been making for many years, the Committee has referred to the provisions of section 1 of Act No. 20 of 1962, under which, among other things, certain women seriously suspected or accused of certain offences against morality, may be interned for a period of from six months to three years. The Committee has also referred to section 6 of the Royal Decree of 5 October 1955 concerning vagabonds and suspects, under which any person who has already been sentenced for certain offences or been the subject of repeated investigations for the same offences and is again suspected of such offences is liable to detention of from one to five years by decision of a judge. The Committee understands that in both cases the persons concerned, who are merely suspected or accused but detained by decision of a judge, are obliged to work.

Referring to the provisions of Article 2, paragraph 2(c), of the Convention, the Committee has stated in paragraphs 89 to 96 of its General Survey of 1979 on the abolition of forced labour, that, in the absence of a finding of guilt, compulsory labour should not be imposed, even as a result of a decision in a court of law providing for detention.

The Committee asks the Government to indicate the measures taken to bring the legislation into conformity with the Convention by clearly laying down that no work may be imposed on detainees who are merely accused or suspected.

Madagascar (ratification: 1960)

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

Article 2, paragraph 2(c), of the Convention. In its earlier comments, the Committee has referred to the provisions of Decree No. 59-121 of 27 October 1959 to establish the general organisation of the 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 has noted the statements by the Government to the effect that, following comments by the Committee of Experts, the hiring of prison labour to private individuals has been abolished by repeated circulars and persons awaiting trial are no longer forced to perform prison work.

Referring to the previous statements of the Government that the revision of Decree No. 59-121 was under study, the Committee trusts that this text will be amended in the near future to bring the law into conformity with the Convention on these essential points.

Pakistan (ratification: 1957)

Further to the discussion which took place at the Conference Committee in 1986, the Committee notes with regret that no report was received from the Government for the period ending 30 June 1986.

1. Restrictions on termination of employment. The Pakistan Essential Services (Maintenance) Act 1952 and the West Pakistan Essential Services (Maintenance) Act 1958 have been the subject of comments by the Committee and of discussions at the Conference Committee for a great number of years. Under sections 2, 3(1)(b) and explanation 2 and section 7(1) of the Pakistan Essential Services (Maintenance) Act, 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. Pursuant to section 3 of the same Act, these provisions may be extended to other classes of employment. Similar provisions are contained in the West Pakistan Act 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 communication to the Conference Committee in 1986, the Government stated that the Essential Services Maintenance Acts applied at that time to only 16 manufacturing and commercial establishments whose 10-12,000 employees constituted a very small minority of the country's total industrial and commercial employment; where a small minority of workers was covered by the essential service laws for a limited period, in the interests of the community, the Government did not see a serious violation of the Convention. Referring to the lifting of the state of emergency in the country, the Government considered that the coming into power of an elected civilian Government substantiated its earlier stand that the essential services laws were to be applied very sparingly. The Government further indicated that these laws were passed to ensure the uninterrupted maintenance of essential services which were of vital importance to the very life of the community. The Government had followed a policy of minimum reliance on the provisions of these laws which were only enabling provisions empowering the Government to intervene in cases of dire necessity. The provisions of the law which imposed restrictions on voluntary termination of employment had actually never been resorted to.

The Committee has taken due note of these indications. With regard to the number of persons and categories of employment covered by a prohibition of termination by notice, and the duration of such prohibition, the Committee notes that all persons in government employment, of whatever nature, or in any service relating to transport or civil defence are under a prohibition from leaving their employment by giving notice; this prohibition was not brought into force under enabling provisions for a specific emergency, but is directly laid down in the Essential Services (Maintenance) Acts and thus in force since 1952 and 1958. Whether government employees can legally leave their employment depends in each case on the consent of the employer.

With regard to other classes of employment, to which the restrictions on termination of employment have been extended by the Government under enabling provisions for renewable periods of six months at a time, the Committee again 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 concept 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 countermeasures. In the absence of such an emergency, the need to maintain the functioning of essential services cannot justify turning a contractual relation based on the will of the parties into service by compulsion of law.

In view of the Government's repeated indications that voluntary termination of employment by three months' notice has in actual practice never been restricted, the Committee once more expresses the hope 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.

2. In previous comments the Committee noted from a memorandum submitted by the International Commission of Jurists to the United Nations Working Group on Slavery in August 1984 (UN doc. E/CN.4/Sub.2/AC.2/1984/NGO.3) allegations that in Pakistan the use of bonded labour by the contractors known as "Kharkars" is common in the construction of dams and irrigation canals. It is alleged that in spite of the closure of some labour camps a few years back, the practice continues and involves a very large number of labourers, and that though the "Kharkars" usually undertake government contracts, the concerned officials do not bother to check the conditions of workers employed by the contractors. The Committee again requests the Government to supply full information on the measures taken to enforce the prohibition of forced or compulsory labour in the field of contract labour. The Committee also requests the Government to continue to supply copies of the Annual Reports on Contract Labour, the issues for 1978 and 1979 of which had been communicated by the Government with its report in 1983.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Panama (ratification: 1966)

The Committee has for some years been referring to section 873 of the Administrative Code, under which chiefs of police, as administrative authorities, can impose the penalties listed in section 878, including labour on public works and detention, which are provided for in sections 882 and 884, respectively, of this Code.

With regard to detention, section 887 provides that those sentenced to detention and living on public funds shall be required to work on public works as many hours per day as the chief of police considers reasonable, subject to a maximum of eight, to compensate the treasury for the value of the rations furnished, and that in this case each day of labour on public works shall account as two days of detention. The Committee has also referred to sections 1708 to 1720 of the Administrative Code relating to police court proceedings.

The Committee has also referred to Act No. 112 of 1974, sections 1 to 3 of which empower the administrative authorities to impose sentences of detention for certain offences listed in section 2 of this Act.

The Committee had taken note of Bill No. 25, furnished by the Government, which was intended to introduce the necessary provisions to give effect to the Convention. The Committee notes that this Bill has not been approved by the authorities and that the Ministry of Labour and Social Welfare is at present considering the possibility of preparing another draft Bill, taking into consideration the observations of the Committee of Experts.

The Committee points out that, as was indicated in paragraphs 94 to 96 of its General Survey of 1979 on the abolition of forced labour, "compulsory labour imposed by administrative or other non-judicial bodies or authorities is not compatible with the Convention". Furthermore, the possibility of appeal to a higher authority is not enough to ensure the observance of the Convention on this point.

Since this matter has been the subject of comments for many years, the Committee hopes that the legislation will be brought into conformity with the Convention as rapidly as possible and that the Government will indicate progress made to this end.

Paraguay (ratification: 1967)

Article 2, paragraph 2(c), of the Convention. In earlier comments, the Committee has pointed out that section 39 of Act No. 210 of 1970 respecting the prison system is contrary to this provision of the Convention, since it states that "work shall be compulsory for detainees", and section 10 of the same Act defines as detainees not only convicted persons but also those subjected to security measures in a prison establishment.

The Committee notes the Bill to amend section 39 of Act No. 210, under which detainees who have not been sentenced and those convicted of political offences who were not found guilty of acts of violence will be exempted from the obligation to work.

The Committee hopes that the necessary measures will be taken to bring the legislation into conformity with the Convention.

Peru (ratification: 1960)

The Committee notes with satisfaction that the second final provision of Legislative Decree No. 330 of 6 March 1985, the Act

respecting the serving of sentences repealed Legislative Decree No. 17581 of 15 April 1969, section 35 of which had provided that "the work shall be obligatory for all prisoners ...".

The Committee also notes with interest that section 75 of the Act respecting the serving of sentences (Legislative Decree No. 330 of 1985) provides that prison labour shall be optional for persons detained pending trial.

Poland (ratification: 1958)

In earlier comments, the Committee referred to the Act of 26 October 1982 on the procedure concerning persons evading work. It noted that under this Act, administrative authorities enjoy wide policing powers in respect of persons whom they consider to be inactive for socially unjustified reasons; such persons are placed on a list and have to provide explanations concerning their motives and their sources of income and means of livelihood. Furthermore, section 13 provides for such persons to be called upon to perform public works in case of emergency or catastrophe involving a serious danger to the life, personal safety or health of the whole or part of the population; under section 15, the assignment to public works is not to exceed 60 days per year.

The Committee also noted that section 12 of Act No. 176 of 21 July 1983 establishing special legal provisions for dealing with the social and economic crisis and amending certain laws, empowered the National Council of the voivodship to impose on persons registered on the above-mentioned list of persons considered to be inactive for socially unjustified reasons, an obligation to work "with a view to eliminating the risk of paralysis in the working of communal services and other services essential to the meeting of the basic needs of existence of the population".

It appeared to the Committee that the system of public works gradually put in place in the various voivodships in application of these provisions was not called for by the exigencies of cases of emergency within the terms of the Convention, but led to the imposition of compulsory labour on certain persons described as persistently evading work. The Committee notes with interest from the Government's report that since 1 January 1986, section 12 of the Act of 21 July 1983 expired in accordance with section 19 of the Act. Noting also that under section 19(2) of the Act, resolutions based on an evaluation of the application of the Act were to be submitted to Parliament at the end of 1984, the Committee hopes that the Government will supply full information on the present state of law and practice concerning persons evading work.

Romania (ratification: 1957)

In its earlier comments the Committee has referred to the provisions of Act No. 24 of 5 November 1976 respecting the recruitment and placement of labour and Act No. 25 of 5 November 1976 respecting the assignment of able-bodied persons to useful work. By virtue of

these Acts, all able-bodied persons of 16 years or more 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 must 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. When, 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 section 9 of Act No. 25, to work in an undertaking determined by a court order, or, if a minor, to be placed in a labour and re-education centre. The court order is final and enforceable under section 10, subsection 4, and section 11 of the Act provides that the police authorities shall ensure its implementation. By virtue of section 12, subsection 2, no person placed in employment as the result of a court order may change his workplace before a year has passed.

The Committee has also noted 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, he is obliged, in conformity with Act No. 24 of 1976, to register a request for placement in employment, which results in his compulsory allocation to a workplace under section 7, subsection 1, of Act No. 25 of 1976.

The Government states in its report that Acts Nos. 24 and 25 of 5 November 1976 respecting the recruitment and placement of labour and the assignment of able-bodied persons to useful work cannot be considered to be legislation imposing on all able-bodied citizens the obligation to work, under the menace of penalties, an obligation incompatible with the Convention, since, under the provisions of the International Covenant on Civil and Political Rights (Article 8, paragraph 3(c)(iv)) and Convention No. 29 (Article 2(b)), any work or service which forms part of the normal civic obligations of a fully self-governing country cannot be considered to be forced or compulsory labour. In Romania, the right to work and the general duty of working are basic constitutional principles of the State and therefore the provisions of the above-mentioned Acts cannot be considered as having forced labour as their purpose, but are a means of helping certain able-bodied persons to carry out their elementary civic duties. With regard to the provisions of these Acts, the Government states that Act No. 25/1976 governs in a general way the recruitment of elements that live at the expense of other persons and includes messages of education and prevention for those who find themselves in such situations. The Government states that the refusal to report at the workplace indicated by the court is never followed by sanctions and that no coercive measure is taken against persons placed in a socialist unit who refuse to start work there despite all the persuasive measures taken under Act No. 25/1976. With regard to the formalities that must be carried out by a person wishing to change his

job, the Government states that the role of the placement offices is to help the workers if they do not find work that suits them.

The Committee takes due note of these statements. With regard to the question whether assignment to useful employment on the basis of obligations that lead to the performance of a job can be covered by the exception laid down in Article 2, paragraph 2(b) for normal civil obligations, the Committee thinks it appropriate to refer to certain explanations in its General Survey of 1979 on the abolition of forced labour. In paragraph 34 of the General Survey, the Committee has indicated that the exception laid down for normal civic obligations, must be read in the light of other provisions of the Convention and cannot be invoked to justify recourse to forms of compulsory service which are contrary to such other provisions. It emphasised in paragraph 45 of the General Survey that provisions obliging able-bodied citizens who are not receiving some kind of instruction to engage in gainful occupation under the threat of being compulsorily directed to specific work or being liable to penal sanctions are incompatible with the Convention.

Noting that a refusal to report at the workplace indicated by the court is never followed by sanctions and recalling that the Government has earlier stated that it would examine the possibility of amending the legislation in question, the Committee hopes that the Government will indicate measures taken to bring the legislation into conformity with the Convention on this point.

Sierra Leone (ratification: 1961)

In comments made since 1964, the Committee has asked the Government to repeal or amend section 8(h) of the Chiefdom Councils Act (Cap. 61) under which compulsory cultivation may be imposed on natives. The Committee notes that the Government's report contains no information on this point. As the Government has stated on various occasions, e.g. in the information supplied to the Conference Committee in 1982, that it was no longer the practice for tribesmen to perform compulsory labour for their chiefs and that the Government was seeking to bring the law into conformity with practice as well as the Convention, the Committee trusts that measures will soon be adopted to bring section 8(h) of the Act into conformity with the Convention and that the Government will indicate the action taken.

United Republic of Tanzania (ratification: 1962)

Tanganyika

1. Compulsory cultivation. In comments made for a number of years, the Committee noted that the Local Government Ordinance and section 121(e) of the Employment Ordinance (as amended by Act No. 82 of 1962) empowered local authorities to impose compulsory cultivation, and that by-laws imposing such obligations had been made by local authorities and approved by the competent minister, inter alia, for the production of cash crops. In 1984, the Committee noted from the

Government's report that the repeal of the Local Government Ordinance was provided for in section 195(a) of the Local Government (District Authorities) Act, 1982, and that proposals for the revision, inter alia, of section 121(e) of the Employment Ordinance had been submitted to the competent authority for decision. The Committee notes with regret that the Government's latest report does not mention action taken to bring the legislation into conformity with the Convention, and that a number of by-laws made under the Local Government (District Authorities) Act, 1982, by district councils and approved by the national Government in 1984 and 1985 again impose compulsory cultivation on resident landholders. Noting also that in the discussion which took place at the Conference Committee in 1984 concerning the application of the Convention in the United Republic of Tanzania, reference was made to the impending threat of famine, the Committee observes that a number of by-laws adopted in 1984 and 1985 specifically restrict the production of food crops, since they oblige resident landholders to cultivate and maintain a fixed area of cash crops, any contravention being punishable with a fine and imprisonment.

The Committee again expresses the hope that the necessary measures will be taken to ensure that recourse to compulsory cultivation will be limited to what is required to meet an emergency as defined in Article 2(2)(d) of the Convention, such as a famine or threatened famine, and that the enabling provisions in section 148 of the Local Government (District Authorities) Act read together with section 118(2) of the same Act, and section 121(e) of the Employment Ordinance will be amended accordingly. It requests the Government to supply information on the measures taken or contemplated to this end.

2. General obligation to work. In its previous observation the Committee had taken note of the Human Resources Deployment Act, 1983, which makes provision for the establishment of machinery designed to regulate and facilitate the engagement of all able-bodied persons in productive work. Under section 3 of this Act, every local government authority shall make arrangements to ensure that every able-bodied person over 15 years resident within its area of jurisdiction engages in productive or other lawful employment; for this purpose, the local authority shall establish and maintain registers of employers and of all residents capable of working (sections 13 and 14), and work out a system which will enable the registered employer to utilise the available registered unemployed residents within its area of jurisdiction (section 20). Under section 17 of the Act, arrangements made by the Minister of Labour and Manpower Development are to provide for the transfer to other districts and subsequent employment of unemployed residents, and under section 24, failure to comply with any provision of the Act is punishable with a fine and imprisonment. The Committee, referring to the explanations provided in paragraphs 45 to 48 of its 1979 General Survey on the Abolition of Forced Labour that legislation obliging all able-bodied citizens to engage in a gainful occupation subject to penal sanctions was incompatible with the Convention, expressed its hope that the Government would re-examine the above-mentioned legislative provisions in the light of the Convention. In reply, the Government has pointed out that it can be very disastrous to the development of a given country when most of its human resources capital becomes idle or cannot be relevantly

utilised. Referring to adverse national economic conditions under which development strategies have been readjusted, the Government states that such initiatives can sometimes be very costly in terms of energy exerted by individuals; all the same, when the fruits culminating from them accrue to those who have utilised their efforts in the production process, the Government considers it illogical to call such efforts forced labour. The Government states furthermore that in the United Republic of Tanzania the executors of the Human Resources Deployment Act are the local authorities, but that their activities in this regard are controlled by the central Government, and that all by-laws must first be approved by it before the districts use them. In addition, the Government states that there have been no cases of people being imprisoned for contravening the provisions of this Act.

The Committee has taken note of these indications by the Government. The Committee notes furthermore that the Human Resources Deployment (Amendment of Second Schedule) Order, 1984, has, by specifying a list of informal sector activities which are declared to constitute the scheme of employment-generating projects and activities within the area of Dar es Salaam City Council, reduced the possibility that persons engaged in the urban informal sector should be forcibly removed to rural areas for employment under the provisions of this Act. The Committee must nevertheless point out that any Act which provides for the exaction of work from persons who have not offered themselves voluntarily but under the menace of any penalty is incompatible with the Convention, unless limited to the circumstances specified in Article 2, paragraph 2, of the Convention.

The Committee therefore hopes that the necessary measures will be taken to ensure the observance of the Convention both in law and in practice, and that, pending the amendment of the Human Resources Deployment Act, the Government will supply full details on its application in practice, including copies of any by-laws made thereunder.

3. Compulsory labour for public purposes and development schemes. In comments made for a number of years, the Committee observed that, contrary to the Convention, Part X of the Employment Ordinance permits forced labour to be exacted for public purposes, and section 6 of the Ward Development Committee Act, 1969, gives ward development committees the power to make orders requiring all adult citizens resident in the area of the ward to participate in the implementation of any scheme for agricultural or pastoral development, the construction of works or buildings for the social welfare of residents, the establishment of any industry or the construction of any public utility. In 1984, the Committee noted the Government's statement that proposals for the revision of these provisions had been submitted to the competent authority for decision. In its latest report, the Government indicates that when there are public activities to be executed by local authorities at village, ward or district levels with the free active participation of residents, the usual procedure is for the concerned administrators of the project first to educate people on the importance of the schemes to them. Sometimes, when funds are available, payments are made to those who participate in the duties. Whereas ward development committees can make by-laws,

it is only when the appropriate district councils have approved and the Prime Minister endorsed them, that the by-laws become effective. The Government furthermore refers to section 167 of the Local Government (District Authorities) Act which specifies the penalties for breach of village by-laws. The Committee takes due note of these indications. It must again point out that legislation providing for the imposition of compulsory labour is contrary to the Convention, unless covered by one of the five definitions in Article 2, paragraph 2, of the Convention, which refers in particular under (d) and (e) to emergency work and to minor communal services. In view of the Government's earlier indications that amending legislation had been proposed for adoption, the Committee hopes that the necessary action will soon be taken to bring Part X of the Employment Ordinance and section 6 of the Ward Development Committee Act into conformity with the Convention and that the Government will indicate the progress made.

4. Article 2(2)(c) of the Convention. In previous comments, the Committee noted that sections 4 to 8 of the Resettlement of Offenders Act, 1969, and sections 4 and 17 of the Resettlement of Offenders Regulations, 1969, permit resettlement orders, with an obligation to perform compulsory labour to be made by administrative decision. While in 1984, the Committee noted the Government's statement that proposals for the revision of these provisions had been submitted to the competent authority for decision, the Government's latest report indicates no progress in the matter. In addition, the Committee notes that under sections 26 and 27 of the Human Resources Deployment Act, the Minister shall make such arrangements as will provide for a smooth and co-ordinated transfer or any other measure which will provide for the rehabilitation and full deployment of persons chargeable with or previously convicted under sections 176 and 177 of the Penal Code. The Committee hopes that the necessary measures will soon be taken to ensure in law that no compulsory labour may be imposed on offenders otherwise than as a consequence of a conviction in a court of law, and that the Government will indicate the action taken to this end.

Zanzibar

5. The Committee has taken note with interest of the information supplied by the Government concerning Zanzibar, including copies of legislative texts, which have enabled it for the first time in many years to assess the application of the Convention in Zanzibar. Various questions arising in this connection are dealt with in a direct request addressed to the Government.

Thailand (ratification: 1969)

Article 25 of the Convention. In previous comments the Committee noted that in the reports on its Sixth and Eighth Sessions (August 1980 and 1982), the Working Group on Slavery of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities had referred to allegations that children were bought and sold in Thailand for work in private houses, restaurants, factories

and brothels, that shops had specialised in the sale of children and teenagers and child catchers and recruiters were operating in the country, and that, although laws for the protection of children existed, there was a lack of enforcement by the police, who would accept bribes and other favours in return for their inaction.

In reply to these allegations, the Government indicated that working children were fully protected under the law, that laws and regulations were strictly enforced as far as could be ascertained, and that, whenever a case of law infringement arose, the offenders were duly punished. The Government also indicated that the Police Department had been instructed to be on the look-out for the unscrupulous activities of job-securing agents in various centres and to investigate night spots and brothels to see whether children had been hired to work there, and that the Department of Labour had been instructed thoroughly to inspect the employment of children and to monitor and control the activities of private employment agencies.

The Committee requested the Government to supply details of the action taken by the police and the Department of Labour, including any legal actions brought against persons involved in the sale and purchase of children and any measures taken for the rehabilitation of the children concerned.

The Committee notes that in information communicated to the Conference Committee in 1985, the Government indicated that Articles 6 of the Primary Education Act BE 2523 (1980) provided that children from the age of 8 to 15 years are to attend school until they finish Class 6. The Department of Public Welfare, Ministry of the Interior, had established a child rehabilitation centre to provide some form of vocational training to children. Also, the Foundation for the Promotion of Supplementary Occupations and Related Techniques under the patronage of Her Majesty the Queen, provided training facilities for children from rural areas to develop their skills to be able to earn some income and avoid exploitation. The government agencies were co-operating closely with the private agencies and foundations in setting up a centre to monitor the problem of child labour. On receipt of information concerning the problem, the centre co-ordinated with the Women and Child Labour Division of the Department of Labour and the Police Department to investigate the case immediately. Such action has resulted in several arrests and prosecutions. The Government had intensified its action on this matter. When labour inspectors found children working under unsatisfactory conditions, they arranged to have them returned home if they agreed or to work in a more satisfactory working environment, or to undertake some vocational training. Where the labour inspectors considered that the working conditions of the children were bad, and could be improved by the employer, the inspectors could give the employer concerned probation notice to improve the working conditions within a certain period. In cases of non-compliance, legal action was taken against the employer concerned under the provisions of the labour laws. The Government furthermore stated that, in fact, there was no sale and purchase of children in Thailand. The publicity given to this matter in the world news media was misleading. Any sale and purchase of children would be subject to criminal prosecution. Moreover, the detailed information on the action and measures taken by the

Government on child labour was being collected and compiled from the various agencies.

The Committee notes that in its report on the application of the Convention which was received too late to be examined in 1986, the Government has supplied for the years 1982 to 1984 summary statistics of inspections, advisory services to employers on legal aspects, and enforcement action relating to "women and child labour", statistics of the numbers of children in establishments covered by the inspection and of permits issued for the employment of children, as well as general promotional activities by the Department of Labour. Concerning more specifically the issues raised under Article 25 of the Convention, the Government states that since 1978 tougher action and measures have been undertaken by the authorities on the abuse of child labour, and a confectionery factory owner was jailed for four years and three months for illegal employment and abuse of child labour with a fine of 20,000 Baht. The Committee also notes from the information submitted by INTERPOL to the Tenth Session (July-August 1984) of the Working Group on Slavery that between 1980 and 1982 the Thai police authorities received reports on slavery-like practices in three cases which took place in Udan Thani Province and gave rise to criminal prosecutions against all the alleged offenders.

In view of the serious and repeated allegations made and the Government's earlier reference to several arrests and prosecutions and to specific action by the Police Department and the Department of Labour on this matter, it appears to the Committee that the Government should supply more specific, detailed and complete information on the measures taken under Article 25 of the Convention than was provided in the Government's latest report. The Committee expresses the hope that the Government will ensure that the penalties imposed by law for the illegal exaction of forced or compulsory labour are really adequate and are strictly enforced, and that the Government will supply full details on the measures taken to ascertain that the Convention is observed in practice. A number of questions arising in this connection are dealt with in a direct request to the Government.

USSR (ratification: 1956)

1. Legislation concerning persons "leading a parasitic way of life". In earlier comments the Committee had referred to the provisions in section 209 of the Penal Code of the RSFSR, and corresponding provisions in force in other Union Republics, concerning persons "leading a parasitic way of life", and had noted comments on the application of those provisions presented by the International Confederation of Free Trade Unions (ICFTU) in communications of 1 October and 20 December 1982. The Committee has noted a further communication from the ICFTU dated 24 July 1986, referring to Convention No. 29, as well as Conventions Nos. 111 and 122. It has also noted the Government's reply dated 10 February 1987.

In its last communication, the ICFTU has alleged that a number of Soviet citizens had been sentenced to prison terms either because of their involvement in emigration rights movements or because they had been found by judicial authorities to lead a parasitic way of life;

in many cases, the persons were said to have been earning a living by giving private tuition, an activity not prohibited in law.

In reply, the Government states that the persons in question were tried for specific offences provided for in Soviet legislation, this being in no way connected with their application to emigrate. The Government further states that it will give more detailed information in the report which it will supply in 1987.

The Committee notes that only one of the persons mentioned by the ICFTU is stated to have been sentenced to imprisonment for "parasitism" (on 19 December 1984) while working as a private teacher following a request to emigrate.

The Committee recalls that on 13 December 1984 the Presidium of the Supreme Soviet of the RSFSR adopted an Order on the manner of applying section 209 of the Penal Code of the RSFSR. According to that Order, the definition of the offence of "leading a parasitic way of life" refers to subsistence of an able-bodied adult for a prolonged period of more than four consecutive months or more than four months in the aggregate over a period of one year on "unearned income", with evasion of socially useful work. The Order mentions means obtained through gambling, fortune-telling, begging, petty speculation and other unlawful means as relating to unearned income.

The Committee notes with interest that in a recent decision, given on an appeal by the Deputy Attorney-General of the USSR, the Plenary of the Supreme Court of the Byelorussian SSR overturned the conviction for leading a parasitic way of life of a 19-year old graduate from a technical school who had refused various jobs offered to her and lived at her parents' expense. The Court held that penal responsibility for leading a parasitic way of life could not be incurred by the mere fact of not pursuing a socially useful activity, but required prolonged subsistence on unearned income, that is, means obtained through gambling, fortune-telling, begging, petty speculation and other unlawful methods, and that living on parents' means could not be considered subsistence on income obtained in an unlawful way.

The Committee hopes that the Government will provide full information on any further decisions of the courts which may show the manner in which the relevant legislative provisions are applied.

2. With regard to the manner in which collective farm members are informed of their right to leave the farm, the Committee looks forward to the Government's reply to the observation and direct request of 1986.

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.

Zambia (ratification: 1964)

1. Further to its previous comments, the Committee notes with satisfaction that rules 154 and 154A of the Prison Rules, under which prisoners could, on the order of the Commissioner, be employed for the private benefit of any person, were revoked by the Prison (Amendment) Rules, 1982 (S.I. No. 123 of 1982), which substituted a new rule 154 therefor. Under the new rule, no prisoner shall be hired out to or

placed at the disposal of another prisoner, a person employed in the prison or any private person, company or association; with the consent of the Commissioner, a prisoner may be hired out to or placed at the disposal of a parastatal company, a public company, a statutory corporation or a public institution. The Committee notes the Government's indication in its latest report that all of these organisations or undertakings are run directly by, or on behalf of, the central Government.

2. In previous comments, the Committee noted that the repeal of regulations 40 and 41 of the Public Security Regulations, under which public officers and employees in certain services may be prohibited from leaving their employment, was under consideration. The Committee notes the Government's statement in its report that there is no more need to retain the regulations and that their repeal is expected to be tabled fairly soon. The Committee hopes that the Government will soon be in a position to indicate that the necessary measures have been taken.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Central African Republic, Chile, Colombia, Comoros, Côte d'Ivoire, Cuba, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Federal Republic of Germany, Guinea-Bissau, Guyana, Honduras, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Nicaragua, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Romania, Saint Lucia, Saudi Arabia, Sierra Leone, Somalia, Sudan, Suriname, Syrian Arab Republic, United Republic of Tanzania, Thailand, Trinidad and Tobago, Uganda, Venezuela, Yemen, Zambia.

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

Chile (ratification: 1935)

The Committee notes the Government's report. It also notes the conclusions of the Committee set up by the Governing Body to examine the representation submitted by the National Trade Union Co-ordinating Council (CNS) of Chile under article 24 of the Constitution, alleging non-observance of a number of provisions of the Convention.

1. Regarding the overtime of workers in commerce, the Committee set up by the Governing Body confirmed that section 36 of Legislative Decree No. 2200, amended by Act No. 18372, does not ensure conformity with the provisions of Article 7, paragraph 3 and Article 8 of the Convention. The Government repeats in its report the considerations put before the Committee set up by the Governing Body. The Committee of Experts can only express once again the hope that in its next report the Government will supply information concerning the measures

adopted or contemplated so as to authorise overtime by workers in commerce only by means of regulations issued after consultation with the employers' and workers' organisations, which should determine the number of additional hours of work that may be allowed in the day and in the year, as prescribed by the above provisions of the Convention.

2. The Committee also repeats its previous comments concerning the provisions of sections 42 and 43, paragraph 2, of Legislative Decree No. 2200 of 1978 (as amended in 1981), and points out that exceptions to normal hours of work are only authorised in the cases provided for by the Convention, and that the maximum number of overtime hours permitted must be fixed not only by the day or the week but also by the year (Article 7). Furthermore, these exceptions shall be decided after consultation with the employers' and workers' organisations concerned (Article 8).

The Committee trusts that the Government will take the necessary measures to bring its legislation into full conformity with the Convention in respect of this point.

Nicaragua (ratification: 1934)

See under Convention No. 1.

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

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

Algeria (ratification: 1962)

1. The Committee notes from the Government's reply to its earlier observation that the model regulations concerning conditions of employment for dockworkers to which the Government has been referring for a number of years have not yet been adopted. 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.

2. Since 1983, the Committee has been requesting the Government to make every effort to compile and provide information on the practical effect given to the Convention, in accordance with Point V of the report form, and the Government has given assurances that this information had been requested from the competent authorities. The Committee notes that the information requested has still not been transmitted to the Office. It trusts it will be contained in the next report.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

Mauritius (ratification: 1969)

For a number of years, the Committee has pointed out that no measures exist to apply fully Article 3, paragraphs 2 to 4 (safety of means of access to vessels), Article 5, paragraph 5 (provision of ladders in holds) and Article 17, paragraph 3 (posting of copies of regulations) of the Convention, and the Government has indicated its intention to amend the Dock Regulations of 1937 in order to give full effect to these provisions. The Committee notes from the Government's last report that the draft amendments to the Dock Regulations have still not been adopted. The Committee trusts that the above draft amendments will be approved at an early date so as to ensure the full application of the Convention.

Panama (ratification: 1971)

Further to its previous comments, the Committee notes with satisfaction the adoption of the Manual of Operation Procedures on Ships and the Handling of Dangerous Cargo of August 1984, the Instruction on the Handling of Dangerous Goods and the Guidelines for receiving ships carrying dangerous cargo which ensure the application of Article 12 of the Convention, in regard to the supervision and handling of dangerous cargo.

The Committee has examined the draft Regulations concerning the Prevention of Risks in Dock Work communicated in reply to its previous observation and notes with interest that the said draft regulations largely apply the provisions of the Convention. It hopes that the Government will make every effort to ensure their adoption in the very near future.

The Committee also notes with interest the information contained in the Government's report concerning the establishment of Work Safety Departments in each port which is to inspect safety and health conditions, monitor and investigate occupational accidents and develop workers' training programmes in conformity with Article 17, paragraph 2 of the Convention. In this regard the Committee would ask the Government to supply detailed information on the practical operation of these inspection services in the ports.

The Committee further notes that the provisions contained in the draft Regulations as well as the other measures taken by the Government to provide for the health and safety of dock workers, as described in the Government's report, appear to be based on the provisions of the Occupational Safety and Health (Dock work) Convention (No. 152), 1979. Therefore, the Government may wish to give consideration to the ratification of Convention No. 152 following the adoption of the above-mentioned draft Regulations.

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

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

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933Chile (ratification: 1935)

1. The Committee has noted the Government's detailed report for the 1981-84 period and the Government's general report for the period ending on 30 June 1986. It has also noted the conclusions and recommendations of the Committee set up by the Governing Body to examine the representation made by the National Trade Union Co-ordinating Council of Chile (CNS), under article 24 of the Constitution, alleging the non-enforcement by Chile of, *inter alia*, Convention No. 35 (Doc. GB.234/23/28, 234th Session, 17-21 November 1986). These conclusions are taken up in the following paragraphs.

2. Article 9, paragraph 1, of the Convention. The Committee requests the Government to provide information concerning the measures adopted or envisaged to complement Legislative Decree No. 3500 of 4 November 1980, to require that employers contribute to the resources of the social security scheme for wage earners, in conformity with this provision of the Convention.

3. Article 3, paragraph 4. The Committee requests the Government to provide information concerning the measures adopted or envisaged to guarantee that the public authorities shall contribute to the financial resources or to the benefits of insurance schemes, as provided for by this Article of the Convention.

4. Article 10, paragraphs 1 and 2. The Committee requests the Government to provide information concerning the measures adopted or envisaged to amend Legislative Decree No. 3500 so that insurance pensions shall be administered by institutions not conducted with a view to profit, in accordance with this provision of the Convention, except in those cases where its administration is entrusted to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

5. Article 10, paragraph 4. The Committee requests the Government to provide information concerning the measures adopted or envisaged to amend Legislative Decree No. 3500 so that representatives of insured persons participate in the management of insurance institutions under conditions to be determined by national laws and regulations, in accordance with this provision of the Convention.

6. Article 11. The Committee has noted the information communicated by the Government with regard to the application of this provision of the Convention.

* * *

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

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

Chile (ratification: 1935)

See under Convention No. 35.

* * *

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

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

Chile (ratification: 1935)

1. The Committee has noted the Government's detailed report for the 1981-84 period and the Government's general report for the period which ended on 30 June 1986. It has also noted the conclusions and recommendations made by the Committee set up by the Governing Body to examine the representation made by the National Trade Union Co-ordinating Council (CNS) under article 24 of the Constitution, alleging the non-enforcement by Chile, inter alia, of Convention No. 37 (Doc. GB/234/23/28, 234th Session, 17-21 November 1986). These conclusions are taken up in the following paragraphs.

2. Article 10, paragraph 1, of the Convention. The Committee requests the Government to provide information on the measures adopted or envisaged to complement Legislative Decree No. 3500 of 4 November 1980, to require that employers contribute to the financial resources of the insurance scheme for wage earners, in conformity with this provision of the Convention.

3. Article 10, paragraph 4. The Committee requests the Government to provide information on the measures adopted or envisaged to guarantee that the public authorities shall contribute to the financial resources of the benefits of the insurance scheme, as provided for by this Article of the Convention.

4. Article 11, paragraphs 1 and 2. The Committee requests the Government to provide information on the measures adopted or envisaged to amend Legislative Decree No. 3500 so that pension insurance shall be administered by institutions not conducted with a view to profit, in accordance with this provision of the Convention, except in those cases where its administration is entrusted to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

5. Article 11, paragraph 4. The Committee requests the Government to provide information on the measures adopted or envisaged to amend Legislative Decree No. 3500 so that representatives of insured persons participate in the administration of all insurance institutions under conditions to be determined by national laws or regulations, in accordance with this provision of the Convention.

6. Article 12. The Committee has noted the information supplied by the Government with regard to the application of this provision of the Convention.

* * *

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

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

Chile (ratification: 1935)

See under Convention No. 37.

* * *

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

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

Central African Republic (ratification: 1969)

The Committee refers to its earlier observations and recalls that it has for many years been pointing out to the Government that section 3 of Order No. 3759 of 25 November 1954 authorises exemptions from the prohibition of night work by women in circumstances that are not allowed by this Convention. The Committee hopes that the measures announced long ago by the Government to bring the legislation into conformity with international standards will be adopted in the near future and requests the Government to report any progress made in this connection.

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

Australia (ratification: 1959)

1. Compensation (Commonwealth Government Employees) Act, 1971. The Committee notes once again that the authority administering the legislation reaffirms its comments set out in the reports for the period 1 July 1975 to 30 June 1977 and 1 July 1977 to 30 June 1981 concerning the undesirability of amending the Commonwealth Act to provide that a worker who has been employed in the loading and unloading of merchandise generally should be entitled to compensation unless it is proved that the disease is not of occupational origin, in

view of the unlimited scope of the occupational category. According to the Government, it is essential that a discernible link be retained with animal products capable of hosting the anthrax bacillus, a link which does not seem to be implicit in the ILO's suggested category.

The Government concludes by requesting that consideration be given to amending the list of trades, industries or processes to which anthrax corresponds in ILO Convention No. 42 to conform to the occupations corresponding to anthrax infection in Schedule I of ILO Convention No. 121.

The Committee notes this statement and wishes to draw the Government's attention to the Committee's 1982 general observation "calling attention to the possibility open to the States meeting with difficulties in giving effect to certain provisions of Convention No. 17 and of Convention No. 42 of replacing the ratification of these Conventions with that of Convention No. 121, whose ratification involves ipso jure, by virtue of its Article 28, paragraph 2, the denunciation of Convention No. 42".

The Committee would point out, however, that the description of conditions in which anthrax is recognised as an occupational disease in Convention No. 121, i.e. "loading and unloading or transport of merchandise that may have been contaminated ...", as well as in Convention No. 42, is broader than the description given in the text of the regulations (table 1, point 1) made under the Act (Statutory Rule No. 112 of 1971): "employment in connection with (a) animals infected with anthrax, etc. ...". The Committee therefore feels obliged to recall that the provisions in force are not in conformity with the Convention, which by specifically including the loading and unloading or transport of merchandise among the trades, industries or processes that may lead to anthrax infection, establishes a presumption of the occupational origin of this disease for all workers employed on this work by relieving them of the necessity to prove that they have been in contact with infected animals or animal remains, a contact that is often difficult to prove in practice. The Committee therefore hopes that the Government will take the necessary measures to incorporate this provision in its national laws with a view to eliminating all doubt and uncertainty concerning the burden of proof, thus bringing the legislation into conformity with the Convention on this point on the basis, perhaps, of Ordinance No. 2 of 1977 of the Northern Territory.

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

The Government states that the drafting of the Ordinance to amend the legislation of the Capital Territory has not yet been completed but that the authorities have noted the comments of the Committee concerning the Compensation (Commonwealth Government Employees) Act (anthrax infection). The Committee asks the Government in its next report to provide information on any progress made in this connection and to provide the text of the Ordinance as soon as it is adopted.

3. Queensland. Since 1963, the Committee has been calling the Government's attention to the legislation in force in this State which, unlike the Convention, does not establish a presumption of the

occupational origin of the disease for workers engaged in the industries or occupations mentioned in the right-hand column of the schedule of the Convention, when they suffer from one of the conditions appearing in the left-hand column of this schedule.

The Committee regrets to note that the Government merely repeats the same arguments as in its previous replies, namely that the Queensland Government still considers that the legislation of that State is sufficiently broad to ensure adequate protection of workers and should remain unchanged at present.

The Committee, referring to point 1 above, concerning the possibility of ratifying Convention No. 121, draws attention to the fact that Article 8 of this Convention enables each member State to choose between three procedures, i.e. either (a) to describe a list of diseases, comprising at least the diseases enumerated in schedule I of the Convention, which should be regarded as occupational diseases under prescribed conditions; or (b) to include in its legislation a general definition of occupational diseases broad enough to cover at least the diseases enumerated in schedule I to the Convention; or (c) to prescribe a list of diseases in conformity with clause (a), complemented by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases not so listed or manifested under conditions different from those prescribed.

The Committee therefore expresses the hope that while examining the possibility of ratifying Convention No. 121 the Government will take the necessary measures to review the present legislation, in accordance with the intention expressed previously so as to supplement the present workmen's compensation scheme for diseases with a double-list system, in conformity with the Convention.

4. Western Australia. The Committee notes the adoption of the Workers' Compensation and Assistance Act, 1981, which repealed and replaced the Workers' Compensation Act, 1912-79. It observes that column 2 of schedule 3 of the Act does not include, as the Convention does, "the loading and unloading or transport of merchandise" among the activities that may lead to anthrax infection.

The Committee therefore hopes that the new Act of 1981 will be amended in conformity with the Convention through the inclusion in column 2 of schedule 3 of the "loading and unloading or transport of merchandise" among the activities that may lead to anthrax infection, perhaps on the basis of Ordinance No. 2 of 1977 of the Northern Territory. It would be grateful if the Government would inform it of any progress made in this connection.

5. Tasmania. The Committee notes that the State's existing legislation on workmen's compensation is still under review and that there have been no further development since the last report. The Committee therefore again expresses the hope that the review in question will soon be completed and that the list will include poisoning by alloys and compounds of lead, amalgams and compounds of mercury, compounds of phosphorous and arsenic and halogen derivatives of hydrocarbons of the aliphatic series, as well as all pathological manifestations due to radiation and also silicosis in association with tuberculosis, and that it will set out the industries or occupations likely to lead to the diseases covered by the Convention.

6. South Australia. The Committee notes the adoption of the Workmen's Compensation Act, 1971-82. It wishes to draw attention to the fact that the conditions in which anthrax is recognised as an occupational disease are limited to "loading or unloading or transport of animals infected or their parts" whereas the Convention covers on this point "loading, unloading or transport of merchandise" among the activities that may lead to anthrax infection. The Committee hopes that the Government will be able to make the necessary amendments to ensure the complete application of the Convention on this point.

Haiti (ratification: 1955)

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:

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.

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

United Kingdom (ratification: 1936)

The Committee notes with interest the statement by the Government that following a recommendation of the Industrial Injuries Advisory Council the terms of prescription for anthrax were amended. It notes however that the new wording refers, among the activities that may cause this disease, to "Contact with animals infected with anthrax or the handling (including the loading or unloading or transport) of animal products or residues", whereas the Convention covers these operations for all merchandise in general with a view to protecting workers who may unwittingly have handled merchandise that has been in contact with infected animals or animal remains.

The Committee also notes that in the United Kingdom the Industrial Injuries Advisory Council is still carrying out its investigation of the health of workers exposed to halogenated hydrocarbons and to ionising radiation, and the results of these investigations will be taken into consideration for the purpose of possible revision of the list of prescribed diseases, on completion of these studies.

The Committee therefore hopes that the list of occupational diseases may be supplemented in conformity with the Convention, and requests the Government to report any progress made in this connection.

* * *

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

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

The Committee takes note of the Government's statement to the effect that the procedure of denunciation of this Convention has not yet been completed. The Committee wishes to bring to the Government's attention the fact that this procedure has been under way since 1973 and that until the denunciation of the Convention comes into effect, Algeria continues to be bound by the obligations deriving from it.

Djibouti (ratification: 1978)

The Committee notes the Government's statement to the effect that the Government of the Republic of Djibouti is envisaging denouncing the Convention since neither the available financial resources nor the economic situation makes it possible to implement the Convention. The Committee wishes to bring to the Government's attention the fact that, until the denunciation effectively takes place, Djibouti continues to be bound by the provisions of the Convention.

United Kingdom (ratification: 1936)

The Committee has noted the comments made by the Trades Union Congress (TUC) in a communication dated 18 February 1987 and sent to the Government for its comments on 27 February. The Government's reply has been received during the present session of the Committee, which will therefore deal with this matter at its next session.

* * *

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

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

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

Convention No. 50: Recruiting of Indigenous Workers, 1936

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

Convention No. 52: Holidays with Pay, 1936Burma (ratification: 1954)

The Committee has been urging the Government for many years to take the necessary steps to ensure that full effect is given to the following provisions of the Convention.

Article 1 of the Convention. The Act of 1951 on holidays and public holidays does not yet apply to certain private sector enterprises covered by the Convention.

Article 2, paragraph 2. Workers between 15 and 16 years of age are only allowed a holiday of ten days (section 4(1) of the Act of 1951) while, under this provision of the Convention, every person under 16 years of age shall be entitled to an annual holiday with pay of at least 12 working days.

Article 4. The Act on holidays and public holidays allows an accumulation of holidays over a period of three years (section 4(3)), while the Convention requires the granting of annual holidays of at least six working days for workers of more than 16 years of age and at least 12 working days for workers of less than 16 years of age.

The Committee notes with regret that in spite of the repeated assurances given by the Government to the Committee of Experts and to the Conference Committee, no progress has yet been made in harmonising the national legislation with the Convention with regard to the above

points. It trusts that the Government will take the necessary measures in the very near future.

[The Government is asked to report in detail to the Conference at its 73rd Session.]

Byelorussian SSR (ratification: 1956)

The Committee notes with regret that the Government's report does not contain a reply to its previous comments which have been made for many years.

Article 2, paragraph 1, and Article 4 of the Convention. The Committee wishes once again to draw the Government's attention to the fact that section 74 of the Labour Code, under which - in exceptional cases, with the consent of the worker and the agreement of the trade union committee - it is authorised to postpone the annual holiday until the following year, is not in conformity with the Convention. It recalls that, in accordance with the Convention, a holiday of at least six working days shall be taken each year.

The Committee once again expresses the hope that the necessary steps to bring the legislation into harmony with the Convention on this point will be taken in the near future.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Central African Republic (ratification: 1964)

The Committee notes with regret that the draft Decree, prepared with the assistance of the Office, to give effect to Article 2 of the Convention has not yet been adopted. It notes, however, that this draft Decree, which provides for the amendment of section 129 of the Labour Code so that persons covered by the Convention may benefit in all cases from holidays with pay after one year of actual service, has been submitted to the Council of Ministers. The Committee trusts that the Government will be in a position to indicate in its next report that the above draft Decree has been adopted.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Côte d'Ivoire (ratification: 1961)

The Committee has been drawing the Government's attention for many years to the fact that section 108, subsection 2, of the Labour Code (under which collective agreements or individual employment contracts may provide for a period of up to 30 months of actual service to give entitlement to the holiday) is in conflict with the provisions of Articles 2 and 4 of the Convention. In its latest report the Government transmitted draft legislation prepared within the framework of the revision of the Labour Code which would amend section 108 by deleting subsection 2. The Committee notes this information with interest and expresses the hope that measures to

bring national legislation into full conformity with the Convention will be adopted in the very near future.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Cuba (ratification: 1953)

In its previous observation, the Committee drew the Government's attention to the fact that section 98 of the Labour Code of 1979 under which the State Labour and Social Security Committee may authorise with the agreement of the workers, in a number of branches or activities or for reasons of production or services, the replacement of holidays by supplementary remuneration, is in conflict with Article 4 of the Convention under which any agreement to relinquish the right to an annual holiday shall be void.

In reply, the Government states that under section 52(n) of Legislative Decree No. 67 of 19 April 1983, the State Labour and Social Security Committee, when making the authorisations envisaged under section 98 of the Labour Code, is obliged to ensure that effect is given to the obligations derived from Conventions and that - specifically to give effect to this Convention - a provision has been introduced in the Labour Code (section 95) to the effect that workers shall be entitled to at least seven days of holiday with pay during the working year.

The Committee takes due note of the explanations given by the Government. It notes, nevertheless, that section 98 of the Labour Code clearly establishes the possibility (in the exceptional cases laid down by the above section) of the replacement of the workers' holidays by cash remuneration "without taking time off" and that the worker will receive a corresponding supplementary remuneration for the days worked "during the period for which he should have been on leave". In order to clarify any ambiguity and eliminate the possibility that the law be applied contrary to the provisions of the Convention, the Committee expresses the hope that the Government will take the appropriate steps to specify that section 98 cannot be applied to the minimum holidays provided for in section 95 of the Labour Code.

Libyan Arab Jamahiriya (ratification: 1962)

Article 2, paragraph 3(b) of the Convention. With respect to its previous comments, the Committee has noted with regret that no progress has yet been made in modifying section 38 of the Labour Code of 1970 which does not explicitly exclude from paid annual leave the interruptions of work due to sickness. The Government states that the question is still being examined and that it will be submitted to a commission established for the examination of the international labour Conventions and Recommendations. The Committee wishes to recall that for many years the Government has been repeating its intention to bring the national legislation into conformity with the Convention on

this point. It trusts that the Government will not fail to take soon the measures necessary to that end.

Morocco (ratification: 1956)

Article 2, paragraph 1, of the Convention. The Committee has been drawing the Government's attention for many years to the need to adopt measures in order to ensure that the accumulation of holidays by staff employed in industrial enterprises and establishments that is permitted under section 16 of the Dahir of 9 January 1946, may not have the effect of reducing the length of holiday taken every year to less than six working days.

The Committee recalls that the Government expressed the intention in 1967 of adopting provisions to this effect within the framework of the future Labour Code. Since the Government states in its last report that the Labour Code has still not been enacted, the Committee can only reiterate the hope that this Code or other legislative measures giving full effect to Article 2, paragraph 1, will be adopted in the very near future.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Panama (ratification: 1958)

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

Following its earlier comments, the Committee notes from the information supplied by the Government that owing to the criticism of the first draft of the Act drawn up in 1977 to amend the Labour Code, no progress has yet been made to give effect to Articles 2, 3 and 4 of the Convention (prohibition of the accumulation of holidays and obligation to include in the holiday pay the cash equivalent of all remuneration usually accorded in kind). It notes that a technical team from the Ministry of Labour is to draw up recommendations taking into account the provisions of the Convention. The Committee trusts that the Government will take the necessary steps to expedite the adoption of provisions which will ensure the full application of the Articles of the Convention mentioned above.

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

Ukrainian SSR (ratification: 1956)

With reference to its previous observations, the Committee notes that the Government repeats its statement to the effect that the postponement of annual holiday to the following year is only authorised by the Labour Code (section 80) in exceptional cases and with the consent of the worker and the agreement of the trade union

committee. In this connection, the Committee can only recall once again that, in accordance with the Convention, every person to whom the Convention applies, shall be entitled to an annual holiday of at least six working days (Article 2, paragraph 1, and Article 4 of the Convention) and that consequently only the part of the holiday which exceeds this minimum duration may be postponed (Article 2, paragraph 4). It therefore once again expresses the hope that the necessary measures will be taken in the near future to bring the legislation into conformity with the Convention on this point.

[The Government is asked to report in detail for the period ending 30 June 1988.]

USSR (ratification: 1956)

The Committee notes the information supplied by the Government. It notes with regret that no progress has been achieved in bringing the national legislation into conformity with the Convention in respect of the following points that were raised in previous comments.

Article 2, paragraph 1, of the Convention. The Committee recalls that in accordance with the Convention a holiday of at least six working days shall be taken each year. It notes, however, that under section 74, paragraph 2, of the Labour Code of the Russian SFSR (and similar provisions in the Codes of the other Federal Republics), the postponement of the holiday to the following year may be authorised in exceptional cases and that under section 251, paragraph 3, of the Labour Code of the Russian SFSR the accumulation of all or part of the holidays due for a maximum of three years is authorised for workers in enterprises located in the regions in the Far North and in other similar regions.

Article 2, paragraph 4. The Committee also recalls that the Labour Code of a number of Republics (particularly those of Estonia, Lithuania and Latvia) authorise the splitting of annual leave without specifying that one of the fractions must correspond to at least the minimum holiday provided for by the Convention.

The Committee once again expresses the hope that the necessary measures to bring the legislation into conformity with the Convention on the above points will be taken in the near future.

[The Government is asked to report in detail for the period ending 30 June 1988.]

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

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

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

The Committee notes with interest the information provided in the Government's report concerning Resolution No. 603-04-150 ALCN of 16 July 1986 to provide for the issue of documents to masters and officers of the national merchant marine. It requests the Government to furnish further information with respect to the following points.

Article 5, paragraph 1, of the Convention. Please give details on the functioning and results of a system of inspection to duly enforce the application of the Convention.

Article 5, paragraph 2. Please indicate the laws or regulations providing for the cases in which the authorities may detain a vessel registered in Panama on account of a breach of the Convention.

Article 5, paragraph 3. Please indicate the procedure according to which the authorities communicate with the consul of the flag State of a foreign-registered vessel on which breaches of the Convention are detected.

Spain (ratification: 1971)

The Committee has taken note of the observations submitted by the College of Merchant Navy Officers of Spain (COMME) of 29 January 1987, concerning the application of Conventions Nos. 53 and 147, which were forwarded to the Government for its comments. The Committee hopes that the Government will provide full particulars on the matter to enable it to examine the observations of COMME at its next session.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936Liberia (ratification: 1960)

The Committee regrets to note that the Government's report contains no reply to its previous comments. 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.

Panama (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:

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

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

Tunisia (ratification: 1970)

With reference to its previous comments, the Committee notes the information supplied by the Government in its report to the effect that the Ministry of Transport and Communications has announced in a letter the commencement of the procedure to bring national legislation into conformity with the provisions of the Conventions respecting seafarers. The draft texts prepared for this purpose are being submitted for examination and subsequent adoption to the Chamber of

Deputies. The Committee notes the above information with interest and hopes that the draft prepared in 1982 by the Ministry of Transport with the participation of an ILO official will be adopted in the near future. The above draft contains provisions ensuring the application of Articles 4, 5 and 11 of the Convention, and in particular extends the liability of the shipowner up to a minimum of 16 weeks from the day of the injury or the commencement of the sickness in respect of sea-farers engaged during the voyage. The Committee requests the Government to provide information on any progress achieved in this respect.

[The Government is asked to report in detail for the period ending 30 June 1988.]

* * *

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

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

Peru (ratification: 1962)

Article 3 of the Convention (medical assistance). With reference to its previous comments, the Committee notes with interest that on 23 December 1986 Act No. 24620 was adopted to substitute section 18 of Legislative Decree No. 22482 of 27 March 1979, under which the provision of medical assistance was made subject to qualifying conditions (the payment of a number of monthly contributions). However, the Committee notes that the new Act empowers the Peruvian Institute of Social Security (IPSS) to establish the periods qualifying the insured for the provision of health care benefits, in accordance with their working conditions, but that it is not an indispensable prerequisite to have paid three consecutive monthly contributions or four non-consecutive monthly contributions. The Committee recalls that this provision of the Convention does not authorise the provision of medical assistance to be subject to any qualifying conditions. The Committee hopes that the Government will adopt the necessary measures to abolish any type of qualifying condition, however minimal, in accordance with the Convention.

The Committee notes with interest that the Government has sent a communication to the IPSS in order to request its agreement to an ILO expert being sent out. The Committee hopes that this request will be made in the near future for the purpose of making it possible to give full effect to the above provisions of the Convention.

* * *

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

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

A request regarding certain points is being addressed directly to the United Republic of Tanzania (Zanzibar).

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

Sierra Leone (ratification: 1961)

Further to its previous observation, the Committee has noted from the information communicated by the Government to the Conference Committee in 1986, that the Government was considering the possibility of ratifying the Minimum Age Convention, 1973 (No. 138) and was consulting to this effect the employers' and workers' organisations through the Joint Consultative Committee. The Committee has noted, however, that no information was given to the Conference Committee in reply to the specific point raised in its earlier observation and that the report referred to has not been received. According to the information given in 1985 the Committee's comments were the subject of consultations with employers' and workers' organisations, so as to enable the Joint Committee to make concrete recommendations. The Committee therefore trusts that all necessary measures will be taken to bring in the very near future the legislation into conformity with the following provisions of the Convention:

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

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

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

Algeria (ratification: 1942)

With reference to its earlier observations, the Committee notes from the report of the Government that the draft texts concerning the prevention of occupational accidents and the protection of workers' health to which the Government has made reference for many years, have not yet been adopted. The Committee can only urge the Government once more to do everything possible to ensure that the above-mentioned texts are adopted as soon as possible to give effect to the Convention. Pending the adoption of the texts, the Committee asks the Government to continue to supply information on the practical application of the Convention, in particular of its Parts II, III and IV.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

* * *

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

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

Cuba (ratification: 1954)

The Committee notes the information contained in the Yearbook of Statistics of Cuba, 1984. The Committee notes that the Yearbook does not contain full information in accordance with the provisions of Part II (Average earnings and hours actually worked), Part III (Time rates of wages and of normal hours of work), and Part IV (Wages and hours of work in agriculture) of the Convention.

The Committee recalls that the Government indicated in previous reports that the competent bodies, in this case the State Committee for Statistics, would make every effort to take the measures making it possible to give effect to these provisions of the Convention. The Committee expresses the hope that the Government will be able to supply information in its next report concerning the progress achieved in this respect.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

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

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

A request regarding certain points is being addressed directly to Saint Lucia.

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

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

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

Panama (ratification: 1971)

1. Further to its previous observation, the Committee notes with satisfaction the information and documents provided by the Government concerning the implementation of a new world-wide system of

ships' inspection, from which it appears that effect is given in law and in practice to Article 6, paragraphs (b) and (c) (inspection of all spaces and equipment used for the storage and handling of food and water, and of galley and other equipment for the preparation and service of meals) and to Article 9, paragraph 3 of the Convention (regular submission by inspectors of reports on their work and its results).

2. The Committee observes that while important progress has thus been made in the application of the Convention, there are still no provisions prescribing the standards to be met in respect of the quantity, nutritive value, quality and variety of food supplies (Article 2(a) and Article 5, paragraph 2(a)) and the qualifications of members of the catering department (Article 2, paragraph (c), of the Convention). It hopes that the next report will indicate the measures taken or contemplated to adopt such laws or regulations.

3. With reference to its previous observation, the Committee would appreciate further information on the following points:-

Article 1, paragraphs 1 and 2, of the Convention. The Committee notes the information supplied concerning non-fishing vessels of under 500 GRT and tugs, sailing ships and whaling ships. With regard to ships built before 1971, the year of ratification of the Convention, the Committee notes that they have to comply with the standards of the Convention, with some tolerance on an individual basis. Please provide all information available on the number of cases where such tolerance is accepted for ships built before 1971, and the nature of these exemptions.

Articles 2(c) and 11. The Committee has noted that the statistical information provided in the report relates to persons enrolled in fishery training courses. It requests the Government to supply information concerning the courses organised for members of the catering department.

Articles 2(d) and 12. The Committee hopes that the Government will be able to publish and to transmit to the ILO the guides for catering staff soon and asks it to provide information on any progress achieved concerning research and educational work in this field.

Article 3. The Committee again requests the Government to indicate the manner in which co-operation is ensured 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 10. The Committee has noted with interest the reports on the inspection activities of the Panama Bureau of Shipping in 1985 and 1986. It hopes that, in accordance with section 9 of Decree No. 6 of 1983, the Ministry of Labour will be able to prepare, on the basis of the reports submitted by the organisations which have been empowered to inspect ships under Panamanian flag, an annual report which will meet the requirements of Article 10 of the Convention.

United Kingdom (ratification: 1980)

With reference to its observation under Convention No. 147, the Committee is examining below questions raised in comments submitted by

the Trades Union Congress (TUC) which concern the application of the present Convention.

Articles 4 and 6 of the Convention. It appeared from the information concerning the inspectorate of ships' provisions which was annexed to the Government's last report under Convention No. 147, that the size of the inspectorate of ships' provisions declined considerably between the period 28 November 1980 to 30 November 1981 and the period 1 December 1981 to 30 June 1982 (from one chief inspector, seven senior inspectors and four inspectors on 30 November 1980 to one chief inspector and two senior inspectors on 30 June 1982). In the same period, the number of ship inspections sharply decreased from 968 to 155 and the number of defects and rejections went from 200 to 71.

According to the Government, following the reduction in staff, the emphasis was shifted from constant shipboard inspections to a mixture of inspections on ships and inspections at suppliers' premises, which gave more effective control of the standard provisions, as one supplier could be servicing 50 ships several times a year and the inspector sees them at source, and as it allowed preventive liaison with the supplier. Under both the old and new procedures, foodstuffs would be rejected for various reasons such as grade, condition and infestation, and the defects could be associated in one way or another, i.e. malfunctioning refrigeration or ventilation, infested or inadequate storerooms or galleys, etc. The Government further stated that in order to compensate for the lesser number of ships being inspected, measures had been taken to facilitate recourse to the complaints procedure available under section 22 of the Merchant Shipping Act 1970.

In its comments, the TUC refers to reports that catering for seafarers on safety standby vessels for offshore installations did not meet the requirements of the Convention. Citing the drastic reduction in the number of inspectors of ships' provisions from twelve to three in the period 1980-82, the TUC observes that inspections at suppliers' premises could only deal with the quality of provisions and not the quantity.

In its reply to the above comments by the TUC, the Government states that no official complaints have been received of failures to meet the requirements of the present Convention for safety standby vessels for offshore installations, though anonymous telephone calls were received in 1984. These led to investigations revealing that the problem of food and water shortages arises only when these vessels significantly overstay their periods "on station", causing them to use up their recommended reserves. This was taken up with the operators concerned. Regarding the TUC comments concerning inspections at suppliers' premises rather than on board ship, the Government states that it was found from experience in regular inspections of all ships that infringements of the Provisions and Water Regulations arose invariably from defects in the quality of the stocks held on board. Accordingly it was decided that this could best be remedied by checks on the suppliers of food and water coupled with ad hoc inspections of ships' galleys and storerooms. This change in emphasis justified the reduction of the number of inspectors to three. Even so, 386 vessels

were inspected in 1985. Of the 25 complaints received and investigated in that year, none related to shortages.

The Committee takes due note of the above comments and information. It observes that under Article 4 and 6 of the Convention, the system of inspection by a permanent staff, including inspectors, is to cover (a) supplies of food and water, as further described in Article 5(2)(a) of the Convention; (b) all spaces and equipment used for the storage and handling of food and water; (c) galley and other equipment for the preparation and service of meals, as further detailed in Article 5(2)(b); and (d) the qualification of catering department members who may be required to possess prescribed qualifications. The Committee would point out that inspection at the premises of the suppliers of provisions cannot satisfy the inspection requirements of this Article with regard to the shipboard facilities mentioned in (b) and (c) above - facilities which the Government's report itself notes as sources of defects in some cases (e.g. inadequate storerooms or galleys). The Committee requests the Government to indicate the measures it intends to take in order fully to meet the requirements of the Convention.

Article 8. In the report on the inspectorate of ship's provisions, the Government had stated that fees can be charged for inspectors' services and this is used for "request inspections". The TUC had commented in this regard that in the view of the trade unions concerned, seafarers making complaints should not be charged a fee. The Committee requests the Government to clarify whether a fee is charged for an inspection arising from a written complaint made by a number or proportion of the crew or on behalf of a recognised organisation of shipowners or seafarers.

Article 9, paragraph 2(a). The Committee has noted the statement in the above-mentioned inspection report that there are no "penalties" imposed as such for infringements, but that fees can be charged for inspectors' services where rejections (of foodstuffs) are caused by neglect on board or where substandard provisions are deliberately supplied to seafarers. The Committee requests the Government to provide additional information regarding the monetary amount and frequency of resort to such fees in cases of infringement.

* * *

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

Convention No. 71: Seafarers' Pensions, 1946

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

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

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

Convention No. 74: Certification of Able Seamen, 1946

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

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

Dominican Republic (ratification: 1973)

The Committee notes the information supplied by the Government in its last report to the effect that the Code for Minors, to which it referred in its previous report, is at an advanced stage of preparation. The Committee once again expresses the hope that this Code will be adopted in the near future and that it will give effect to the following provisions of the Convention: Article 2, paragraphs 1 and 4, of the Convention (thorough medical examination for employment and specification of the authority competent to issue the document certifying fitness for employment); Article 3 (medical supervision up to the age of 18 years); Article 4 (annual medical examination up to the age of 21 years in occupations that involve high health risks); Article 6 (vocational guidance, physical and vocational rehabilitation of children and young persons found by medical examination to have physical handicaps or limitations); Article 7 (supervisory measures for ensuring the strict enforcement of the Convention).

[The Government is asked to report in detail for the period ending 30 June 1988.]

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bolivia, Comoros, Djibouti, Ecuador, Greece, Luxembourg, Nicaragua, Portugal, Spain, Tunisia, Turkey.

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

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

Israel (ratification: 1953)

Further to the previous comments relating to Article 4 of the Convention, the Committee has noted with interest the different regulations which require, for certain occupations involving high health risks, a medical examination for fitness for employment and its periodic repetition for all workers concerned. It requests the Government to keep it informed of all other activities of a similar nature which are to be determined in the future and for which the medical examination for fitness and its repetition will be required in conformity with this provision of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bolivia, Cameroon, Comoros, Djibouti, Ecuador, Greece, Luxembourg, Nicaragua, Portugal, Spain.

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

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

Convention No. 81: Labour Inspection, 1947

Central African Republic (ratification: 1964)

Articles 7 and 10 of the Convention. The Committee notes with interest the Government's statement in its report to the effect that the staff of the labour administration has been increased by five new deputy labour inspectors, whose training at the National School of Administration was financed by the ILO. The Committee welcomes the Government's efforts to promote the implementation of the Convention at this level.

Article 11, paragraph 2 and Articles 20 and 21. The Committee notes the information supplied by the Government in reply to its comments and, in a request addressed directly to it, it requests the Government to supply further clarifications.

Finland (ratification: 1950)

The Committee notes the information supplied by the Government in reply to the Committee's earlier observation, taking into account the

comments referred to therein which have been made by the Finnish Employers' Confederation (STK), the Employers' Confederation of Service Industries (CTK), the Central Organisation of Finnish Trade Unions (SAK) and the Confederation of Salaried Employees (TVK). The Government states that the personnel of the labour protection administration has been increased by 13 employees during the past year. The Government has also decided in principle that the possibilities to combine the municipal labour inspection with the government labour inspection will be investigated anew. The Committee asks the Government to supply information on developments in this matter in its next regular report on the application of this Convention.

France (ratification: 1950)

Articles 17 and 18 of the Convention. In reply to the Committee's previous observation, the Government has transmitted the text of the circular of 24 March 1986 of the Minister of Labour, Employment and Vocational Training, entitled "Instructions concerning the Preparation, Transmission and Effect to be given to Reports", of which the Committee takes note with satisfaction.

Greece (ratification: 1955)

Article 12, paragraph 1(c)(iv), of the Convention. The Committee notes with satisfaction the information provided by the Government in reply to the Committee's previous comments concerning the application of this provision of the Convention. The Committee takes note of the documentation supplied by the Government at the Committee's request. In particular, the Committee notes that the Government has issued a circular dated 30 December 1985 to all inspectors announcing the promulgation of Act No. 1568/85 and indicating, inter alia, that section 31 thereof gives effect to section 12(c) of Act No. 3249 of 1955 adopted with a view to ratifying Convention No. 81, which empowers the inspectors to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified.

Ireland (ratification: 1951)

Further to its 1986 observation and direct request, the Committee notes with interest that the Government has stated that proposals for a comprehensive bill on safety, health and welfare at work (designed to extend statutory occupational safety and health cover to all employers, all employees and the self-employed, and providing for the establishment of a National Authority for Occupational Safety and Health involving representatives of employers, workers and the State) are currently being developed. The Committee would appreciate being informed of the adoption of this legislation, when it occurs, and receiving a copy of the text.

The Committee also notes with satisfaction that it has received a copy of the Annual Labour Inspection Report for 1983-84, transmitted in conformity with the provisions of Articles 20 and 21 of the Convention.

Italy (ratification: 1952)

The Committee takes note of the information supplied by the Government in its report, which, however, does not fully reply to the questions raised by the Committee in its direct request of 1985. The Committee notes that, since the coming into force of Act No. 833 of 23 December 1978 to set up a National Health Service, the application of the Convention has been the subject of observations and direct requests in 1982, 1983 and 1985, and yet the information supplied by the Government has not permitted the Committee up to the present to assess to its full satisfaction the way in which the Convention is currently implemented, not only by law, but also, above all, in practice. This is even more the case as, since 1978, the Government has not been in a position to transmit copies of the annual general reports which - in accordance with Article 20 of the Convention - the central inspection authority is required to publish. Furthermore, from an "extract" of the annual general report entitled "Relazione generale al Consiglio d'Amministrazione 1980" (General Report to the Governing Body for 1980) which was annexed to the Government's report on the application of the Convention transmitted to the Committee in April 1982, the Committee notes the following statement: "Act No. 833 of 23 December 1978 to set up a National Health Service has had various negative effects on labour administration, particularly with regard to the prevention and safety sectors". The Committee notes that since then it has not received information reporting whether the possible "negative effects" have persisted.

Articles 4 and 16 of the Convention. In reply to the Committee's earlier comments, the Government refers to Act No. 833/1978 stating that the function of deciding upon and co-ordinating health policy is guaranteed under it and that the uniform management of health protection is provided over the whole national territory through a network of local health units (section 10 of the Act). Nevertheless, in the same report, the Government introduces statistical information on activities of the labour inspectorate itself with the following reservation: "This information refers exclusively to the inspection and supervision activities conducted by the labour inspectorates since the data concerning the activities of local health units has not yet been received ...". Since local health units (USL) exist over the whole of the territory and appear to be largely autonomous, it is important to know whether there is a degree of harmonisation of practices and how this is achieved. It is also important to know, for example, how practical effect is given throughout the national territory, and also by means of local health units, to a number of fundamental provisions of the Convention, such as those contained in Article 16 which provides that "workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions". The Government is requested to

provided details of the inspection practices followed by the labour inspectorate, on the one hand, and by the local health units, on the other hand, for the whole of the national territory.

Article 5(a). The Government states that, in accordance with Act No. 833/1978, the functions previously exercised by the labour inspectorate in the field of prevention, health care and the medical supervision of workers have been assigned to the local health units since 1 January 1980; instead, the areas in which labour inspectors are competent with regard to the implementation of national collective labour agreements, social insurance and the collection of statistics and data have remained unchanged. It does not indicate how co-operation is assured between the inspection services for which the Ministry of Labour is responsible and the competent services in the field of occupational health and safety (local health units) for which the above Ministry is not responsible.

Furthermore, the Committee notes the statistical tables annexed to the Government's report and observes that labour inspectors themselves carry out inquiries following occupational accidents (Annex 5) and that, in accordance with the provisions of Article 14 of the Convention, cases of occupational disease are notified to the labour inspectorates. Since these activities are closely linked with supervision and prevention in the field of occupational health and safety, the Committee would like to know how "effective co-operation" is obtained in practice between the various services that are competent in this respect in accordance with Article 5(a) of the Convention.

Article 6. The Government does not supply detailed information concerning the status of the staff of local health units (USL). It simply indicates that they are officers of the judicial police ("polizia giudiziaria"). The Committee recalls that, according to the Convention, the inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences. The Committee requests the Government to transmit copies of laws and regulations (national and/or regional) establishing the status of the staff of local health units (USL) who are assigned to labour inspection functions which provide them with the guarantees required by the Convention.

Other points with regard to Articles 9, 20 and 21 of the Convention are contained in a request that the Committee is addressing directly to the Government.

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

Jamaica (ratification: 1962)

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

Article 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 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 under 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.

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

Jordan (ratification: 1969)

Article 12, paragraph 1(a) and (b), of the Convention. The Committee recalls that for a number of years it has been drawing the Government's attention to the scope of these provisions of the Convention, according to which inspectors shall be empowered to inspect any workplace liable to inspection "at any hour of the day or night" and - moreover - also to enter "by day" any premises which they may have reasonable cause to believe to be liable to inspection. The Committee notes once again that the Government states in its report, as it had done previously, that these points have been dealt with in the draft new Labour Code which will be transmitted to the ILO when it has been enacted. The Committee trusts that the necessary provisions will be introduced in the very near future.

Article 13. The Committee notes the information supplied by the Government concerning the procedure to be followed in cases where the closure of the enterprise is envisaged until the danger to the workers is eliminated. The Committee would like to know:

- (a) what legal provisions are the basis for this procedure (and if possible to receive a copy);
- (b) how it is ensured, in accordance with this provision of the Convention, that "measures with immediate executory force are taken in the event of imminent danger to the health or safety of the workers".

Article 14. The Committee notes the information supplied by the Government with regard to the notification of industrial accidents. It trusts that the Government will take the necessary measures to ensure that cases of occupational disease are also brought to the

attention of the labour inspectorate, in accordance with the provisions of this Article of the Convention.

Articles 20 and 21. The Committee notes that the Government's report does not contain a reply to its previous observation. It trusts that it will in 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.

* * *

Furthermore, a request for additional information on certain other points concerning the application of Articles 11, paragraph 2; 12, paragraph 1(c)(iv); and 15(a), is addressed directly to the Government by the Committee.

Malawi (ratification: 1965)

Articles 20 and 21 of the Convention. Further to its comments over a number of years, the Committee notes the Government's statement that, while between 1963 and 1967 the Ministry of Labour had been issuing its own publications, since then it had been decided to compile this type of publication in a Malawi Year Book which contains summarised activities on the functions of all Government ministries/departments. However, no copy of such year book has been received. Although the Government has supplied a copy of a brief excerpt of the Ministry of Labour's contribution to the Malawi Annual Year Book, and a table showing the number of inspection visits carried out from 1976 to 1985, the information provided is not in published form.

As the Committee has remarked in paragraphs 274 and 280 of its 1985 General Survey, and again in its 1986 general observation on this Convention (pages 119 and 120 of the Committee's 1986 report), it must recall 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 Convention, as well as for the appreciation of any substantial problems arising in this connection. The Committee expresses the hope that the Government 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 requested in Article 21 of the Convention. Regarding the form of annual reports, the Committee has repeatedly suggested ways of easing difficulties of a practical nature, proposing (in particular, in 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.

Mauritania (ratification: 1963)

The Committee notes with interest the Government's statement in its report with reference to the technical assistance that it received from an ILO expert on labour administration. The Committee hopes that the results of this assistance will help the Government in its efforts to make progress in the implementation of the Convention. The Committee requests the Government to supply information in general on the progress achieved in this respect. It would be particularly grateful if the Government would supply, with its next report, an overall picture showing the further progress that it has achieved in the implementation of Article 3, paragraph 2, of the Convention through the process referred to by the Government of separating manpower offices from labour inspection offices.

Article 6. The Committee notes the Government's statement in its report to the effect that the adoption of the statute of the labour inspectors and controllers has once again been delayed for financial reasons. It trusts that this statute will be adopted in the near future and requests the Government to indicate, in its next report, the progress that has been achieved in order to ensure the inspection staff stability of employment and to make them independent of any change of government and of improper external influences.

Articles 20 and 21. The Committee notes that the Government hopes to be in a position in the future to supply inspection reports, in accordance with these provisions of the Convention. It once again expresses the hope that the Government will therefore arrange for the publication (even by roneo printing if that is found to be more economic) and the transmission to the ILO, within the time-limits prescribed in Article 20 of an annual inspection report containing all the information provided for in Article 21.

The Committee also refers separately, in a request that it is addressing directly to the Government, to a number of points concerning the implementation of Articles 10, 11 and 16.

Nigeria (ratification: 1960)

Articles 10 and 16 of the Convention. The Committee notes the Government's statement that efforts are being made to increase the number of labour inspectors and that over the last two years 52 labour officers and inspectors have been employed to reduce the imbalance. The Committee asks the Government to supply information on progress made in this regard and to supply to this end in its next report detailed information describing the number of labour inspectors, the importance of their duties, the material means placed at their disposal, the practical conditions and the frequency of inspection visits, as provided for in Articles 10 and 16 of the Convention.

Articles 20 and 21. The Committee notes the Government's statement that efforts are still being made to publish the annual reports that are in arrears and that they will be forwarded to the ILO as soon as they are published. The Committee reiterates its hope 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 thereof.

Pakistan (ratification: 1953)

Articles 12, 13, 14 and 15 of the Convention. The Committee notes with interest that - in reply to the comments made by the Committee over a number of years - the Government is now considering the amendment of the Factories Act, the Shops and Establishments Ordinance and the Road Transport Workers' Ordinance, with a view to meeting the provisions of Articles 12, 13, 14 and 15 of the Convention. The Committee expresses the hope that the legislation in question will be adopted in the near future, and asks the Government to indicate developments in this regard.

The Committee also notes the circulars issued in Sind, NWFP, and Baluchistan drawing inspectors' attention to the provisions of Article 15(c) of the Convention.

Articles 20 and 21. The most recent annual report on the activities of labour inspection services received relates to the year 1980. The Committee trusts that future annual 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 required by Article 21.

Sierra Leone (ratification: 1961)

Articles 20 and 21 of the Convention. The Committee notes the Government's statement that every effort is being taken to comply with the provisions of these Articles of the Convention. However, the Committee has not received annual reports on the work of the labour inspection services since 1969. Once again, the Committee must recall 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 Convention, as well as for the appreciation of any substantial problems arising in this connection. The Committee expresses the firm hope that the government 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 Convention.

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, and again in 1986 (page 120 of its report) 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.

United Republic of Tanzania (ratification: 1962)

Articles 20 and 21 of the Convention. The Committee notes the Government's statement that because of economic difficulties annual general reports on the work of inspection services have not been published. The Committee also notes the Government's regret for this state of affairs, its promise to publish such reports as soon as possible, and its request for advice on how to deal with this matter. The Committee observes that the Government has been advised on a number of occasions with regard to the matter. The Committee also recalls in this connection some general suggestions that it has itself put forward on a number of occasions (see for instance paragraph 277 of the Committee's 1985 General Survey and pages 119 and 120 of its 1986 Report). Thus, regarding the form of annual reports, the Committee has already suggested in a general way 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. The Committee reiterates the firm hope that the Government 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 Convention.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Argentina, Australia, Burkina Faso, Central African Republic, Djibouti, Dominica, France, Grenada, Guinea-Bissau, Honduras, Italy, Jamaica, Jordan, Madagascar, Mauritania, Niger, Qatar, Senegal, Syrian Arab Republic, Venezuela.

Information supplied by Greece, Sweden and the United Arab Emirates in answer to a direct request has been noted by the Committee.

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

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

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

**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 the German Democratic Republic, Poland, USSR, and a number of other 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 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 statement. At the same time he stated that he was not in agreement with the Committee's comments on the USSR. He emphasised that in the world of today characterised by the existence of different social, economic, political and legal systems, the standards of universal international Conventions, which were generally democratic in their social nature, might engender in the course of their implementation norms of internal legal systems which might be socialist or capitalist. This meant that social realities produced as a result of the implementation of international labour Conventions or social realities with which these Conventions were confronted might be different in capitalist and socialist countries although in both cases these realities might be in conformity with the Conventions. This was especially true of those Conventions that touched upon fundamental principles and structures of the existing social systems, such as Convention No. 87. In these circumstances, there was a tendency to consider that the methods and results of the implementation of these Conventions in the capitalist countries were the only ones which were in conformity with the Conventions. This approach to the implementation of these Conventions made itself felt on occasion and, in particular, in the Committee's comments relating to the application of Convention No. 87. Such an approach was incompatible with the very foundation of international law, which was peaceful coexistence. In this particular case, this had, over a number of years, led to an erroneous evaluation of the USSR legislation.

The Committee refers to its position as stated in previous years, as recalled in paragraph 23 of its general report.

General observation

The Committee has noted that the legislation in certain countries disqualifies from trade union office persons who have been convicted of almost any type of criminal offence or of certain specific crimes which are considered to make it inappropriate to place the guilty person in a position of trust, such as trade union office. In other

cases a criminal record can result in the loss of civil or political rights the possession of which is also a requirement under the legislation of some countries for eligibility for trade union office.

The Committee recalls that conviction for acts 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 and that legislation providing for disqualification on the basis of any offence constitutes an undue restriction on the right of workers to elect their representatives and is accordingly incompatible with the Convention.

The Committee requests the governments concerned to take the necessary steps to limit these restrictions in the case of conviction to crimes which bring into question the integrity of those concerned and which would constitute a real risk for the exercise of trade union office.

Algeria (ratification: 1963)

The Committee takes note of the report of the Government and of the information supplied in reply to its previous comments.

The Committee has already pointed out that the legislation adopted recently reinforces the single-trade-union system established in 1971 in favour of the General Federation of Algerian Workers (UGTA), which is named therein as the sole workers' organisation. The texts concerned are the following:

- Ordinance No. 71-75 of 16 November 1971: section 2 provides that a trade union section shall be set up by the UGTA in any unit, undertaking or private sector where more than nine workers are employed; section 3 states that the electoral system, the method of organisation and the number of members making up the executive committee of a trade union section shall be fixed by the by-laws of the UGTA.
- Ordinance No. 75-31 of 29 April 1975: sections 85 and following confer on the UGTA an exclusive role in collective bargaining.
- Decree No. 86-22 of 9 February 1986 (National Charter): in accordance with Title II, Chapter 1, paragraph 5, point 3, it is the prerogative of the UGTA to provide guidance to the workers.
- Ordinance No. 76-97 of 22 November 1976 (Constitution): section 100 places all the mass organisations under the protection and control of the Party (FLN), and they are alone entitled to organise the workers and peasants. Decree No. 86-22: in accordance with Title II, Chapter I, paragraph 5, these organisations are placed under the protection, guidance and control of the Party, which provides them with encouragement and guidance.
- Act No. 78-12 of 5 August 1978: section 23 specifies that the by-laws and regulations of the UGTA shall determine the principles and procedures for setting up the trade union, and section 24 recognises the right of all workers to join voluntarily with the union designated UGTA.

As the Committee has already observed, these various provisions grant and regulate trade union rights that might be in conformity with the Convention if their exercise were not confined to the UGTA, the only central trade union organisation, to which all trade union sections set up under its by-laws are affiliated.

The Committee takes note of the statement by the Government to the effect that the existence of a single central trade union organisation is due not to a decision of the Government but to the historic choice of the workers to unify the trade union movement.

The Committee recognises that it is the workers that must choose the trade union system that best suits them, but recalls that Article 2 of the Convention contains the principle of free trade union choice. Even in a situation where, at some point in the history of a nation, all the workers have preferred to unify the trade union movement, they should, however, 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 has always held the view that the institutionalisation by the law of a single-trade-union system conflicts with the possibility that must be open to workers of establishing and joining organisations of their own choosing.

Moreover, it considers, in accordance with the opinion it expresses in paragraph 197 of its General Survey of 1983, that when governments endeavour to enlist the collaboration of the trade unions in the implementation of their economic and social policy, they should appreciate that the value of such collaboration depends largely on the freedom and independence of the trade union movement, as an essential factor in social progress, and should not seek to transform it into a political instrument for the attainment of their own political aims. Neither should they attempt to interfere in the normal activities of a union under the pretext of its freely established relations with a political party.

On the other hand, the Committee points out that Ordinance No. 71-75 of 16 November 1971 concerning collective labour relations in the private sector contains provisions that lead it to make comments in respect of Article 3 of the Convention. First, section 15 provides that a strike may be called only after the approval of the trade union authorities, which, under the single-trade-union system set up by law, would make practically impossible any action in defence of their claims by a group of workers that wished to act independently of the single trade union, namely the UGTA. The Committee draws the attention of the Government to the fact that this situation seems to deny the right of workers freely to carry on their trade union activities, which are made subject to the approval of the existing trade union structure, namely the UGTA. The Committee observes that the obligation to seek for the approval of the trade union authorities may act as a restraint on all strike activities, for example by workers in a trade union section of the UGTA in an undertaking if approval must come from the centralised authorities at the higher level. Moreover, the regulation, by presidential ordinance of the operation of a strike represents interference by the authorities in trade union activities. The Committee recalls that freedom of association implies that the trade unions themselves decide, for

example through their by-laws, on the way in which a strike shall be called. Lastly, section 21 of the above-mentioned Ordinance provides that a sentence of imprisonment of from one month to three years may be imposed on those who infringe the provisions of this text. The Committee recalls that it has always considered prison sentences for going on strike to be contrary to the principles of freedom of association, especially since, under section 15 (commented on above) a lawful strike, but one which has not received the previous approval of the trade union authorities (UGTA), could lead to prison sentences for the striking workers.

The Committee therefore asks the Government to reconsider the situation in the light of these comments and to ensure that Algerian legislation is brought into conformity with the Convention.

The Committee notes that the Bill mentioned previously concerning the mission of the trade union movement and the exercise of the right to organise under Act No. 78-12 concerning the general conditions of work of workers has been examined by the higher authorities, which have submitted it to the ad hoc ministerial committee for a fresh examination. It urges the Government to take the above comments into consideration at the time of this review, in order to give effect to the Convention on these points.

Argentina (ratification: 1960)

The Committee takes note of the comments made in 1986 by the General Confederation of Labour (CGT) on the application of the Convention and of the reports of the Government. In addition, in the course of its present session, the Committee has received comments from the CGT which have been transmitted to the Government for its observations.

The CGT in its 1986 comments states that the situation existing at the time of the return to democracy has not changed. It specifies that Act No. 22105, adopted during the previous regime, is still in force and contains provisions that are in conflict with the Convention (restrictions on the right to establish organisations, on trade union autonomy, on the representation of workers at the workplace, on the right to draw up rules and on the right of organisations to determine their own geographic competence).

According to the report of the Government, the comments of the CGT are entirely beside the point. It refutes each of the assertions of the CGT and states that, although Act No. 22105 is still in force, the Government continues to achieve its aims in respect of freedom of association, namely the democratic organisation of trade unions through the participation of the workers in decisions in accordance with the statutory machinery, the defence of occupational interests, the representation of minorities, the existence and strengthening of second- and third-level organisations, the guarantee of freedom of affiliation and the effective protection of trade union representatives.

The Government also points out that the process of bringing the trade union organisations back to normal is now completed. With the assistance of an ILO mission, a final agreement to normalise the CGT

was reached on 3 September 1986 and this led to the holding of a congress of the organisation at which the executive council was nominated.

With regard to the amendment of the Trade Union Act, the Government states that it is pursuing the undertaking it gave to study the necessary amendments to Act No. 22105. A working party has been set up under the Committee on Labour Legislation of the Chamber of Deputies with a view to studying the various aspects of future laws on workers' occupational associations and on collective bargaining. The Government thus hopes to reach an agreement very shortly that will make it possible to adopt the final text of the new Act.

The Committee takes note of this information. In particular, it notes with interest that the process of restoring the trade union organisations to normal has been completed. It expresses the hope that the new trade union legislation will be adopted shortly and that it will take account of the observations the Committee has made on Act No. 22105 and on Decree No. 640 issued under it.

Bangladesh (ratification: 1972)

The Committee takes note of the report of the Government. It also takes note of the observations made by the Bangladesh Employers' Association. The Committee had before it the report of the Committee on Freedom of Association concerning Case No. 1326 (see 241st Report, November 1985, and 243rd Report, March 1986, approved by the Governing Body at its 231st and 233rd Sessions) and the reply, dated 26 October 1986, by the Government to the conclusions of the Committee on Freedom of Association after examining this case.

The questions previously raised by the Committee of Experts are as follows:

- right of association of persons carrying out functions of management and administration;
- right to join a trade union or to participate in the management of a trade union of persons actually employed in the establishment or group of establishments concerned;
- associations of civil servants;
- dissolution of a trade union the number of whose members is less than 30 per cent of the workers in the establishment or group of establishments for which the trade union has been set up;
- right of the registrar to carry out inspections and enter trade union premises.

1. The Committee has pointed out that section 2(b)(xxviii) of the 1969 Ordinance, as amended, excludes from the definition of workers covered by the text, whose right of association is defined in section 3(a) of the Ordinance: managerial and administrative staff and staff employed on supervisory duties who carry out managerial or administrative functions. It takes note of the statements by the Government and by the Bangladesh Employers' Association to the effect that managerial staff are covered by the definition of "employer" given in section 2(b)(viii), whose right of association is provided for by section 3(b) of the same Ordinance. The Committee points out, as it does in paragraph 131 of its General Survey of 1983 on Freedom

of Association and Collective Bargaining, that forbidding these persons to join trade unions representing other workers is not necessarily incompatible with freedom of association, on two conditions: first, that they have the right to form their own organisations to defend their interests and, second, that the categories of managerial staff and employees in positions of confidence are not so broadly defined that the organisations of other workers in the establishment or branch of activity are weakened by being deprived of a substantial proportion of their present or potential membership. According to the Bangladesh Employers' Association, there would be no management or administration if these groups of staff were authorised to set up trade unions with the workers under their orders. The Committee notes that these groups of persons are entitled to set up their own associations for the defense of their interests. It asks the Government, however, to provide details of the number or percentage represented by persons in these groups in the establishments. The Bangladesh Employers' Association might also provide statistics.

2. The Committee has already pointed out that section 7A(1)(a)(ii) and (b) of the Industrial Relations Ordinance limits the right to be a member or officer of a trade union to persons actually employed in the establishment or group of establishments concerned. The Committee has considered that a provision of this kind restricts the right of workers to establish and to join organisations of their own choosing (Article 2 of the Convention), to elect their representatives in full freedom and to organise their administration and activities (Article 3). It notes that the text has been amended by Ordinance No. XV of 1985 so as to abolish the requirement contained in clause (b) that an officer or member of a trade union must cease to be an officer or member of the said trade union on the coming into force of the 1980 amendment if he is not employed in the establishment in which the union has been formed. The Committee observes that this clause has been abolished because it has ceased to be necessary, but that the basic requirement contained in section 7A(1)(a)(ii) remains in force. The Committee states once more that the free exercise of the right to establish and to join unions implies the free determination of the structure and composition of unions and that conditions placing restrictions on the function of a trade union officer represent interference in the internal affairs of the unions and trusts that these provisions will be repealed in the near future.

3. With regard to the public servants excluded from the scope of the Industrial Relations Ordinance 1969, namely those employed in the administration of the State other than those employed on the railways and in the postal, telegraph and telephone services, the Committee observes that, by virtue of section 29 of the 1979 Regulations, the right to join associations representing their interests is subject to many conditions, laid down unambiguously, for example: under section 29(a) associations must combine government services by category and under section 29(b) they must not be connected with other associations. Furthermore, under section 29(d) they cannot issue publications or articles without the approval of the government and under section 29(f)(ii) the associations cannot have

financial dealings with any trade union registered under the 1969 Ordinance.

With regard to the prohibition contained in section 29(c), under which these associations of government servants cannot participate in any political activity, the Committee recalls that such provisions are incompatible with the principles of the Convention. In the General Survey that it submitted to the 69th (1983) Session of the International Labour Conference, particularly paragraphs 195 to 198, the Committee emphasises that the activities of a trade union cannot be restricted solely to the occupational field since the choice of a general policy - in economic matters for example - is bound to have consequences on the situation of workers.

The Committee observes that all these aspects of the legislation are not in accordance with the right of workers to establish and to join organisations of their own choosing laid down by Article 2 of the Convention (government servants are confined to a single association of their category), and to the right that every trade union should have to exercise its activities, to formulate its programmes and to organise its administration without interference from the public authorities, in accordance with Article 3.

The Committee notes that the Government cites Article 11 of the Convention in support of the view that the provisions of these regulations meet the situation since public servants are organised in different associations.

The Committee recalls that the principles set forth by the Convention apply to all categories of workers, with the sole exception of the armed forces and the police, which can be excluded by virtue of Article 9, and that under Article 11 it is for a member that has ratified the Convention to take the necessary measures to give effect to it. The Committee further points out that a communication of September 1984 from the Bangladesh Free Trade Union Congress shows that the Bangladesh Public Servants' United Council is not entitled to be registered and has no right to bargain collectively. The Committee urges the Government to reconsider the situation in the light of the above comments in order to give full effect to Articles 2 and 3 of the Convention in respect of public servants.

4. In addition, under section 10(g) of the 1969 Ordinance, as amended by section 5 of Act No. XXIX of 1980, the registrar may cancel the registration of a trade union if the number of members is below 30 per cent of the workers in the establishment or group of establishments for which the union was formed. Under section 11A(1) of the 1969 Ordinance, such a cancellation results in the dissolution of the union.

The Government states that the purpose of this provision is to help the unions to maintain their numbers and ensure social peace by avoiding a multiplicity of small competing unions, and not to interfere in their operation. The Committee considers, however, that a procedure of this kind, which allows the administrative authority discretionary power over the existence of a trade union, is equivalent to a restriction on the right of workers to establish and to join organisations of their own choosing without previous authorisation (Article 2), while the law of the land must not impair the guarantees provided for in the Convention (Article 8). The Committee has already

noted that appeal is possible to the labour courts (section 11 of the Ordinance), but it points out that the existence of an appeals procedure does not in itself constitute an adequate guarantee, since this modifies neither the nature of the powers conferred on the authority responsible for registration nor the condition, imposed by section 7(2) of the Ordinance, that 30 per cent of the workers in the establishment must associate to enable a trade union to be set up. The Committee considers that, where the legislation lays down a criterion of a minimum number of members, this number should be a reasonable one. The figure of 30 per cent, applied generally both to small and to large establishments, appears excessive to the Committee, which considers that it may be an obstacle to the establishment of organisations. The Committee therefore requests the Government to re-examine this condition and to revise the legislative provision on this point.

5. Lastly, the Committee has already noted, that, under Rule 10 of the Industrial Relations Rules 1977, the registrar or any other officer authorised by him may enter the premises of a trade union or federation of trade unions and inspect and seize any record, register or other document. This procedure, under which an administrative authority has wide powers of supervision over the internal affairs of a trade union, is incompatible with the right of workers to organise their administration (Article 3). The Committee requests the Government once more to reconsider the provision in question.

Bolivia (ratification: 1965)

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

It recalls that its previous comments related to the refusal of the right to organise to public servants (section 1 of the General Labour Act of 29 May 1939), to the right to organise of persons who work at home, domestic workers and temporary workers (section 4 of the Decree of 23 August 1943), the requirement of previous authorisation for the establishment of a trade union (sections 99 of the Act and 124 of the Decree), the impossibility of setting up more than one union in an undertaking (section 103 of the Act), the wide powers and supervision of the labour inspector over the activities of trade unions (section 111 of the Act), the possibility that trade unions may be dissolved by administrative authority (section 129 of the Decree) and the power of the executive to prohibit strikes by imposing compulsory arbitration (section 113(c) of the Act).

1. Refusal of the right to organise to public servants

The Committee notes that the Government repeats its previous statements to the effect that the Bill on the right to organise of public servants, drafted on 22 February 1983 and approved by the Chamber of Deputies, is to be examined by the Senate.

The Committee recalls that the Bill in question, the object of which is to apply the Convention in respect of public servants, excludes from the right to organise certain officials of the Ministry of the Interior, Migration and Justice, staff in the office of the President of the Republic and members of the diplomatic and consular services, who should have the possibility of setting up their own organisations in defence of their occupational interests. The Committee again stresses that only the armed forces and the police may be excluded from guarantees provided for by the Convention (Article 9). It hopes that the Government will take this into account when the Bill to grant the right to organise public servants is finally adopted.

2. Right to organise of domestic workers,
homeworkers and temporary workers

The Committee takes note of the statement by the Government that homeworkers and domestic staff are covered by sections 32-40 of the General Labour Act of 1939 and sections 24-28 of the 1943 Decree issued under it and that they have therefore the right to set up unions. The Government adds that, if domestic workers do not join together in trade unions, it is not because the law prohibits this. It states that workers not recognised as "employees" within the meaning of the General Labour Act and the Decree (section 4 of the 1943 Decree) may join together in a trade union but that they do not do so because they are not dependent and do not come together in their various occupations.

The Committee observes that nothing in the legislation prohibits domestic workers, those who work at home or in their offices and those whose services are continuous from organising trade unions in defence of their occupational interests, since the General Labour Act provides that 20 workers may set up a corporative or occupational trade union (section 103).

3. Requirement of prior authorisation for
the establishment of a trade union
(section 99 of the 1939 Act and
section 124 of the 1943 Decree)

The Committee takes note of the statement by the Government that the sections in question do not refer to prior authorisation but to the recognition of legal personality so that a trade union may operate legally. The Government adds that section 4 of the Legislative Decree of 7 February 1944 provides that "all occupational and trade union associations may be set up freely and without a requirement of authorisation for the purposes of section 125 of the Decree of 23 August 1943".

4. Impossibility of setting up more than
one trade union in an undertaking
(section 103 of the Act)

The Committee notes the statements by the Government that section 103 does not prevent the establishment of more than one trade union in an undertaking but that the social facts and the history of the trade union movement in the country are such that only one trade union is formed in an undertaking. According to the Government, "freedom" of association would lead to a weakening of the trade union movement and would be used by those who seek its division and the reduction of its achievements.

The Committee takes note of the argument of the Government concerning the risk of weakening the power of trade unions within the undertaking but points out that under section 103 of the Act, it is impossible to set up a trade union with fewer than 50 per cent of the workers in an undertaking. In the view of the Committee, the obligation to assemble so high a percentage of workers to form a trade union constitutes an obstacle for the right of workers to establish organisations of their own choosing. The Committee recognises that bargaining privileges may be granted to the most representative union in an undertaking, but has always considered that national laws should not prevent workers from coming together in more than one trade union organisation in an undertaking should they so wish. Minority trade union organisations should be able to defend the individual interests of their members and to assert their representativity in accordance with objective criteria laid down in advance. The Committee is addressing a direct request to the Government on the impossibility of forming more than one union in an undertaking.

5. The wide powers of supervision
over the activities of trade unions
conferred on the labour inspector
(section 101 of the Act)

The Committee notes the Government's statement that the provision laid down that labour inspectors shall be present at discussions and supervise the activities of the managing committees of a trade union has fallen into abeyance.

The Committee firmly hopes, in these circumstances, that the Government will bring its legislation into conformity with its practice and repeal this provision as soon as possible.

6. Dissolution of trade union organisations
by administrative authority
(section 129 of the Decree)

The Committee notes the Government's statement that this provision is not applied. It is addressing a direct request concerning section 129 of the Decree.

7. Compulsory arbitration
(section 113(c) of the Act)

The Committee takes note of the explanation provided by the Government that sections 105 and following of the Act and 150 of the Decree issued under it provide that workers' claims shall be submitted to conciliation and arbitration and that whatever procedure is undertaken workers and employers shall not resort to strikes or lock-outs.

The Committee considers that the power of the executive to make the decision of an arbitration court compulsory by special order (section 113(c) of the Act) and therefore, apparently, to prohibit resort to strikes, should be exercised only in the event of a strike in essential services in the strict sense of the term, i.e. those the interruption of which would endanger the life, personal safety or health of the whole or part of the population, or in an acute national crisis.

The Committee is also addressing a direct request to the Government concerning restrictions on recourse to strikes and on the right to elect trade union officials.

The Committee requests the Government to indicate in its next report the measures taken to bring its legislation into conformity with the Convention.

Burkina Faso (ratification: 1960)

The Committee takes note of the report of the Government concerning the application of this Convention and of the conclusions reached by the Committee on Freedom of Association in Case No. 1266, approved by the Governing Body at its 234th Session in November 1986.

The Committee notes that a direct contacts mission went to Burkina Faso in September 1986 at the invitation of the Government, and met both with the government authorities and with those representatives of the teachers who had been dismissed, denied reinstatement and deprived of their trade union rights following a 48-hour strike in March 1984. It also met with representatives of the four central trade union organisations.

The Committee notes with interest that, following this mission, a decision of the Council of Ministers on 1 October 1986 cancelled the prohibition against reinstating the workers who had gone on strike and who had been dismissed in private and other establishments. It also notes that the Government states in its latest report on the application of this Convention that, for the sake of national unity and social justice, it has, since August 1984, been gradually reinstating the teachers who were dismissed.

The Committee agrees with the recommendations of the Committee on Freedom of Association in this case and, in particular, requests the Government to indicate any new measures taken with a view to the full reinstatement of all the teachers who were dismissed and who wish to regain their posts and to the restoration of their pension rights to dismissed teachers who have reached the age of retirement and to their dependants. It also reminds the Government of the importance it

attaches to the right of the teachers who have been dismissed to take part in the trade union of their choice for the defence of their interests.

The Committee hopes that the Government, in accordance with the assurances it has already given, will continue its efforts to restore a normal situation and requests it to supply full and detailed information on the measures taken in this connection.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Burma (ratification: 1955)

The Committee takes note of the Government's report concerning the application of this Convention. The Committee regrets, however, that the report contains no new information on progress made to bring the legislation into conformity with the Convention regarding the legislative provisions which establish a trade union monopoly (section 9 of Act No. 6 of 1964, as amended in 1976, and sections 2 and 6(b) of the Regulations issued under it, No. 5 of 1976). For a number of years the Committee has been pointing out that these provisions are contrary to Articles 2, 5 and 6 of the Convention under which workers have the right to establish and to join organisations of their own choosing.

As the Committee has previously observed, these legislative provisions clearly establish a single trade union structure and prevent workers from having the possibility of establishing other trade union organisations outside the framework of the existing trade union structure ("Asiayone").

The Committee would again point out that even in a situation where at some point in the history of a nation all workers have preferred to unify the trade union movement, they should however 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 has also emphasised that even in a case where a de facto monopoly exists as a consequence of all the workers having grouped together, legislation should not institutionalise this factual situation by designating the single central organisation by name, even if the existing trade union so requests.

The Committee, however, notes that the Government intends to pursue consultations on this matter not only with the workers Asiayone but also with the Law Commission and that ways and means will be explored to take measures aimed at bringing the legislation into line with the provisions of the Convention.

The Committee would express the hope that these consultations will result in amendments being adopted at an early date to ensure full conformity with the provisions of the Convention on this matter.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Byelorussian SSR (ratification: 1956)

The Committee takes note of the report of the Government and of the information concerning the development of the trade union movement. The Government refers to the information supplied in previous reports. The Committee recalls that this information related to texts or situations analogous to those of the USSR and therefore invites the Government to refer to the comments it has made for that country under the Convention.

Cameroon (ratification: 1962)

The Committee takes note of the information supplied by the Government to the Conference Committee in June 1986 and in its latest report.

The Committee recalls that its previous comments related to:

- the denial of the right to establish more than one first-level trade union for the same branch of activity within a particular geographical area (section 4, subsection 2, of Order No. 24/MTLS/DEGRE of 27 May 1969);
- the requirement that trade union administrators or leaders shall be of Cameroon nationality (section 10, paragraph 3, of the Labour Code);
- the prohibition against the calling of a strike before the conciliation and arbitration procedures laid down by the Labour Code have been exhausted, or in breach of an arbitration award having executory force, and the power of the authorities to requisition workers involved in a strike called in a vital sector of economic, social or cultural activity (section 165, subsections 2 and 3, of the Code and sections 2 and 3 of Decree No. 74/969 of 3 December 1974 laying down the procedure for giving effect to section 165 of the Labour Code);
- the requirement of approval by the Minister of Territorial Administration to establish the legal existence of a trade union or a public servants' occupational association (section 2 of Law No. 68/LF/19 of 18 November 1968 relating to trade union or occupational associations or unions not governed by the Labour Code, which permits members of the public service to come together in trade unions);
- the need to apply to prison staff, governed by Decree No. 74-250 of 3 April 1974, the provisions of Law No. 68/LF/19 of 18 November 1968 (article 1) and Legislative Decree No. 74-138 of 18 February 1974 (article 36) which provide for the right to organise for public servants.

The Committee takes note of the statement by the Government to the effect that sections 3 and 4 of the 1974 Labour Code grant workers and employers, without any kind of restriction and without any need of prior authorisation, the right to establish occupational unions in full freedom and also that of joining a union of their own choosing in their occupation or branch of activity. The Government maintains that the principle of trade union pluralism is established in the law and

that the fact that at present only one central organisation exists must not be taken to indicate a situation imposed by the authorities.

The Committee observes that section 4, subsection 2, of Order No. 24 of 27 May 1969 which lays down the conditions for the application of Law No. 68/LF/20 of 18 November 1968 prescribing the form in which trade unions or employers' associations must be set up in order to proceed to registration, provides that "the initial constitution of an employers' association or trade union for a given branch of activity within a given geographical framework precludes the constitution of other associations or unions that claim to belong to the same branch of activity or the same central organisation". But it also notes that section 9, subsection 2, of the same Order No. 24 deals with the by-laws of unions or federations when they declare membership of a central federation and with the by-laws of "central federations"; in other words, this text does indeed refer explicitly to the possibility of a pluralism of central federations. In these circumstances, since the 1974 Labour Code does not restrict the right of workers to join a union of their own choosing in their occupation or branch of activity, the Committee takes due note of the statement by the Government that the principle of trade union pluralism is established in the law and does not consider it necessary to pursue its comments on this point.

The Committee, moreover, notes the statement by the Government to the effect that, since public servants have not yet deemed it necessary to establish an appropriate association officially, the Minister of Territorial Administration has not had to issue a writ refusing to approve their association. The Committee would, however, emphasise the need to grant, in accordance with the law, trade union rights to prison staff.

With regard to the excessive conditions placed by the Labour Code on trade union membership and the incompatibility of the provisions of the regulations concerning strikes with the terms of the Convention, the Committee notes that the Government is considering the possibility of updating Act No. 74-14 of 27 November 1974, the Labour Code, in the light of social and economic developments as well as international labour standards. The Government adds that the idea of a vital sector of the economy will certainly be clarified.

Consequently the Committee expresses the hope that legislation, in conformity with the requirements of the Convention, will be adopted in the near future so that all workers, including foreigners, may join a trade union and freely elect their representatives, including, should they so wish, foreigners, after a reasonable period of residence in the host country. It also recalls that the conception of vital sector of economic, social or cultural activity in which a strike may be prohibited is too broad and that the Government should restrict its scope to essential services in the strict sense of the term, that is to say services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee requests the Government in its next report to communicate information on any progress made regarding these questions.

Canada (ratification: 1972)

The Committee takes note of the Government's report and the comments made thereon by the Canadian Labour Congress (CLC).

Articles 2 and 3 of the Convention

1. Newfoundland. The Committee had requested the Government to reconsider Bill 59, the Public Service (Collective Bargaining) Act, as amended (which excludes many workers from the definition of "employee"), so as to allow workers without distinction whatsoever the right to belong to a union of their own choosing (Article 2) and had requested the amendment of section 10.1 (procedure for the designation of "essential employees" which leads to difficulty in access to independent arbitration in the event of a dispute) (Article 3).

The CLC refers to a strike (3 March to 6 April 1986) of public employees against the Act which led to the signing of a back-to-work agreement in April 1986. The agreement contains a government commitment to review the Act through a Legislative Review Committee. When this Committee's work was delayed, the strike was resumed (3 to 26 September). According to the CLC, during the two strikes, 260 arrests were made of which 100 concerned charges of disobeying an anti-picketing Supreme Court injunction and the rest concerned minor offences such as obstruction of lawful access to property and public mischief. It states that several union leaders were among those arrested and that the president of its Newfoundland affiliate (the Newfoundland Association of Public Employees - NAPE) was tried and sentenced in October 1986 to 4 months' imprisonment, his union being fined \$Canadian 110,000 for disobeying the same injunction.

The Government supplies information on both strikes, pointing out that, in the spring, 124 charges were laid under the Criminal Code of Canada (disobeying lawful orders of the court), and that in September, 86 arrests were made under section 387 of the Code (obstructing lawful access to property or obstructing a person seeking lawful access). It explains that the president of NAPE and the union itself have not appealed against the Supreme Court sentences and that charges against more than 100 rank and file members of the union have since been stayed by the Crown. Moreover, on 6 October 1986, a collective agreement to last four years was reached for the two bargaining units involved in the strike (covering approximately 5,500 maintenance employees). With the end of the second strike, it is anticipated that appointments to the joint Legislative Review Committee will be made in the near future and that it will then commence its work; its establishment is before Cabinet for approval.

While emphasising the importance it attaches to the right to strike as a legitimate means of action through which workers may promote and defend their occupational interests, the Committee would also stress, as did the courts in sentencing the strike leaders, the importance for trade unionists, like other citizens, of respect for the law of the land. The Committee observes that a review of the legislation will soon be carried out by a joint body. It hopes that a climate more favourable to sincere consultations and discussions has now been established within which the Act can be amended to ensure

full conformity with the Convention on the points raised previously by the Committee.

2. Alberta. The Committee observes that the Government supplies statistics on the number of college staff associations established under the Colleges Act but indicates that there has been no repeal of the provisions of this Act and the Universities Act which had been requested by the Committee (Article 2). As regards the Public Service Employee Relations Act and the Labour Relations Act which contain restrictive provisions concerning strikes in non-essential services (Article 3), the Committee notes that there has been no amendment. The Committee observes, however, that government and union representatives have met to discuss these matters and that the Government of Alberta has initiated a general review of its labour legislation through a joint committee which intends to look at foreign experience and hold public debates on the legislation.

The Committee hopes that these consultations and discussions will lead to the amendment of the legislation along the lines already outlined by the Committee and by the Committee on Freedom of Association in the context of its examination of the report of the September 1985 study and information mission.

Central African Republic (ratification: 1960)

The Committee takes note of the information supplied by the Government to the Conference Committee in June 1986 and in its latest report.

The Committee also takes note of the conclusions reached by the Committee on Freedom of Association in its 241st Report, paras. 49 to 84, approved by the Governing Body at its 231st Session (November 1985), concerning Case No. 1040. It points out that it has for some years been commenting on the following points:

- the general suspension since 1981 of all trade union activities, which is known as the "trade union truce";
- the dissolution by administrative authority of the General Union of Central African Workers (UGTC);
- the fate of the property of the former UGTC, both real estate and liquid assets;
- the reasons for which the Bangui Court, which has had the disposal of the UGTC property before it since 1982, has not yet given a decision;
- the right of Central African workers to carry on freely their activities of furthering and defending their economic and social interests through the central trade union organisation of their own choosing;
- the reasons for which the rules of two central trade union organisations deposited in 1981 have not yet, after six years, been approved by the authorities;
- the obligation placed on the members of the executive of a trade union to have belonged to the occupation for five years (section 10 of the Labour Code);

- the obligation placed on delegates of employers' and workers' organisations to belong to the occupation or occupations concerned to be able to discuss collective agreements (section 22 of the Code);
- restrictions on the rights of foreigners to belong to a trade union (obligation to have lived in the country for at least two years and the condition of reciprocity on behalf of Central African citizens established in the country that the foreigners come from) (section 6, subsection 2 of the Code).

The Committee takes note with interest of the statement by the Minister of Labour before the Conference Committee on the Application of Standards in 1986 to the effect that he has agreed to a direct contacts mission being sent to the Central African Republic with a view to examining the questions raised in the comments made by the Committee of Experts and of the communication of the Government dated 13 January 1987 confirming this agreement. The Committee expresses the hope that such a mission may take place in the near future and so be able to examine the application of the Convention in law and in practice in full knowledge of the facts.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Chad (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 observes in particular that, in the draft revision of the present Labour and Social Welfare Code, the legislative texts that gave rise to its observations are to be amended or repealed (namely section 36 of the Labour Code prohibiting the trade unions from all political activity, the Ordinance No. 30 of 26 November 1975 suspending all strikes throughout the country and Ordinance No. 001 of 8 January 1976 prohibiting public and similar employees from exercising the right to organise). In view of the time that has passed since the coming into force of these restrictions on the exercise of those trade union rights guaranteed by the Convention, the Committee trusts that the amendments referred to will be adopted in the very near future. It requests the Government to keep it informed of developments in the situation.

With regard to the possibility of international affiliation, the Committee notes that the two workers' unions at present in existence are free to affiliate with the international organisations of their choice and do so.

The Committee hopes that the direct contacts mission requested in 1984 by the Government, but which, for practical reasons, has not yet been carried out, will assist in improving the situation on these points.

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

Colombia (ratification: 1976)

The Committee takes note of the report of the Government in reply to its previous comments.

1. Establishment of workers' organisations

The Committee notes that the provisions concerning the prohibition against setting up more than one trade union in an undertaking (sections 357 and 364(i) of the Labour Code; section 26 of Decree No. 2351 of 1965; and section 11(1) and (2) of Decree No. 1373 of 1966) do not prevent the existence in the same undertaking of a first-level union together with branch unions or industrial unions.

The Committee observes that industry-wide unions may cover the whole national territory and that this fact given the actual situation prevailing in the country, mitigates to some extent the obligation that there must be at least ten organisations for the establishment of a local or regional federation and 20 for the establishment of a national federation (sections 27 and 28 of Decree No. 1469 of 1978 respecting trade union freedoms). The Committee also notes that where the Ministry of Labour and Social Security refuses to grant legal personality to a trade union organisation, the organisation can appeal to the courts under the Administrative Code when the administrative procedures have been exhausted. The Committee takes note of the explanations supplied by the Government on the competence of the courts, which can examine not only questions of form but also those of substance.

2. Interference in the internal
administration of trade unions

The Committee has referred to the following points:

- ministerial approval of amendments to the constitutions of first-level unions and those of federations and confederations (sections 369, 370 and 425 of the Labour Code and section 15 of resolution No. 4 of 1952);
- regulation by resolution No. 4 of 1952 of questions that should be governed by the constitutions of the unions rather than by the law (quorum of the general assembly, composition of executive bodies, electoral procedure, etc.);
- supervision of the internal management and meetings of unions by public servants (section 486 of the Labour Code and section 1 of Decree No. 672 of 1956), strict rules for trade union meetings (Decree No. 2655 of 1954) and presence of authorities at general assemblies convened to vote the calling of a strike (section 444(2) of the Labour Code);
- the obligation to be Colombian for election to trade union office (section 18(a) of resolution No. 4 of 1952);
- the election of trade union officers to be submitted for approval by the administrative authorities (section 21 of resolution No. 4 of 1952 and sections 10 to 13 of Decree No. 1469 of 1978);

- the suspension, with loss of trade union rights, of leaders who have been responsible for the dissolution of their unions (sections 380(2)(b) and (c) and 4 of the Labour Code);
- the obligation to belong to the trade or occupation in order to be considered eligible for election to trade union office (sections 388(1)(c) and 432(2) of the Labour Code and section 18(c) of resolution No. 4 of 1952 for first-level unions and 422(1)(c) for federations).

The Committee observes the statement by the Government to the effect that since section 485 of the Labour Code provides that the observance of its standards and other social provisions shall be supervised by the Ministry, the officials of the Ministry must have the necessary powers to establish whether the requirements have been observed or not. Section 486 of the Labour Code therefore provides that these officials shall be empowered to take the necessary measures to obtain information on the work of employers, workers and trade union members and executive committees. The Committee further observes that, according to the report of the Government, if an officer of a branch union is dismissed from an undertaking, he does not lose his trade union office because, in addition to the provisions of section 4 of Decree No. 1469 of 1978, his connection with the trade union organisation is based on the fact that he belongs to a particular occupation and not on the fact that he belongs to a particular undertaking.

The Committee considers that section 486 confers on public officials excessively wide powers of intervention in trade union affairs, contrary to Article 3, paragraph 2, of the Convention, which provides that the public authorities shall refrain from any interference that would restrict the rights recognised in the Convention. The Committee would also point out that the explanations of the Government on the necessity of belonging to the occupation in order to be a trade union officer do not apply to works unions but only to craft unions. Lastly, the Committee repeats its comments on the other provisions, to which the Government does not refer.

3. Right of trade unions to further
and defend the interests of
the workers

The Committee takes note of the statement by the Government to the effect that the prohibition on trade unions from taking part in party politics does not mean that trade union organisations are prevented from displaying political ideas or giving ideological support to political candidates. Party politics, according to the report, must be understood to relate to the representation of a trade union organisation in political executive committees or to its supporting political parties financially with trade union funds.

The Committee also notes that the Government states in its report that the legislation in force does not place restrictions on the duration of strikes, and that when, by virtue of section 448 of the Labour Code, the Ministry of Labour and Social Security proposes that an arbitration court be set up, it is for the workers at their

assembly to decide whether the settlement worked out by the court is to be adopted or rejected. The Committee requests the Government to state whether, in view of these explanations, it must be understood that section 3 of the Decree No. 939 of 1966 has been repealed or is no longer applied.

The Committee would also refer again to the following provisions on which it has already commented but which are not mentioned in the report of the Government:

- prohibition on trade unions from holding meetings on political matters (section 12 of resolution No. 4 of 1952);
- prohibition of federations and confederations from calling a strike (section 417(1) of the Labour Code);
- prohibition of strikes not only in the essential services in the strict sense of the term but also in a very wide range of public services that are not necessarily essential (section 430 of the Labour Code and Decrees Nos. 414 and 437 of 1952; 1543 of 1955; 1593 of 1959; 1167 of 1963; and 57 and 534 of 1967);
- compulsory arbitration, which empowers the President of the Republic to order the termination of a strike affecting the interests of the national economy and to submit disputes to arbitration (section 3(4) of Act No. 48 of 1968);
- sentences of imprisonment during the temporary suspension of the right to strike under emergency powers (Decree No. 2004 of 1977);
- the automatic dismissal of trade union leaders who have intervened or participated in an illegal strike (section 450(2) of the Labour Code).

The Committee would be grateful if the Government would indicate in its next report the measures it could adopt to bring the legislation into conformity with the Convention in the light of the above comments.

Congo (ratification: 1960)

The Committee notes that the report of the Government does not reply to its earlier comments, which were as follows:

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 development, 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.

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

Costa Rica (ratification: 1960)

The Committee takes note of the information supplied by the Government in its report and of the conclusions of the Committee on Freedom of Association in Case No. 1304, approved by the Governing Body in May 1985, relating to restrictions on the calling of strikes in several sectors of the economy (see 240th Report of the Committee).

It recalls that its previous comments related to:

- the right of trade union leaders to hold meetings on plantations;
- the right of trade unions to formulate their programmes of action for furthering and defending the interests of the workers, including the calling of strikes.

1. The right of trade union leaders to hold meetings on the plantations. In its latest report, the Government states that it has adopted legislation that is neither contrary to the principles of the Convention nor, in particular, does it prevent trade unionists from going to the plantations and holding meetings there. It adds that section 332 of the Labour Code provides that "the lawful constitution of social organisations, whether industrial associations or co-operative societies, is hereby declared to be in the public

interest as one of the most effective means of contributing to the maintenance and development of popular culture and democracy in Costa Rica".

The Committee points out, however, that, as long ago as 1966, the Committee on Freedom of Association called its attention to a case relating to Costa Rica (Case No. 379, 81st Report), in which the latter Committee had before it information, confirmed by the Government, that local authorities had been instructed by the Government to prevent access by trade union leaders to the properties of the Costa Rica Banana Company and the holding of trade union meetings on these properties. On that occasion the Committee of Experts asked the Government to state whether these instructions were still in force and to send a copy of the legal provisions governing the right of meeting of trade unions of plantation workers. The Government communicated Administrative Regulations No. 1772 of 5 September 1967, under which trade union leaders have the right, on condition that they do not violate the law of the land, to use the public roads on the plantation, to proceed to the centres, to enter the premises and to deal with questions within their competence at the workers' homes, provided that they did so with the consent of the workers and behaved in accordance with the rules laid down by law. The Committee has nevertheless pointed out more than once, particularly in the light of several reports of the Committee on Freedom of Association to the Governing Body, that in practice there are obstacles in the way of the exercise of the rights set forth in this Administrative Decision. Having taken note of the assurances given by the Government that it intended to guarantee to trade union leaders free access to the places mentioned in the Administrative Decision, provided that their activities directly contributed to the interests of the national trade union movement, the Committee asked the Government to take the necessary legislative and administrative measures to ensure that the persons concerned could effectively exercise these rights. The Government has stated several times since 1974 that it intends to submit a bill to the Legislative Assembly to guarantee the right to hold trade union meetings in public places on the plantations. The Committee, however, regrets to note that after this long dialogue the Government makes no reference in its latest report to the adoption of any legislative provision for the purpose and confines itself to indicating in a general way that no contrary legislation has been adopted.

The Committee urges the Government to adopt rapidly legislation guaranteeing trade union leaders the right to hold trade union meetings on plantations.

2. Right of trade unions to formulate their programmes of action, including the calling of strikes. The Committee points out that section 369(a), (b), (d) and (e) of the Labour Code prohibits strikes in the public services, namely those carried out by workers of the State or its institution if the work in question is not of the same nature as work carried out also by private, profit-making undertakings; work carried out by workers employed in sowing crops, cultivation, the care or harvesting of agriculture, forestry or crop-raising products or in transforming of these products where there is a risk of their deterioration; work carried out by workers who are

strictly necessary to keep in operation private enterprises that cannot suspend their services without serious or immediate damage to health or the public economy, such as hospitals, municipal health, cleaning and lighting services; and work declared by the executive authority to be a public service. The Committee considers that the prohibition against strikes should be confined to the following three cases: strikes in essential services in the strict sense of the term, namely those whose interruption would endanger the life, personal safety or health of the whole or part of the population; strikes by public servants engaged in the administration of the State; and finally, strikes during a grave national crisis.

The Committee takes note of the assurances given by the Government that it has communicated these points to the committee set up to draft the new Labour Code. It hopes that in its next report the Government will provide information on the progress made on these matters with a view to amending the restrictive legislation concerning strikes.

The Committee wishes to remind the Government that the ILO is at its disposal for any assistance it may require in the drafting of legislation to give effect to Conventions Nos. 87 and 98, and invites the Government, should it consider this necessary, to call for such assistance in the near future. The Committee recalls that the Government had stated that it intended to request formally technical assistance from the ILO. (See 243rd Report of the Committee on Freedom of Association, para. 9, February 1986.)

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Cuba (ratification: 1952)

In its previous observation the Committee pointed out that the new Labour Code, which came into force in 1985, continues to refer expressly to the Workers' Central Organisation of Cuba (particularly in section 15) and that Legislative Decree No. 67 of 19 April 1983 confers on this organisation the monopoly of representing the workers of the country before the State Committee on Labour and Social Security of the Ministry of Labour (section 61).

The Government again states in its report that the ideological and moral unity of the workers is not an effect of the law but a fact of history. The will for unity is a matter for the workers alone, who have given expression to it in the constitution of the Workers' Central Organisation of Cuba, adopted democratically by its congress. The Government states that the provisions of Legislative Decree No. 67 of 1983 must be interpreted in the light of the Labour Code.

The Committee takes due note of these statements, in particular that concerning the historical nature of the unity of the trade union movement. It can, however, only state once more that, even where a de facto monopoly exists, national legislation should not institutionalise this situation by designating the single central organisation by name.

The Committee, therefore, again asks the Government to indicate the measures under consideration to eliminate from its legislation the reference to the central trade union organisation designated by name.

Czechoslovakia (ratification: 1964)

The Committee takes note of the report of the Government and the discussion that took place in 1985 in the Committee on the Application of Standards at the 71st Session of the Conference.

In its earlier comments, the Committee has observed that, despite the absence of legislative restrictions on representing their members, electing their delegates, formulating their programmes or defending the interests of their members, any workers' organisations that might be established would not in fact have the opportunity of conducting their activities and carrying out their programmes, because of the large number of powers granted by the law to the Revolutionary Trade Union Movement (ROH) in the trade union field. The Committee points out that the Revolutionary Trade Union Movement is referred to by name in the Constitution (section 5) and in various legislative provisions and that its role, together with that of its internal organisations, is of such a nature as to hinder other workers' organisations from being able to exercise such functions. For example, Act No. 37 of 8 July 1959 establishes works committees of the basic organisations of the Revolutionary Trade Union Movement. Similarly, the Labour Code of 1965, as amended, provides, for example, that the participation of the Revolutionary Trade Union Movement in labour relations governed by the Labour Code is implicitly contained in the part of the Code concerning labour relations (basic principle No. X); it also provides that collective agreements shall be concluded on behalf of the workers by the organs of the Revolutionary Trade Union Movement.

The Committee notes that the unification of the trade union movement is of historical origin and that it has been successful in achieving the unity of aims and the unity of action stressed by the Government. The extent of the movement is shown by the coming together of 18 branch unions in the Revolutionary Trade Union Movement and by virtue of 97 per cent of the workers who are members. The Government explains that this situation has led to the granting by law to the ROH of a special status; it repeats its statement to the effect that, if another union should be formed, it would be willing to reconsider the legislation in force and that Act No. 74 of 1973 provides specifically that trade unions may be set up freely without previous authorisation. The Committee also notes that no law likely to concern workers may be adopted without the prior consultation of the ROH and that the other basic functions that it fulfils in the field of occupational relations are possible only to an organisation enjoying the massive support of the workers.

The Committee observes that, in its comments on the Convention (General Survey of 1983 on freedom of association and collective bargaining), it has never advocated either trade union pluralism or trade union monopoly and it affirms that "although it was clearly never the purpose of the Convention to make trade union diversity an obligation, it does at least require this diversity to remain possible

in all cases" (paragraph 136 of the General Survey). Moreover, "even in a case where a de facto monopoly exists as a consequence of all the workers having grouped together, legislation should not institutionalise this factual situation, for example, by designating the single central organisation by name, even if the existing trade union so requests" (paragraph 137).

The Committee therefore requests the Government to reconsider the situation, with a view to giving full effect to the Convention, and to ensure that the legislation is confined to mentioning, without designating, the most representative trade union organisation, which could, without running counter to the Convention, enjoy special advantages.

The Committee has also observed that the members of collective farms are not covered by the provisions of the Labour Code concerning trade union bodies (sections 3 and 267(a)) and that the Government states that the members who exercise activities of an industrial character have joined trade union organisations, since their employment relationship has become industrial and is no longer of a co-operative nature, but that others are distinct from workers on account of their employment relationship, their economic interests then being defended by the Union of Co-operative Farmers, which is affiliated to the ROH. The Committee therefore refers to the above comments on trade union monopoly, which concern members of collective farms in the same way.

Denmark (ratification: 1951)

The Committee takes note of the report of the discussion which took place in the Conference Committee in 1986 and of information provided in the report of the Government. This indicates that the effect of section 13 of Act No. 123 of 1985 on the renewal and extension of collective agreements was, first, to bring an end to industrial action which had followed the breakdown of negotiations; and, secondly, extended a general peace duty to be observed throughout the period by which collective agreements were extended (i.e until February 1987). The report goes on to state that the same opportunities exist for taking industrial action between the dates of the commencement of the Act and the expiry of the collective agreements as if the parties had themselves renewed those agreements in the normal manner; draws attention to the fact that one of the most important effects of collective agreements is the observance of the general peace duty, which, *inter alia*, involves abstention from strikes and lock outs other than in special circumstances; and states that the extension of the agreements by legislation naturally extended this duty as well, as the extension would have been meaningless if it had not done so. Lastly, the report points out that collective industrial action outside the scope of the existing agreements and those extended by the Act was not affected by the legislation, and that strikes or picketing in relation to the conclusion of new collective agreements would not be in conflict therewith.

The information provided would appear to confirm the view expressed by the Committee in its previous observations on the

legislation as regards the prohibition on the right to strike, in respect of action taken in relation to existing agreements and then extended to cover the period by which these agreements were prolonged statutorily.

The Committee observes that it was this statutory prohibition and prolongation which occasioned the previous observations of the Committee, and that the period in respect of which the restrictions on the right to strike were extended was not thus one which arose from agreement between the parties as to its extension. It has, however, noted that the collective agreements extended by the legislation are due to expire in the spring of 1987, when a new round of negotiations will commence with a view to the establishment of new agreements; and that the prohibition would thus appear to lapse with the expiry of the agreements. In these circumstances, it once again requests the Government to keep it informed of developments, while drawing attention to the principles concerning restrictions on the right to strike to which it has previously made reference as regards Act No. 123 of 1985.

Dominican Republic (ratification: 1956)

The Committee notes that, in reply to the comments on the application of this Convention made by the Unified Workers' Confederation (CUT) to the effect that Haitian workers are facing obstacles in their attempts to unionise, the Government states that these workers are accorded the same conditions as Dominican workers. The Committee requests the Government to indicate the legal basis for this assertion.

Furthermore, the Committee notes that the Government's report has not been received. In its previous observation the Committee has pointed out that the discrepancies between the legislation and the Convention relate to the following points:

- the exclusion from the scope of the Labour Code, by virtue of section 265, of agricultural workers in agricultural, agro-industrial, stock-raising or forestry undertakings employing not more than ten workers continuously and permanently;
- the exclusion from the scope of the Code, by virtue of section 3, of public officials and other workers in the service of the public authorities. With regard to these workers, other legislative provisions (Act No. 2059 of 19 July 1949, Act No. 56 of 24 November 1965 and section 13 of Act No. 520) contain important restrictions on the trade union rights they should enjoy under the Convention;
- the major restrictions on the exercise of the right to strike by virtue of sections 373, 374 and 377;
- the prohibition of the right to strike in the permanent public services, listed in section 371 (including public transport and the sale of fuel for transport) which, in the opinion of the Committee, do not come within the definition of 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.

In 1985, the Government stated that the comments of the Committee, including those concerning the exclusion of agricultural workers in undertakings employing not more than ten permanent workers, will be taken into consideration during the revision of the legislation, either in the Labour Code or in separate legislative provisions.

The Committee points out that the Government first announced its intention of revising the legislation a long time ago. The Committee therefore urges the Government to bring its legislation into conformity with the Convention in the near future and asks it to indicate in its next report any progress made in this connection.

Ecuador (ratification: 1967)

In its previous observations the Committee had commented 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), although they have the right to associate and to appoint their representatives (section 9(h) of the above-mentioned Act);
- the obligation to belong to the undertaking for election to the executive committee of a workers' association (section 445 of the Labour Code of 1978);
- the obligation to be Ecuadorian for membership of the executive 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 or religious parties, 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 and for those who participate in them;
- the granting of exclusive rights to bargain collectively to "works councils" (sections 457 and 501 of the Code);
- protection against acts of anti-union discrimination at the time of recruitment.

The Committee also takes note of the report of the direct contacts mission that went to Ecuador in December 1985.

According to this report, the obligation to belong to the undertaking for membership of the executive committee of workers' associations does not raise any problem in practice, since trade union officers who lose their employment continue to exercise their functions until the end of their term of office, and all the trade union organisations have stated that they are in favour of keeping this provision in force.

With regard to the prohibition of strikes by certain categories of worker in the public sector, the mission was informed that the provision in question was amended in 1979 so as to provide for workers in public undertakings and institutions the possibility of calling a strike, subject to giving ten days' notice.

With regard to the granting of exclusive rights to bargain collectively to "works councils", the mission was informed both by the Government and by the trade union organisations that there was no legislative obstacle to collective bargaining for a branch of activity by the federations and confederations. Section 226 of the Labour Code provides for this possibility since it grants the right to bargain collectively to all workers' associations. It is simply the practice of labour relations in Ecuador that favours collective bargaining in the undertaking, during which, moreover, the federations and confederations may assist the first-level unions.

In view of this information obtained by the direct contacts mission, the Committee considers that the provisions in question do not call for further comment by it.

On the other points raised by the Committee, the mission and the Minister of Labour and Human Resources were able together to draw up proposals for the amendment of the legislation, that would be acceptable to the Government and make it possible to meet the comments made by the Committee concerning Conventions Nos. 87 and 98.

The Committee regrets to note that the Government does not refer in its report to the action it intends to take on these proposals. The Committee, therefore, requests the Government to take the necessary steps to give effect to the proposals to amend the legislation and to keep it informed of developments in the situation.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

Egypt (ratification: 1957)

The Committee takes note of the report of the Government and of the information supplied to the Conference Committee in 1985 in reply to its comments.

The provisions of Egyptian legislation noted by the Committee that are incompatible with the Convention are the following:

- the single-trade-union system laid down by law in favour of an organisation mentioned by name, the Confederation of Egyptian Trade Unions (sections 7, 13, 14, 16, 17, 31, 41, 52 and 65 of Act No. 35 of 1976 on trade unions as amended by Act No. 1 of 1 January 1981);
- the regulation of the internal management and the activities of trade unions (exclusion from the right to vote and election to trade union office of the unemployed and the retired (section 23); obligation to have been a member of a trade union organisation for a year for election to office (section 36(c); need for the approval of the Confederation of Egyptian Trade Unions to be a candidate (section 41); and supervision of the

- financial administration of trade unions by the Confederation (section 62 of the Trade Union Act));
- the power of the Public Prosecutor to call for the removal from office of the executive committee of a trade union organisation responsible for the abandonment of work or deliberate absenteeism in a public service or a service meeting a public need (section 70, 2(b), of the Trade Union Act) and the establishment of a system of compulsory conciliation and arbitration for collective labour disputes (sections 93 to 106 of the Labour Code, Act No. 137 of 6 August 1981).

The Committee notes that a tripartite committee consisting of representatives of the Ministry, the Confederation of Egyptian Trade Unions and the Federation of Egyptian Industries has been set up to examine its observations. This body is to study the possibility of amending some of the provisions of the Trade Union Act, No. 35 of 1976, as amended by Act No. 1 of 1981, and of the Labour Code, Act No. 137 of 1981, so as to bring them into harmony with the Convention. The Government has informed the Conference that in 1981 amendments had already been made to Act No. 35 of 1976 and that, to guarantee stability, it was not advisable to carry out further amendment too rapidly. It was again stated, however, that studies were going on with a view to amending the Act. The Committee notes the view of the Government that it is for the Egyptian trade union movement to make the amendments it considers necessary to the Act that governs it, namely the Trade Union Act, No. 35. The Government further states that there are many steps to be taken in the hierarchical structure of the Confederation of Egyptian Trade Unions before a text can be adopted, to say nothing of submission to the Peoples' Council.

The Committee takes note of the structural details, but is bound to point out that its comments relate mainly to the provisions of Act No. 35 that confer on the Confederation of Egyptian Trade Unions such prerogatives as prevention of the establishment of other trade union organisations at the same level or the placing of first-level unions under its supervision. Accordingly, although the will expressed by the Government to bring about the necessary changes in the legislation seems genuine, the Committee wonders whether the Confederation of Egyptian Trade Unions will accept the elimination from the law of references that are to its advantage, although it will in fact keep its prerogatives, since, according to the earlier reports of the Government, the present situation derives from the will of the Egyptian workers. The Committee points out that, by virtue of Article 6 and Article 2 of the Convention, national legislation must not institutionalise a factual situation of a single trade union, and workers must be able to safeguard their freedom to set up, should they so wish in the future, unions that are able to group themselves in higher-level trade union organisations outside the established trade union structure.

The Committee takes note of the statement by the Government in its report to the effect that a joint study is being carried out by the Confederation and by the Ministry of Manpower and that any amendment will be communicated to the Committee as soon as it is promulgated.

The Committee therefore trusts that suitable measures will be taken in the near future to eliminate from Egyptian legislation every reference to the Confederation of Egyptian Trade Unions.

With regard to the system of compulsory arbitration for the settlement of collective disputes, the Committee has previously noted the statement by the Government that in practice it is the workers who generally call for arbitration and that in most cases the efforts of the Ministry of Labour result in a decision in their favour. Furthermore, some strikes took place in 1983 and 1984 and no worker who had participated in a strike has been prosecuted. The Committee nevertheless points out that this machinery for the settlement of disputes, which may also be set in motion at the request of the employer, involves in practice the risk of resulting in a very wide prohibition of the right to strike, which is incompatible with the principles set forth in Articles 3 and 10.

The Committee therefore urges the Government to relax the provisions relating to the system of compulsory conciliation and arbitration (sections 93 to 106 of the Labour Code, Act No. 137 of 6 August 1981), so that the trade unions may have the means of furthering and defending the interests of their members.

Furthermore, the Committee has observed that the legislation does not guarantee to the workers the right to strike and that, on the contrary, the Public Prosecutor can obtain the removal of a trade union committee that has provoked the abandonment of work or deliberate absenteeism in a public service or public utility.

The Committee points out that the peaceful exercise of the right to strike is one of the essential means that must be available to workers and their organisations of furthering and defending their occupational, economic and social claims. Restrictions on its exercise are compatible with the Convention only in respect of public servants engaged in the administration of the State and in respect of essential services in the strict sense of the term (and not the public services in general) where the interruption of activities through a strike is likely to endanger the life, personal safety or health of the whole or part of the population.

The Committee considers that section 70, 2(b) of the Trade Union Act should be restricted to the essential services as defined by the Committee (see above).

The Committee has learnt that a strike occurred on 2 July 1986 on the Egyptian railways. It seems that the strike was declared illegal. The Committee therefore requests the Government to provide particulars in this connection and to send a copy of the relevant texts.

The Committee trusts that the tripartite committee whose function, the Government states, is to study all the points mentioned above and to make the necessary amendments to the legislation with a view to giving full effect to the Convention will complete its work to this end very shortly. The Committee asks the Government to inform it of any developments.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Ethiopia (ratification: 1963)

The Committee takes note of the brief report of the Government and observes that it refers to a draft Constitution that is at the stage of discussion by the Ethiopian people. The report states that the legislation relating to the Constitution, including the labour laws, will be promulgated later. In the meantime the legislation in force will remain that which has been the subject of the earlier comments under this Convention.

The Committee 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 previously noted that, under section 9(4) and (5) of Proclamation No. 222 of 1982, the coming together of unions has resulted 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 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 that 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 that 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 organisations by Proclamation No. 222 at the ideological, economic, social and educational levels. 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 attention of the Government 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. 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 legislation should provide guarantees, particularly judicial guarantees, to protect occupational organisations from any dissolution by administrative authority.

The Committee requests the Government to ensure that the provisions 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 any 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; it understands that, since, according to the statement by the Government representative to the Conference in 1985, 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 for 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 refers to its comments on point 1 above and draws the attention of the Government 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 earlier 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 a 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 has earlier noted that the Government is studying, in the light of the comments of the Committee, how to accelerate the procedure for the settlement of disputes. It has also noted the opinion of the Government that strikes are a means of settling disputes when 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 a nature that would prevent actions 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 to accept and implement the National Democratic Revolution Programme of Ethiopia (section 13(1)).

The Committee has taken note of the statement by the Government 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 has previously observed 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' associations, are contrary to the principles of freedom of association.

The Committee trusts once again that the Government will take the necessary action to bring its legislation into conformity with the Convention in the near future.

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 to defend the interests of the employers, the Committee has previously noted 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 represents the employers.

8. The Committee trusts that the above comments, in which note is taken of wide divergencies between the national legislation and the Convention, will be taken into consideration when the labour laws are revised following the adoption by referendum of the new Constitution of which a copy has been sent by the Government. It requests the Government to keep it informed of all developments in the situation.

Gabon (ratification: 1960)

The Committee takes note of the information supplied by the Government in its report. It recalls that the divergencies between the legislation and the Convention relate to the following:

- the impossibility of joining more than one union in a given occupation or a given region and the obligation placed on every workers' or employers' organisation to affiliate with the Trade Union Confederation of Gabon (COSYGA) or the Confederation of Employers (CPG) (sections 173 and 174 of the Labour Code);
- the imposition of a trade union solidarity tax deducted each month by the employers for the COSYGA, the rate of 0.40 per cent of a workers' wage being fixed by decree (Act No. 13/80 of 2 June 1980 and Decree No. 9.000.882 PR/MFPTE);
- exclusion from the General Conditions of Service of Civil Servants of certain classes of civil servant (firemen and prison security staff) and the effect of this on their trade union rights (section 6 of Act No. 2/81 of 8 June 1981 to issue the General Conditions of Service of Civil Servants);
- the imposition of compulsory arbitration to settle a labour dispute, which is likely to make it impossible to call a strike, even in a service that is not essential in the strict sense of the term (sections 239, 240, 245 and 249 of the Labour Code).

The Committee notes that a general review of the Labour Code has been undertaken and that the Government asks for the necessary time to carry this out, particularly in view of the delicate nature of some of the points to be revised. The Government explains that section 174 of the Labour Code met the desire of the occupational organisations to unite and not the will of the Government to interfere with the freedom of workers to set up unions of their own choosing in the future, and that the conciliation and arbitration procedures were intended to

favour negotiation and not to obstruct the exercise of the right to strike. It also states that the firemen and the prison security staff are, and always have been, part of the armed forces.

The Committee takes due note of the information supplied by the Government that the firemen and prison staff are part of the armed forces.

The Committee would emphasise, however, the necessity of amending the legal provisions that are not in conformity with the Convention. It recalls that the legislation should enable workers who so wish to establish trade unions of their own choosing outside the existing trade union structure and that the obligation should not be imposed on the workers to pay without their consent a solidarity tax to the central organisation designated by name in the legislation. Such union security clauses are in conformity with the Convention only if they are agreed between the workers' and employers' organisations in a collective agreement.

The Committee is sending the Government a direct request on the question of compulsory arbitration and on the situation of certain categories of civil servants in respect of their right to organise.

German Democratic Republic (ratification: 1975)

The Committee takes note of the information in the report of the Government and recalls that its earlier comments related to the right of workers to establish organisations of their own choosing, the right to organise of members of collective farms and the right to strike.

The Committee takes note of the observations of the Government concerning the validity of the comments made on the national laws and the terms of the Convention. The Government states in particular that, when it ratified the Convention, it did not officially accept the analysis made by the Committee, which it considers to be inadequate and erroneous. It expresses its rejection of this and its view that the requests addressed to the Government are outside the province and the competence of the Committee.

1. The Committee has previously observed that section 44 of the Constitution and section 6, subsection 2 of the Labour Code expressly mention the Confederation of Free German Trade Unions (FDGB) as the only central organisation recognised, with its affiliated unions, for the furthering and defending of the workers' interests. The Committee has thus noted that a system of trade union unity is explicitly established by the legislation, in violation of Article 2 of the Convention, the principle of which, moreover, is not to favour either the thesis of trade union unity or that of trade union diversity.

In its report, the Government points out once more that all citizens, by virtue of section 29 of the Constitution, enjoy freedom of association in defence of their interests and that the unification of the trade union movement within the FDGB, contained in sections 44 and 45 of the Constitution, is the result of historical circumstances. It adds that 93.9 per cent of the workers are affiliated to the FDGB and that this is a reality that cannot be avoided; furthermore, the social system prevailing in the country must, in the opinion of the Government, be taken into account if the

universality of the Convention is not to be denied. The Government emphasises participation by the trade unions in decisions affecting the interests of the workers, on matters ranging from the drafting of laws to the approval of methods of pay.

The Committee takes note of this information but recalls that, in the General Survey on Freedom of Association and Collective Bargaining that it presented to the 69th (1983) Session of the International Labour Conference, particularly paragraphs 136 to 138, it stresses that a system of trade union unity confirmed by the law is incompatible with the standards of the Convention. Where a de facto monopoly results from a voluntary grouping together of the workers, the legislation must not institutionalise this situation by referring by name to the single central organisation, and 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. In the opinion of the Committee, it seems impossible for workers wishing to establish another trade union existing legally and carrying on the activities of furthering and defending the interests of its members to do so. Moreover, since participation in decision-taking in respect of laws and regulations is specifically and exclusively granted, by virtue of sections 8, 9 and 10 of the Labour Code, to the central office of the FDGB, the Committee draws the attention of the Government to the fact that, if there was a desire to establish another higher-level trade union structure and bring together the first level unions, the activities of this structure would be seriously restricted by the functions vested in the FDGB and by the wording of section 6(2), under which trade unions are united within the FDGB.

The Committee also recalls that the action of the Government may have the result of influencing the free choice of the workers in respect of the organisation they intend to belong to, by favouring a given organisation, that the workers will undeniably be inclined to join the union best able to serve them (see paragraph 146 of the General Survey).

The Committee again requests the Government to re-examine the situation in the light of these comments and to ensure that the legislation grants the workers freedom to establish organisations of their own choosing.

2. In its earlier comments, the Committee has observed that the members of collective farms are excluded from the scope of the Labour Code and thus from the provisions on trade union rights. It has taken note of the information provided by the Government that the interests of peasant co-operators are represented by the Peasants' Mutual Assistance Association (VDGB) in political, economic and cultural matters. It notes from the report that thousands of workers and those in supervisory grades of agricultural co-operatives are members of the Agricultural, Food and Forestry Union and that the rules of the VDGB allow it to accept the membership of workers whose occupational or social activities are of an agricultural nature.

The Committee has also noted that the Orders of May 1984 confirm and extend the role of the VDGB in the social sphere in respect of conditions of employment. Furthermore, it notes that workers employed by agricultural co-operatives and thus not members of the VDGB, who

come under the Labour Code, may join the Agricultural, Food and Forestry Union, which represents their political, economic, social and cultural interests, interests that are of a different nature from those of the above-mentioned workers.

It would seem to the Committee that agricultural workers, whether they are members of the co-operative or not, can belong to the sole organisation that can defend their interests; the situation prevailing in the other sectors has thus been established in agriculture in an adapted form. The Committee refers to the comments it has made above and draws the attention of the Government to the fact that compulsory trade union unity is contrary to Article 2 of the Convention. It requests the Government to indicate any provisions that may enable peasants, whether they are members of agricultural co-operatives or not, to establish trade unions outside the VDGB and the Agricultural, Food and Forestry Union and, if there are none, to re-examine the situation with a view to guaranteeing them this right.

3. With regard to the right to strike, the Committee has observed that it is not expressly provided for in the legislation and that possibilities have been created of resorting to mutual arrangements and court procedures to settle collective disputes.

The Committee notes that the report of the Government gives no information in this connection. It points out that in paragraphs 199 to 206 of its General Survey of 1983 it emphasises that, by virtue of Article 3, workers' organisations must have a number of means of furthering and defending their economic and social interests, and that the right to strike is an essential one of these means.

Since the law neither prohibits nor authorises the right to strike, the Committee requests the Government to indicate precisely the means available to workers to further their interests where conciliation breaks down or they are not satisfied with its findings.

Federal Republic of Germany (ratification: 1957)

1. With reference to its previous comments on the right of access of trade union officials who do not belong to an undertaking, the Committee notes the statement by the Government that this question has not given rise to any dispute between employers and workers for a long time. The Committee again observes that, although the granting of facilities to trade union officials to enable them to have access to the workplace should not unduly affect the running of the undertaking concerned, it is nevertheless the case that trade union officials, even those who do not belong to the undertaking, should have access to the workplace where necessary. The Committee, therefore, requests the Government to keep it informed in future reports of the developments in the situation and of appropriate measures it intends to take in this regard.

2. The Committee observes that the German Confederation of Trade Unions (Deutscher Gewerkschaftsbund (DGB)) has drawn its attention, in a communication dated 25 October 1985, to the situation of one of its affiliates, the Postal Workers' Union, which includes manual workers (Arbeiter), employees of the State (Angestellte) and civil servants (Beamte). Out of the 500,000 persons in the postal

services, two-thirds are civil servants and the remaining third is made up of manual workers and employees of the State. The DGB explains that the conditions of employment of state employees and manual workers are governed by collective agreements negotiated between the parties, namely the Postal Workers' Union and the Federal Minister of Posts and Telecommunications, the Minister being guided by the decisions of the Federal Government. The DGB adds, however, that conditions of employment of civil servants are not subject to negotiation and are determined unilaterally by the legislation. On the other hand, the conditions of employment of the manual workers and state employees fixed by collective agreement or obtained as the result of a strike are in general made applicable to the civil servants later by legislation. Furthermore, many of these civil servants carry out similar duties as state employees or manual workers (such as those of postman, counter clerk or telephonist).

In November 1980, however, states the DGB, during a strike in the postal sector, the Government requisitioned civil servants to replace the state employees and manual workers who were on strike. The Union subsequently applied to the Labour Court for an injunction ordering the Federal Directorate of Posts to refrain in future from using civil servants as strike breakers during a lawful strike. The Bonn Labour Court of First Instance upheld the application (1 Ca 36 62/82 of 16 August 1983), considering that the requisitioning measure was prejudicial to the autonomy of the parties in collective bargaining in the public service and deciding that this requisitioning was incompatible with section 9 of the basic Act. On appeal, however, by the Federal Directorate of Posts had this decision reversed. The DGB considers that the result of this is to make the right to strike meaningless for large sectors of the public service. Furthermore, since two-thirds of those who are employed by the Federal Postal Service are civil servants and only one-third is made up of manual workers and state employees, the employer can break any future strike by requisitioning civil servants as strike breakers. According to the DGB, this is incompatible with the obligation of a government to remain neutral in a labour dispute. This, indeed, may compel civil servants to violate the solidarity of the workers within the postal union they belong to and cause prejudice to their own interests as well as those of their fellow unionists.

The Government, to whom these observations have been communicated, stated in its report, which arrived on 8 October 1986, that the question was still under appeal before the Constitutional Court.

The Committee feels bound to point out, as it did in its General Survey of 1983 on freedom of association and collective bargaining, that, when national legislation prohibits or restricts strikes in the public service or in essential services, such restrictions become meaningless if the legislation defines the public service or essential services too broadly. Accordingly, any prohibition should be confined to public servants acting in their capacity as agents of the public authority or to services whose interruption would endanger the life, personal safety or health of the whole or part of the population (see paragraph 214 of the Survey).

The Committee requests the Government to indicate in its next report the measures it has taken or has under consideration to guarantee the right to strike to public servants who are not engaged in the administration of the State, in particular postmen, counter clerks and telephonists of the postal service, whether they are considered to be state employees (Angestellte) or whether they have the status of civil servants (Beamte).

Moreover, with regard in particular to the requisitioning of civil servants (Beamte) who are not engaged in the administration of the State to replace strikers, the Committee has always considered that, if the extent and duration of a strike could cause "an acute national emergency", a minimum service concerning a specified category of workers would seem to be justified. In that case, however, the trade unions should be able to participate in defining the minimum service along with the employers and public authorities (see paragraph 215 of the General Survey). The Committee invites the Government to take the necessary steps to give effect to the Convention in this respect.

3. Lastly, in a communication dated 21 August 1986, the DGB raises the question of protest strikes, observing that the supervisory bodies of the ILO have always stated that trade union organisations should have the right to resort to protest strikes, particularly with a view to expressing criticism of the economic and social policy of governments.

In connection with the strike that took place in 1984, however, the DGB states, during a four-week dispute which concerned the reduction of hours of work in the Federal Government, the President of the Federal Employment Agency decided that workers who had been indirectly affected by the dispute outside the branch in which it occurred should not receive redundancy payments. The Labour Courts, to which the workers referred the matter, considered, however, that the decision of the President of the Federal Employment Agency was illegal and the Government subsequently introduced a Bill to amend its legislation so as to bring it into conformity with the position it had taken during the 1984 dispute and the text was adopted. The DGB, however, considers that this text impairs the right to strike, since workers who have not participated in a strike and who have had no influence on its outcome, but who are temporarily without employment because of the effects of this strike, even outside the branch in which it has taken place, are now temporarily deprived of the right to redundancy payments. In the event of a collective dispute they will be compelled to take a stand against the union that has called the strike. The DGB explains that, during the discussions preceding the adoption of the text in Parliament, millions of workers and their unions protested against the amendment in question. The participation of the workers in protest actions during working hours was declared to be illegal by the Government and, at the request of several employers, certain courts have prohibited trade union representatives, on pain of heavy fines, from calling on the workers to participate in these protest actions. There were threats of dismissal and, in certain cases, dismissals took place. Lastly, in the public sector, disciplinary measures were taken against certain employees.

The Government expresses the view in its report that the above-mentioned observations are unfounded. It states that it did introduce a Bill to guarantee the neutrality of the Federal Employment Agency during a labour dispute. Section 116 of the Employment Promotion Act has now been amended to clarify the circumstances in which workers are entitled to redundancy payments during a labour dispute. The Government considers that the amendment in question does not impair the right of the trade unions to strike. Furthermore, with regard to the protest demonstrations and stoppages of work organised by the DGB against the Bill to influence Parliament, and to discourage it from adopting the Bill, the Government considers that they were unlawful since, in its view, the purpose of a strike can only be to contribute to the outcome of free collective bargaining. It refers to a decision of the Federal Labour Court dated 20 January 1955 (GS/1/54), according to which the purpose of a strike must be to exert pressure on the other social partner with a view to obtaining a more favorable regulation of conditions of employment, and that labour disputes concerning social issues are a legitimate means of reaching collective agreement.

The Government considers that the DGB, in the democratic setting prevailing in the Federal Republic, was able to express its point of view during the adoption of section 116. There were long discussions between the leaders of the employers' and workers' organisations and the competent Minister. The competent parliamentary committee heard the trade unions, including the DGB, for three days, and the discussions on the Bill lasted for 70 hours. Furthermore, the trade unions can always appeal to the Federal Constitutional Court for an examination of the constitutional character of this legislation. Lastly, the unions were entitled to demonstrate against the Government or Parliament outside working hours, just prior to the adoption of the measure in question. On the other hand, the demonstrations during working hours were work stoppages for political motives, and, states the Government, as is recognised by the Committee of Experts, purely political strikes do not come within the scope of the principles of freedom of association.

The Committee takes note of the long and detailed information supplied both by the DGB and by the Government on these matters. It considers that, although trade union organisations should have the right to resort to protest strikes, even with a view to expressing criticism of the economic and social policy of governments, and it recalls that by virtue of Article 8, paragraph 1, of the Convention, workers and employers, like other persons, shall respect the law of the land. Furthermore, by virtue of Article 8, paragraph 2, the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention. In the present case, according to the Government, the DGB was able to express its point of view during the discussion on the Bill, it was able to exercise its right to demonstrate outside working hours and it can appeal to the courts for a re-examination of the constitutional character of the legislation. The Committee notes that the Government has stated that the demonstrations in question during working hours were of a political nature and that political strikes, in the opinion

of the Committee of Experts, do not come within the scope of the principles of freedom of association.

The Committee feels bound to point out that the exclusion of purely political strikes from the scope of the principle of freedom of association can in no way apply to a strike to express criticism of the economic and social policy of the Government.

The Committee requests the Government to take steps to enable workers fully to exercise the right to strike. It regrets that trade union leaders were punished by heavy fines for having incited the workers to participate in these protest movements. It also observes that the Government has not stated whether, as the DGB alleges, trade unionists were dismissed for participation in these protest movements. It invites the Government, so far as such dismissals may have taken place, to endeavour to obtain the reinstatement of all the workers concerned.

Ghana (ratification: 1965)

The Committee takes note of the report of the Government. In particular, it notes that the National Advisory Committee on Labour mentioned in its earlier comments set up a subcommittee on 17 June 1986 to study the observations and opinions submitted in writing by the occupational organisations on the proposals for the amendment of the Industrial Relations Act, No. 299 of 1965. The subcommittee has presented its report to the National Advisory Committee on Labour for examination.

The Committee has for many years been asking the Government to take measures to ensure that full effect is given to the Convention, since the excessive powers of the registrar in respect of the registration of trade unions and the issue of certificates of registration and also the absence of provisions on the right to form federations and confederations or to join international organisations of workers are not in harmony with the provisions of the Convention.

The Committee trusts that suitable amendments will be made to the legislation in the near future and asks the Government to keep it informed of any development and to furnish a copy of the amendments as soon as they are adopted.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Greece (ratification: 1962)

In its previous comments, the Committee has pointed out the need to explain which solution had been finally adopted with respect to the collection of union dues and the financing of the operating costs of the labour centres, since Act No. 1264 of 1982 (section 6, subsections 2 and 3) provided for a choice of three solutions, namely a general collective agreement, an arbitration award or a provisional presidential Decree on the system for the collection of dues and their repayment by the employers. It also pointed out the necessity of drafting legislation on freedom of association and protection of the

right to organise of seafarers, who are excluded from the scope of Act No. 1264 of 1982 concerning freedom of association.

1. Collection of union dues. The Committee takes note of the information supplied by the Government to the Conference Committee in June 1985 and in its latest reports, according to which the Ministry of Labour has asked the most representative organisations of employers and workers to submit proposals concerning the collection of dues of members of trade union organisations at the workplace and that the General Confederation of Labour of Greece (CGTG) has not thought that these proposals could serve as a basis for the promulgation of the above presidential Decree.

The Committee recalls that union security clauses are generally intended to strengthen the position of trade unions by ensuring that they become better established among the workers and by giving them greater weight with the employers and that such clauses are, therefore, compatible with the Convention. Nevertheless, in its General Survey of 1983 on freedom of association and collective bargaining (paragraphs 144 and 145), the Committee recalled that, although the Convention is not opposed to the existence of union security clauses freely negotiated between the workers and the employers, the situation is altogether different when the system of union security is not based on clauses freely agreed between the workers and employers but where the law designates a specific trade union which benefits from the system.

The Committee trusts that the question of deductions for the collection of union dues will be settled by direct negotiation between the parties, in other words the representative organisations of workers and employers, and without any intervention by the Government. It requests the Government to indicate in its next report any progress made in this connection.

2. Seafarers. The Committee also notes that the Ministry of the Mercantile Marine has set up a committee comprising shipowners, seafarers and officials of the administration, which has prepared a Bill on the democratisation of the seafarers' trade union movement, that this Bill has been circulated for observations to 34 seafarers' and shipowners' organisations and that the committee set up has resumed its meetings with a view to drafting proposals that take account of the observations submitted by these organisations.

The Committee expresses the firm hope that legislation in conformity with the Convention will be adopted in the near future, since the problem of freedom of association for seafarers has been the subject of comments for several years. It urges the Government to inform it in the next report of any progress made in this sphere.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Guatemala (ratification: 1952)

With reference to its previous comments, the Committee takes note of the information supplied by the Government to the Conference Committee in June 1986 and in its latest report.

In particular, it notes with satisfaction that, under section 116 of the Constitution that came into force on 14 January 1986, the right to organise a trade union and the right to strike are recognised to workers of the State and workers in decentralised and autonomous bodies and that, under section 104, workers have the right to strike for economic and social reasons after the failure of the conciliation procedures. It also notes the statement by the Government to the effect that the provisions of Decree No. 24-82 of 27 April 1982 relating to the fundamental statute of the Government have been repealed and that those of the Penal Code (Decree No. 17-73), the Labour Code (Decree No. 14-41) and the Civil Service Act (Decree No. 1748) that conflict with, limit or wholly or partly restrict the provisions of international conventions that have been accepted and ratified by Guatemala are invalid in law, since these Conventions take precedence over domestic law (section 46 of the Constitution). Lastly, the Committee notes that the Government provides additional information that the Congress of the Republic has before it several Bills concerning the reform of the Labour Code and the Civil Service Act with a view to bringing them into harmony with the Constitution and will furnish the texts as soon as possible.

The Committee trusts that legislation in conformity with the Convention will be adopted in the near future and that the Government will amend or repeal the following sections of the Labour Code of 16 August 1961:

- section 211(a) and (b) on the strict supervision of trade union activities by the Government;
- section 207 on the impossibility for unions to take part in politics;
- section 226(a) on the dissolution of trade unions that have taken any part in matters concerning electoral or party politics;
- section 223(b), which restricts to Guatemalans the possibility of being elected to trade union office;
- section 241(c), which lays down the obligation to obtain a majority of two-thirds of the workers in the undertaking or production centre for the calling of a strike;
- section 222(f) and (m), which requires a majority of two-thirds of the members of a trade union for the calling of a strike;
- sections 243(a) and 249, which prohibit strikes or work stoppages by agricultural workers at harvest time, with a few exceptions;
- sections 243(d) and 249, which prohibit strikes or work stoppages by workers in undertakings or services in which the Government considers that the suspension of their work would seriously affect the national economy;
- section 255, which provides for the possibility of calling upon the national police to ensure the execution of work in the event of an illegal strike;
- section 257, which prescribes the imprisonment and trial of offenders;

that it will repeal or amend the following provision of the Civil Service Act (No. 1748 of 10 May 1968):

- section 63, which prohibits all political activities and all strikes by public servants and their unions;

that it will repeal the following provision of Decree No. 1786 of 10 September 1968 issued under the Civil Service Act:

- section 4 of the Decree, which prohibits workers in decentralised, autonomous and semi-autonomous state bodies from calling a strike;

lastly that it will amend the following provisions of the Penal Code as amended in 1973:

- section 390, subsection 2, under which a sentence of from one to five years' imprisonment can be imposed on those who carry out acts intended to paralyse or disturb the functioning of undertakings contributing to the development of the national economy, with a view to harming national production;
- section 430, under which a sentence of from six months' to two years' imprisonment may be imposed on public employees and employees of public service undertakings who collectively abandon their duty and the sentence can be doubled for those who instigate a collective work stoppage.

The Committee recalls that, with regard to the election of trade union leaders, legislation that lays down that they shall be nationals of the country ought to be relaxed to enable foreign workers to obtain election to trade union office, at least after a reasonable period of residence in the host country; that, with regard to the prohibition of political activities, the legislation should permit trade unions to intervene with the public authorities with a view to the cultural, economic and social progress of the workers; and that, with regard to the exercise of the right to strike, limitations and prohibitions are compatible with the Convention only in respect of public servants engaged in the administration of the State or in respect of essential services in the strict sense of the term, that is to say where the interruption of activities by a strike would endanger the life, personal safety or health of the whole or part of the population.

The Committee requests the Government to keep it informed of the measures taken to bring its legislation into conformity with the requirements of the Convention.

Guinea (ratification: 1959)

With reference to its previous comments on the necessity of repealing the provisions of sections 4 and 25 of Presidential Ordinance No. 075 of 27 March 1985, which place the National Confederation of Workers of Guinea (CNTG) under the supervision of the Secretariat of State for Labour, and which provide that the CNTG shall encourage, organise, co-ordinate and control the activities of the workers, a situation contrary to the requirements of Article 3 of the Convention, under which trade union organisations should be able to carry on their activities without interference by the public authorities, the Committee notes the statement by the Government in its report to the effect that this Secretariat of State was abolished in the ministerial reshuffle of 22 December 1985. The Directorate-General of Labour now comes under the Ministry of Human Resources. The Government explains that on account of these changes

it has not been possible to adopt the necessary provisions to meet the observations of the Committee.

The Committee trusts that through the draft Labour Code or other legislation that is being prepared at present, sections 4 and 25 of the Ordinance of 27 March 1985 will be repealed in the near future so as to bring the legislation into conformity with the Convention on this point.

The Committee requests the Government to indicate in its next report the measures taken for the purpose.

Haiti (ratification: 1979)

In its previous comments, the Committee had called attention to the following problems:

- the necessity of obtaining the approval of the Government to establish an association of more than 20 persons (section 236 of the Penal Code);
- the wide powers conferred on the Government to supervise the trade unions (section 34 of the Decree of 4 November 1983);
- the prohibition of strikes in the event of compulsory arbitration (sections 185, 190, 199 and 200 of the Labour Code);
- the prohibition of strikes lasting longer than 24 hours and lightning strikes and go-slows of more than one hour (section 206 of the Labour Code);
- the absence of a statutory right to organise for public servants.

The Committee had also asked the Government to supply the text of the Constitution at present in force and that of a circular which, according to the Government, was addressed to the Haitian trade unions to confirm that section 236 of the Penal Code does not concern them, since they are not associations that are required to register with the Ministry of the Interior before they can be authorised to operate, and also to confirm the right of trade unions to establish federations and confederations and to affiliate with the international organisation of their own choosing. The Committee has stated that it was aware of the political changes that had occurred in the country and invited the Government, should it consider this necessary, to seek the assistance of the ILO in the drafting of legislation to give effect to the Convention.

The Committee regrets that the Government has not sent its report on the application of the present Convention. It takes note, however, of the statements made by the Government representative to the Committee on the Application of Conventions and Recommendations of the International Labour Conference in June 1986, and, in particular, the fact that the Government, in its proclamation of 7 February 1986, committed itself to establishing a democratic regime that would guarantee the basic freedoms and freedom of association and organisation, that 40 new trade union organisations had been registered and that a new federation had been set up. The Government states that a committee has been set up under the Ministry of Social Affairs to revise the Labour Code with the participation of the social partners and that the participation of an expert from the ILO has been requested for the final drafting of the Bill. The Committee again

expresses the hope that the Government will be able to adopt the necessary measures to bring the law and practice into conformity with the Convention and recommends the Government, as the Conference Committee has also done, to seek the assistance of the ILO in this field.

[The Government is asked to supply full particulars to the Conference at its 73rd Session, and to report in detail for the period ending 30 June 1987.]

Honduras (ratification: 1956)

The Committee takes note of the Government's report and of the debates which took place in the Conference Committee in 1986.

The Committee recalls that its previous comments referred, firstly, to certain provisions of the Labour Code which were not in conformity with the Convention and, secondly, to a draft for a new Labour Code dating back to 1981 which included some improvements as compared with the Code now in force but was still inconsistent with the Convention in some respects (see the Committee's observation in 1986). The Committee stressed the need to modify the provisions of the present Labour Code that were not in conformity with the Convention either through partial reforms or through an overall revision of the Code by means of the draft Labour Code which was then before the National Congress. In either case, the Committee considered it appropriate that, in a tripartite context, the authorities and the organisations of workers and employers should examine the draft in depth and express their opinions on it, and it urged the Government to take measures to this effect.

In this connection the Committee notes the statements made by a Government representative to the Conference Committee to the effect that the Government expressed its readiness to submit the observations of the Committee of Experts to tripartite examination and that the President of the Republic had set up a tripartite committee for this purpose on 10 June 1986. The Committee regrets that the Government's report contains no information as to whether the draft Labour Code has been submitted to the tripartite committee in question and whether that committee has commented on it. In these circumstances, the Committee can only repeat the comments it made at its last session and request the Government to supply information on the draft Labour Code of 1981 and the degree to which it is found acceptable by the authorities and by the workers' and employers' organisations.

The Committee also wishes to refer to the various points in the Labour Code now in force which need to be modified to take account of the provisions of the Convention:

- the amendment of section 2 of the Labour Code so as to extend the right to join trade unions expressly to workers in agricultural or stock-raising undertakings not regularly employing more than ten workers, with a view to bringing this provision into conformity with Article 2 of the Convention;
- the amendment of section 472 of the Labour Code, which is inconsistent with Article 2 of the Convention in not permitting the existence in a given 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 of 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 of 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 expresses the hope that the Government will take the necessary steps to give full effect to the Convention and requests it to supply information on any developments that may take place in this connection.

Hungary (ratification: 1957)

The Committee takes note of the report of the Government and of the information given in reply to its earlier comments.

The application of Article 2 of the Convention has been a matter of concern to the Committee. Act No. II of 1967 promulgating the Labour Code, as amended, and Decree No. 34 of 1967 issued under it, ensure that the National Council of Trade Unions (SZOT) has a preponderant and exclusive access to highly important trade union functions in many fields. Among the functions accorded this national organisation are the making of rules governing labour relations (section 8 of the Code), the expression of opinions to the Council of Ministers in making regulations for the living and working conditions of the workers, regulations that can be issued only with its agreement (section 12), and the safety and health of workers and the operation of the social insurance scheme (section 17). Furthermore, the works

committee of the trade union is the only body designated to represent the workers with the employer in collective bargaining, in the adoption of works rules on labour protection and in the supervision of their application.

The Government expresses the view in its report that the functions accorded the National Council of Trade Unions do not hinder the activities of trade unions in defence of the workers' interests. It is also stated in the report that the present trade union structure was established well before the adoption of the Labour Codes of 1951 and 1968 and that the SZOT was set up at the end of the last century, which shows that the legislation is not responsible for the institution of the unitary trade union system existing in the country.

The Committee takes note of these considerations, but recalls that a system under which the Labour Code refers particularly and exclusively to the works committee of the trade union and to the National Council of Trade Unions so as to accord these bodies the rights of defending the workers and of bargaining on their behalf within the undertaking makes it practically impossible, where workers would like to set up trade unions outside the established structure, for these unions to further and defend their members' interests; their action would be considerably restricted by the prerogatives enjoyed by the existing trade union organisation. In the General Survey on Freedom of Association and Collective Bargaining that it submitted to the 69th (1983) Session of the International Labour Conference, the Committee emphasised in paragraph 137 that even in a situation where a de facto monopoly exists because the workers have grouped together voluntarily legislation must not institutionalise this situation, for example, by designating the single central organisation by name, for, by virtue of Article 2, 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 also draws the attention of the Government to paragraph 136 of its General Survey, in which it points out that, although it has clearly never been the purpose of the Convention to make trade union diversity an obligation, it does at least require this diversity to remain possible in all cases.

The Committee therefore requests the Government to take steps to guarantee to workers who would like to set up trade unions outside the existing trade union structure the possibility that their organisations may further and defend the interests of their members on the same footing as the existing national organisation. The Committee requests the Government to keep it informed of the measures it considers taking to this end in order to give full effect to Article 2.

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:

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.

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

Japan (ratification: 1965)

The Committee has taken note of the reports of the Government on the application of the Convention as well as the comments submitted by the General Council of Trade Unions of Japan (SOHYO), the Japanese Confederation of Labour (DOMEI), the Council of Public Services Unions (KOMUIN-KYOTO), Public Services International (PSI) and the World Confederation of Organisations of the Teaching Profession (WCOTP). It has also noted the discussions that took place in the Conference Committee in 1985.

Basically the comments submitted by the various unions relate to two questions which the Committee has had under examination and which have been the subject of comments for a number of years, namely the prohibition of the right to strike in the public service imposed by the National and Local Public Service Laws, and the denial of the right to organise for fire defence personnel.

1. On the first question the unions, referring to the ban on strikes for all public services including employees of public corporations and national enterprises, claim that the situation is particularly unsatisfactory in view of the fact that over the past few years the recommendations of the National Personnel Authority (NPA) have not been fully implemented (see under Convention No. 98). The unions again provide detailed statistical information concerning the disciplinary penalties that were applied in 1984 and 1985 to public servants who participated in strike action. Such penalties ranged from warnings, reprimands, admonitions, wage cuts to dismissals in some cases. In this connection SOHYO and the WCOTP referred to the sentences of imprisonment passed in 1985 on officials of the Japan Teachers' Union (NIKKYOSO) for having instigated a one-day strike in 1974.

The Government again points out that it is inevitable that disciplinary measures be applied in cases where national or local public employees or employees in public corporations engage in prohibited strike action. Each authority concerned takes its own decisions as to whether or not disciplinary measures should be applied and of what type, taking into account the duration, scale and mode of the strike as well as the circumstances in which each individual participated. It is not true, the Government states, that penalties have been unduly harsh or that they have sometimes resulted in life-long disadvantages for the workers. As regards the penal sanctions against officials of NIKKYOSO, the Government explains the circumstances surrounding the verdicts and points out that the persons concerned have heavy responsibility in pursuing a strike in spite of a precedent handed down by the Supreme Court which confirms the constitutionality of the prohibition of such strikes and upholding such punishment for the incitement and instigation of strikes of this nature. Referring to the examination of this matter by the Committee on Freedom of Association, the Government points out that Convention No. 87 does not deal with the right to strike and member States should not therefore be asked to take specific action on the right to strike in public services. The Government adds that these sanctions were suspended for one year and that they have been appealed against to the Supreme Court. In any event, states the Government, it may be argued that teachers should be considered as essential services.

The Committee observes that on the important question of the right to strike as regards public servants and the application of disciplinary measures following strike action by this category of worker, it has already made detailed comments in 1984 and 1985. The Committee would point out that it is clearly recognised that the right to strike is an essential means available to workers and their organisations to further and defend the interests of their members (Article 10 of the Convention) and, in general, a prohibition on strikes seriously limits not only the means available to workers but also their right to organise their activities (Article 3). The Committee has also stated that any prohibition of the right to strike for public servants should be confined to public servants acting in their capacity as agents of the public authority or to 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. Moreover, if strikes are prohibited or restricted in the public service or in essential services, appropriate guarantees should be afforded to workers who are thus denied one of the essential means of defending their occupational interests. The Committee has also stated that, as regards strikes, penal sanctions should only be imposed where there are violations of strike prohibitions that are in conformity with the principles of freedom of association. In addition, in these cases the sanctions should be proportionate to the offences committed and penalties of imprisonment should not be imposed in the case of peaceful strikes. The Committee requests the Government to consider the possibility of lifting sanctions where these have been imposed. The Committee has also noted that in the case referred to by the Government concerning NIKKYOSO which was examined by the Committee on Freedom of

Association, that Committee also drew the above principles to the attention of the Government.

The Committee would request the Government to give close consideration to these principles and considerations in its continuing examination of questions relating to the trade union rights of public servants and employees of public corporations and national enterprises in Japan.

2. The Committee notes that further detailed information has been provided both by the unions concerned and by the Government regarding the question of the right to organise for fire-fighting personnel. The unions for their part claim that the Government maintains its negative attitude towards granting this right and has failed to consult the unions in order to resolve the problem. The National Council of Fire Fighters, a long-existing organisation of fire fighters, has no consultative status and local councils of fire fighters are not permitted to discuss their conditions of work with the respective authorities. SOHYO points out that, along with the All-Japan Prefectural and Municipal Workers' Union (JICHIRO), it submitted representations to the Government in April and October 1985 with a view to resolving the issue but the Government's attitude remained negative. SOHYO points out that the fire defence services have completely separate functions from those of the police. It adds that, in its view, the National Council of Fire Fighters is discriminated against by the Fire Defence Agency which forms part of the Ministry for Home Affairs.

In reply to these comments the Government refers to two cases, in 1954 and 1961, in which the Committee on Freedom of Association accepted that the services of the Fire Defence Agency were assimilated to the police and could accordingly be excluded from the rights deriving from the Convention. It was on that understanding, states the Government, that it ratified the Convention in 1965. The Government also argues that the Committee of Experts seems also to have taken the view that the situation of the personnel of the Agency is an exceptional one in Japan. The Government adds that it has heard the various views of the parties within the Inter-Ministerial Conference on Public Employees Problems. It intends to continue to examine this question and will report thereon when progress is made. The Government supplies with its report detailed statistical information concerning the incidence of fires, floods, earthquakes etc. in Japan. It adds that even after the Fire Defence Agency was formally separated from the police in 1948 and given fire service as well as various rescue functions which, at all times, have remained an important activity of the Agency, there was no change in the nature and content of its duties and responsibilities. Today the Fire Defence Agency is regarded by many scholars as part of the security police. The Government points out that there have been meetings and conferences on this subject and hearings of the parties concerned. The Inter-Ministerial Conference on Public Employees' Problems has also heard the opinions of workers' representatives and the Ministry for Home Affairs has discussed the problem with the All-Japan Prefectural and Municipal Workers' Union (JICHIRO) which represents the views of the National Council of Fire Fighters. The Government denies that there has been any interference with the National Council

of Fire Fighters. The Government argues that the Committee of Experts has already shown that it accepts the prohibition of the right to organise for fire fighters in the exceptional circumstances prevailing in Japan. The Government adds that it has examined and will continue to examine this question as a domestic problem to which a solution will eventually be found.

The Committee has, for many years, made comments on the question of the right to organise for fire defence personnel, expressing the view that it did not consider that the functions of this category of worker were of such a nature as to warrant their exclusion from the right under Article 9 of the Convention relating to the armed forces and the police. In stating in its General Survey of 1983 that the functions exercised by this category of public servant would not normally justify the exclusion of these workers from the right to organise on the basis of Article 9, the Committee was emphasising that the Convention, in Article 9, only provides for the possibility of excluding from this fundamental right specifically the armed forces and the police. It would not therefore be normal to exclude from this right any other categories of worker unless they are recognised under national law or regulations as forming part of the army or the police. In Japan the fire service administration is clearly and formally separate from that of the police, and the Local Public Service Law (Article 52), while providing for the right to organise of local public servants (subsection 3), specifically denies this right to fire defence personnel (subsection 5).

On the other hand, the Committee considers that fire services are essential services in the strict sense of the term, that is to say services whose interruption would endanger the life, personal safety or health of the whole or part of the population. They are accordingly services in respect of which the supervisory bodies have accepted that the right to strike can be limited or even prohibited completely.

In the light of the foregoing principles and considerations, the Committee would repeat its request to the Government to continue to examine the possibility of according to this category of workers the fundamental right to establish organisations of their own choosing for the promotion and defence of their occupational interests.

Finally, the Committee has decided to postpone its consideration of a number of issues raised by the National Railway Workers' Union (KOKKURO), and on which it has received the Government's observations, at the request of the workers' organisations concerned who indicate that discussions on these issues are proceeding at the national level.

In connection with the above observation, one member of the Committee, Mr. A. Shigemitsu, stated that the application of standards should be constant and universal.

Kuwait (ratification: 1961)

The Committee takes note of the report of the Government and the assurances contained in it concerning the draft Labour Code intended to give effect to the Convention. Although the Government recognises the necessity of amending the present Labour Code for the private

sector (Law No. 38 of 1964), its report does not mention any progress achieved in the direction previously indicated by the Committee.

The Committee observes that certain provisions of the Labour Code 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);
- non-Kuwaiti workers 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).

From the information provided previously by the Government concerning the draft, the Committee notes that only sections 71, 79 and 80, establishing a system of trade union monopoly, and the provision concerning the wide powers of supervision by the authorities over books and records (section 76) remain as they were. The Government has stated that the supervision in question is intended only to control payments made out of Government subsidies. The Committee considers that, in order to avoid any arbitrary use of section 76, 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 remove the prohibition of voting by non-Kuwaiti workers 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 non-Kuwaiti workers, who, like Kuwaiti workers, should enjoy the rights provided for by the Convention.

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 this to be in their interests, to choose whether to associate in a single trade union structure, retaining the possibility of constituting trade unions outside this structure in the future. The Committee recalls that in the General Survey on Freedom of Association and Collective Bargaining it submitted to the 69th (1983) Session of the International Labour Conference, in particular in paragraphs 132 to 138, it stresses the importance that it attaches to the principle set forth in Article 2 of the Convention, namely that employers and workers should 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 has previously pointed out that, under section 88(2) and (3) of the Labour Code, if the parties to a collective dispute fail to reach agreement, either of them (and thus possibly the employer) may apply to the Ministry of Labour to settle the dispute amicably and, if the Ministry fails, it can submit the dispute to compulsory arbitration by the Arbitration Council.

The Committee takes note of the explanations given in the report of the Government to the effect that disputes between workers and employers are settled by direct conciliation procedures and subsequently, if necessary, by the intervention of the conciliation committee of the Ministry of Social Affairs, a procedure that, according to the Government, helps to avoid strikes; as a last resort, if these procedures fail, the case is referred by one of the parties to the Arbitration Board for Labour Disputes, which has a judicial character. The Government expresses the opinion that, since strikes are not prohibited by the legislation, they seem to be permitted although they are never resorted to, disputes being settled in accordance with the conciliation procedures established by the Labour Code.

The Committee considers that provisions governing collective labour disputes through compulsory arbitration imposed by a court on application by one of the parties to the dispute may well jeopardise the application of Articles 3 and 10, which guarantee to workers' organisations the right to organise their activities and formulate their programmes and that of furthering and defending the interests of their members.

The Committee trusts that the present draft Labour Code, which would make it possible to eliminate many divergencies between the legislation and the Convention, will be adopted in the near future with the amendments made necessary by the reservations expressed above in respect of the provisions that are still contrary to Articles 2 and 3.

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 to consider the possibility of seeking such assistance in the near future.

The Committee requests the Government to keep it informed of any development in the situation.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Lesotho (ratification: 1966)

The Committee takes note of the report of the Government and of the appendices to it.

1. First, the Committee notes with concern that Act No. 24 of 1983, concerning human rights, which was a cause of satisfaction in 1986 because under section 2 it guaranteed the right to freedom of peaceful assembly and association and the right to express and disseminate opinions, is now no longer in force. Moreover, since the Constitution is still suspended, the Committee is bound to conclude that not one of the rights essential to the exercise of trade union freedom is now guaranteed. The Committee recalls once more the basic principle that the civil liberties, freedom of assembly and of meeting, freedom of speech and opinion, freedom of expression and the press, etc., are the very foundation of freedom of occupational association. The Committee therefore requests the Government to ensure that the freedoms indispensable to the exercise of trade union rights are guaranteed and to keep it informed of all developments in this situation.

2. With regard to section 27(1) of the Trade Unions and Trade Disputes Act, 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 actively so engaged and that no officer of any trade union shall be an officer of any other trade union, the Committee notes the statement by the Government to the effect that this provision is not applied strictly, that is to say that workers have the right to join any union whose aims coincide with their interests. The Committee draws the attention of the Government to the fact that this provision constitutes a restriction on the free choice of association set forth by Article 2 of the Convention. Since, according to the Government, the national practice is less rigid than the law, the Committee considers that there should be no difficulty in amending the relevant legislation in accordance with the Convention. The Government states that the question has been submitted to the National Advisory Committee on Labour and that copies of the proposed amendments are being examined by its members with a view to discussion at the next session. The Committee points out that Article 2 of the Convention provides that workers shall have the right to establish and to join organisations of their own choosing, subject only to the rules of the organisation concerned. It trusts that the legislation of Lesotho will be amended in the near future to guarantee this choice, in the legislation, for all workers.

3. The Committee has observed that by virtue of the Essential Services Arbitration Act, No. 34 of 1975, 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. According to the report of the Government, this question is being examined with a view to amending the legislation in the way recommended by the Committee, and this was confirmed by the Minister of Labour at the 72nd Session of the Conference. The Committee trusts that the necessary amendment will be made in the near future to the legislation so as to exclude the banking sector from the list of essential services and to confer on workers in banks the possibility of going on strike, in accordance with the right of trade unions to organise their activities and to further and defend the interests of their members, and so conform to Articles 3 and 10 of the Convention.

The Committee requests the Government to keep it informed of developments in the legislative situation and trusts that the amendments described by the Government will be adopted without delay.

Liberia (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 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 Committee hopes 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 73rd Session.]

Madagascar (ratification: 1960)

The Committee takes note of the report of the Government and also of the information given at the Conference Committee in 1986 and of the discussion that followed. The Government recalled certain provisions of the Constitution of Madagascar (sections 28 and 29) and of the Labour Code (section 5) that guarantee freedom of association. It specifies that trade union diversity is practised under the socialist revolution of Madagascar and that three traditional central trade union organisations, without political loyalties, co-exist with six great revolutionary central organisations. The Committee takes note of this information but recalls that its previous comments dealt mainly with the absence of trade union rights for seafarers, the restriction of the trade union rights of public servants and the privileges granted to members of the trade unions attached to a revolutionary organisation.

With regard to the possibility of requisitioning mentioned previously (by virtue of Act No. 69-15 of 16 December 1969 concerning the requisitioning of persons and property, particularly sections 20 and 21, the right to requisitioning is applied when "the state of national necessity is proclaimed" or in the event of "a threat ... to a sector of national life", when it will be "strictly confined to safeguarding the interests of the nation"), the Committee notes from the statement of the government representative at the Conference Committee that there has been no proclamation of a state of national necessity since 1972 and therefore no requisitioning. Nevertheless, since these emergency measures might possibly be taken in the event of strikes meeting these criteria, the Committee again requests the Government to indicate the cases that may in practice fit the definitions of national necessity, threat to a sector of national life and interests of the nation and to state whether such requisitionings have already been carried out in the event of strikes.

With regard to seafarers, the Committee has pointed out that workers of this class are excluded from the Labour Code by section 1, since they are bound by the Mercantile Marine Code of 1960, incorporated in the Maritime Code of 1966. In the past, the Government has 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 by the Labour Code. Since these rights do not appear clearly or precisely in the legislation, the Committee

recalls that it would be desirable for specific legislative provisions to be adopted guaranteeing 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 effect. The Committee, moreover, requests once again the Government to furnish a copy of Ordinance No. 60-047 of 15 June 1960 proclaiming the Mercantile Marine Code since it has received only Ordinance No. 62-012 of 10th August 1962, which amends provisions that do not concern trade union rights.

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 proclaiming the regulations of the Malagasy Revolutionary Organisations (ORM). The Committee noted the insistence of the Government that the establishment of these organisations is not compulsory, but pointed 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 observed 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 of the Convention, 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 associations, by virtue of section 25, are liable to dissolution by administrative authority, which is contrary to Article 4.

The Committee takes note of the information furnished by the Government to the effect that three traditional central trade union organisations also have sections in industry, commerce, agriculture and the public service. The Committee asks the Government to give details on this last sector. It draws the attention of the Government to the fact that public servants, like other workers, must 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 administrative authority. The Committee therefore trusts that the Government will adopt suitable measures to guarantee these rights to workers of this class in conformity with the Convention.

With regard to the above-mentioned Ordinance, the Committee has already noted both that the setting up of an ORM is not compulsory and that some of the trade unions existing before the adoption of this text have not established such organisations but have continued their activities in conformity with the provisions of the Labour Code. With regard to unions that have set up an ORM, the Committee again asks the Government to state whether they continue to come under the Labour Code or whether they have lost this status and assumed in full that under 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, with regard to 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 emphasises that legislative provisions that favour one trade union organisation in relation to others have a direct influence on the workers' choice since they will be more inclined to join the union best able to serve them (see the General Survey of the Committee of Experts on freedom of association and collective bargaining submitted to the 69th (1983) Session of the International Labour Conference, paragraph 146). It requests the Government once again, however, to re-examine the situation in the light of its comments and draws the attention of the Government to the fact that these provisions may conflict with the free choice of the workers set out in Article 2 of the Convention.

The Committee trusts that the Government will furnish with its next report all the material information requested and will re-examine in the near future, in the light of the above comments, the situation of seafarers and that of public servants in respect of their trade union rights.

Malta (ratification: 1965)

The Committee takes note of the report of the Government and of the reply to the comments it has made concerning the right of association of higher-level organisations and the system for the settlement of disputes.

In its previous comments, the Committee pointed out that, under section 27 of the Industrial Relations Act 1976, the competent minister may refer a collective labour dispute to the Industrial Tribunal for settlement, where the conciliation procedure has broken down, with the agreement of only one of the parties to the dispute, which may result indirectly in the prohibition of the right to strike and so restrict the possibilities open to the trade unions of furthering and defending the interests of their members (Article 10 of the Convention) and the right of trade union organisations to organise their activities (Article 3).

The Committee notes from the report of the Government that the Industrial Relations Act does not prevent unions or employers' associations from initiating action during the conciliation procedure or when the dispute has been referred by the Minister to the Industrial Tribunal, so long as the Tribunal has not given its decision. In support of these statements, the Government communicates the statistical information requested on the strikes for 1984 and 1985.

However, since the decision of the Industrial Tribunal is binding and it can be given on application by one party to the dispute, and since it entails the prohibition of all recourse to strikes once it has been issued or the interruption of a strike that has been called during the conciliation procedure, the Committee again states that

such a prohibition or interruption of a strike can be accepted only in 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, given this legal situation, action by workers employed in services that are not strictly speaking essential, ought not to be prohibited, as it is by virtue of section 34 of the Industrial Relations Act, 1976. The Committee therefore requests the Government to reconsider the situation in the light of these comments, with a view to giving full effect to Article 3.

Mauritania (ratification: 1961)

The Committee takes note of the report of the Government and of the information communicated to the Conference Committee in June 1986, according to which amendments relating to the application of this Convention have been introduced in a preliminary draft of the revised Labour Code, a copy of which has been sent to the ILO for comments.

The Committee points out that the divergencies between the national legislation and the Convention relate to the single-trade-union system established in the legislation and the prohibition of a strike where a collective dispute has been referred to compulsory arbitration even where this does not affect an essential service in the strict sense of the term. For several years the Committee has been asking the Government:

- to repeal the provisions of Act No. 70-030 of 23 January 1970 that amend certain provisions of Book III of the Labour Code:
 - section 1 providing that persons carrying on the same occupation, similar crafts or allied trades associated with the preparation of given products or belonging to the same profession may establish only "one occupational association" per class of persons as defined above and that any worker or employer may freely join the association of his occupation;
 - section 2 providing that any natural person or physical entity may join the trade union of the corresponding occupation;
- to amend the provisions of Book IV of the Labour Code (as amended by Act No. 74-149 of 11 July 1974):
 - sections 39, 40 and 45 empowering the Minister of Labour where an objection to the recommendations of the Mediation Board has been notified, taking into account the circumstances and the effects of the dispute, to submit the dispute to compulsory arbitration;
 - section 48 prohibiting a strike after the decision of the Minister to resort to arbitration.

The Committee thanks the Government for sending the preliminary draft of the revised Labour Code, published at Nouakchott in April 1984 and communicated to the ILO for comments. It regrets to observe, however, that, unlike the draft decree prepared with the assistance of the ILO and communicated with the report of the Government on the application of this Convention in 1979, which contained provisions compatible with the Convention, the 1984 draft Labour Code is not

compatible with the requirements of the Convention on these points. The draft maintains the system of trade union unity in the legislation and it does not change the situation in respect of compulsory arbitration.

Sections 226, 228 and 229 of the draft provide that persons carrying on the same occupation, similar crafts or allied trades may establish an occupational association. They do not add, as the 1979 draft did, that any worker or employer must be able to join freely an association of his choice within his occupation.

Sections 292, 293, 298 and 301 of the draft continue to confer on the Minister the power to refer a dispute to compulsory arbitration, taking into account the circumstances and the effects of the dispute, and to prohibit a strike in the event of recourse to arbitration, whereas the 1979 draft provided that objection could be made to the arbitration award.

With regard to compulsory arbitration, the Committee would point out that the Minister should be able to refer a labour dispute to compulsory arbitration, thereby prohibiting or restricting recourse to a strike, only if the strike affects an essential service whose interruption would endanger the life, personal safety or health of the whole or part of the population, public servants acting in their capacity as agents of the public authority, or in the event of an acute national crisis.

Furthermore, having noted the information supplied by the Government in its report on the situation in the Trade Union Federation of Mauritania, the Committee notes with concern that the difficulties noted by the Committee on Freedom of Association in 1982 in Case No. 1088 continue to exist.

The Committee considers that the settlement of the problems in question would be facilitated if the legislation was brought into conformity with Article 2 of the Convention to enable workers to establish, should they so wish, trade union organisations outside the existing trade union structure and to join organisations of their own choosing.

Moreover, the Committee notes that section 6 of Book III of the Labour Code provides that "Public employees, be they civil servants or not, may not, under any circumstances, belong to an occupational organisation having members in the private sector; nor can private sector workers belong to organisations of public employees." It requests the Government to state whether organisations of public servants and those in the private sector may affiliate freely to the Trade Union Federation of Mauritania, or to any other confederation. (See, in this regard, paragraph 126 of the General Survey of the Committee of Experts relating to freedom of association and collective bargaining, 1983.)

The Committee expresses the firm hope that account will be taken of the above considerations and that the Government will bring its legislation into conformity with the Convention in the near future.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Mexico (ratification: 1950)

The Committee takes note of the report of the Government and observes that it has pointed out many times that the following provisions of the Federal Act on state employees of 1963 are not in conformity with the Convention:

- the prohibition of the co-existence of two or more unions in the same state and body (sections 68, 71, 72 and 73 of the Federal Act on state employees);
- the prohibition of a worker in the service of the State from leaving the union he belongs to (section 69);
- the prohibition of the re-election of trade union officers (section 75);
- the prohibition of unions of public servants from joining trade union organisations of workers or peasants (section 79);
- the extension to the Federation of Unions of Workers in the Service of the State of the restrictions applicable to the trade unions (section 84).

With reference to the first point, it is stated in the report of the Government that the question is not that it is impossible for several trade union associations to exist in the same body but that there is an obligation to register (as a trade union) the majority association in view of its most representative character, which depends on the number of members and is established by the Federal Conciliation and Arbitration Court. Furthermore, with regard to the prohibition of the members from leaving the union of workers in the service of the State that they belong to, the Government points out in its report that there is nothing in the Convention that expressly provides for the right of trade unionists to leave the union they belong to. The Committee emphasises that the right to belong to the union of one's choice (Article 2 of the Convention) implies also the right to withdraw from it.

The Committee takes note of the explanations provided by the Government and asks the Government to state whether a worker in the service of the State may be a member both of the union functioning within the service to which he is assigned and of a trade union association (unregistered) existing of the same service. The Committee asks the Government to state, with specific examples, whether there are in practice trade union associations in the bodies where a trade union is already registered, and also, in that event, to list any rights and prerogatives enjoyed by a trade union association not recognised as a trade union and to state whether a trade union association has ever reached the status of a trade union when one was already registered.

With regard to the prohibition of re-election in trade unions, the Government states in its report that the Convention provides for the right to elect trade union representatives and thus refers to "election" and not "re-election". The spirit guiding the legislation is to avoid the permanent establishment of controlling groups in the trade unions at the cost of the adaptability of the trade union movement. The Convention must be so interpreted that without diminishing the main protection accorded the workers account is taken of the internal conditions of the country in question. In Mexico, the

Convention must undoubtedly be interpreted, for historical, political, practical, and other reasons, so as to enable the workers to elect their representatives freely but to prohibit their re-election.

The Committee wishes to point out that the supervisory bodies of the ILO have unanimously considered that the prohibition against re-electing trade union officers in so far as it is imposed by the legislation, is contrary to Article 3 of the Convention (under which workers' organisations have the right to elect their representatives in full freedom), always excepting the possibility that re-election may be prohibited by the rules of the trade union organisations.

With regard to the provision that prohibits unions of workers in the service of the State from joining organisations or federations of workers or peasants, the report of the Government states that the legislation does not find it fitting for bureaucratic workers to associate with workers who bargain on the balance between capital and labour, since their interests, their responsibilities and the relations they have with their employers are all different. Since it is impossible to place associations of workers in the private sector under the same system as public servants, it is not appropriate that their respective organisations should be able to unite.

The Committee takes note of the explanations of the Government. Nevertheless, it wishes to point out that the provision contained in Article 5 of the Convention lays down, without mentioning any kind of exception, that "workers' and employers' organisations shall have the right to establish and to join federations and confederations".

With regard to the extension to the Federation of Unions of Workers in the Service of the State of the restrictions applicable to the trade unions, the report of the Government repeats the argument already mentioned concerning the reason why white-collar trade unions cannot join workers' and peasants' organisations. Nevertheless, continues the report, the Federation of Unions of Workers in the Service of the State is a member of the Congress of Labour, which brings together workers' organisations, both in the public sector and in the private sector.

The Committee wishes to emphasise that, under the Federal Act on state employees, the Federation of Unions of Workers in the Service of the State is the only central organisation recognised by the State (section 78) and that it is governed by the provisions relating to trade unions in this Federal Act (section 84). In these circumstances, the Committee wishes to point out that the imposition of a system of trade union unity at the level of federations is incompatible with the right of workers' organisations to establish federations and confederations (Article 5 of the Convention) and to refer to its earlier comments relating to the restrictions applicable to trade unions in general.

The Committee once again expresses the hope that the Government will re-examine the legislation in the light of the principles of the Convention and supply information on any measure adopted or under consideration to bring the Federal Act on state employees into harmony with the requirements of the Convention.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Mongolia (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:

In its previous comments, the Committee pointed out that the existence of a single-trade-union system in the country resulted from the very terms of its legislation. In the first place, sections 4 and 185 of the Labour Code confer trade union functions (collective bargaining, representation of workers' interests, solution of labour problems, etc.) solely on the trade union committees mentioned, which excludes the possibility of workers setting up any other trade union organisation which could promote and defend their interests.

1. The Committee notes the Government's statement that the legislation does not prohibit or restrict the founding of trade unions other than those already in existence and, if there is no other trade union, this is because the workers have not up to now expressed the wish to found one. In this context, the Government indicates that the unitary system of trade unions in existence in the country, as it is devised and legally sanctioned in its present form, results from the wishes of the workers who saw a disadvantage in the fragmentation and disunion of the trade union movement.

The Committee notes the connection between this new statement and the one that it noted in the past concerning employers who were not forbidden by law to constitute organisations of their own choosing, but who are in fact members of the same trade union organisation as the workers of the undertaking that they manage.

The Committee is bound to draw the Government's attention to the possibility that should be given to workers' organisations, if set up outside the existing trade union structure, to defend their members' interests and to formulate their programmes, as envisaged by Article 3 of the Convention. The Committee points out that, although the legislation does not in theory prevent a trade union from being constituted, the provisions of the Labour Code, by specifically and exclusively conferring trade union functions on the trade-union committees, are in themselves an obstacle to other trade union organisations being able to exercise, in practice, activities of a trade union nature.

2. Furthermore, the Committee noted that section 82 of the Constitution names the People's Revolutionary Party of Mongolia as the leader and guide of all state bodies and other organisations of the working masses. In the opinion of the Committee, this provision would seem to imply that no mass organisations, particularly trade unions, would have any possibility of operating outside the Party framework. In this context, the Government states that the trade unions support the policy of the Party and administer their affairs with complete independence. However, in the opinion of the Committee, the fact that the link between the Party and workers' organisations as a whole is established by the Constitution limits the right of

trade unions to organise their activities and to formulate their programmes in conformity with Article 3 of the Convention.

The Committee requests the Government to reconsider the situation in the light of its comments in order to give full effect to the Convention.

Furthermore, the Committee reiterates its request concerning the text of regulations relating to the rights of trade union committees to which the Government had referred in 1977. It urges the Government to attach a copy of them to its next report.

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

Netherlands (ratification: 1950)

The Committee takes note of the information supplied by the Government in its report in reply to its previous observations and of the comments submitted with the Government's report by the Netherlands Council of Employers' Federations (RCO) and the Federation of Christian Trade Unions (CNV).

1. The Committee notes with interest that Parliament has adopted amendments to the Wage Determination Act of 1970 which substantially restrict government intervention in private sector collective bargaining. It notes the Government's undertaking to transmit a copy of the English version of the amended Act as soon as it is available.

2. The Committee also notes with interest that the matter raised in the Committee's 1986 observation by the Confederation of the Netherlands Trade Union Movement (FNV) concerning ministerial rejection of the 1984-85 collective agreement for the broadcasting sector has been settled with approval of the agreement. The Government explains that the former concept of a special competency being accorded to the Minister to deal with collective agreements in the broadcasting sector has been abandoned. This sector is now covered by the Act concerning conditions of employment in the national insurance and subsidised sectors (WAGGS).

3. As regards this last-mentioned Act, the Government states that, for the current period, the first step in the procedures provided for in the Act has been completed, i.e. the budgetary scope for each of the various sectors covered by the Act has been set for 1986. The Government states that, due to the short length of time in which WAGGS has been applied in practice (it was adopted on 19 December 1985 and came into force on 1 January 1986), it is not possible to make any substantial comments on its actual operation. It undertakes, however, to supply detailed information on the practical application of WAGGS in its next report.

In this connection, the Committee observes that the RCO refers to WAGGS as a definite improvement on the former legislation but mentions that the application of the Act has given some cause for concern. Since the Government, in reply to these comments, undertakes to pay close attention to the actual operation of the Act and stresses that a substantial analysis of its application is not possible at this early

stage, the Committee considers that it need not further consider the RCO's comments.

The CNV's comments also generally refer to possible future problems concerning negotiations on the conditions of employment of public servants. The Government replies that future developments will be dealt with in either forthcoming reports on Convention No. 87 or other relevant Conventions.

The Committee requests the Government to supply in the next report, the information it has referred to concerning the practical application of the legislation now in force for the national insurance and subsidised sectors.

Nicaragua (ratification: 1967)

Further to its previous observation, the Committee takes note of the Government's report, as well as of the latest report of the Committee on Freedom of Association on Cases Nos. 1129 and 1351 [see that Committee's 248th Report, paras. 421 to 436, approved by the Governing Body at its 235th Session (March 1987)]. The Committee notes that by a communication dated 17 February 1987, the International Organisation of Employers (IOE) has made comments on the application of the Convention, with special reference to complaints presented by the IOE to the Committee on Freedom of Association against the Government of Nicaragua, to the effects of the state of emergency on the exercise of basic rights and trade union rights and to the silence of the new Constitution on the subject of the right to organise for employers, whereas it is explicitly recognised that workers have such a right.

The comments of the Committee of Experts referred to the effects of the state of emergency on the exercise of trade union rights and to certain provisions of the legislation which were not in conformity with the Convention.

With regard to the national state of emergency, the Committee observes that it has been further extended by Decree No. 245 of 9 January 1987. The Committee notes that on 23 February 1987 the National Legislative Assembly restored the right to organise, which had been suspended along with other rights by the aforementioned Decree. According to the Government's report, the national state of emergency should be viewed within the context of the war of aggression to which Nicaragua is being subjected. According to the report, this situation affects all the legal and political activities of the country, and the Government, in accordance with the law and with the international instruments, has found itself obliged to suspend certain guarantees, while endeavouring to keep to a minimum the restrictive effects on basic rights. The Government states that the plans for intervention in the affairs of Nicaragua, that attempts are now being made to carry out, are not confined to the military sphere, but also include the utilisation of trade unionists, employers, members of political parties, the clergy, etc., for the purpose of destabilising the country politically and economically with a view to creating propitious conditions for escalating the intervention and/or invading the country. Nevertheless - the report goes on - the suspension of

certain labour rights and guarantees should not be seen as a total deprivation of these rights, since the workers have continued to organise themselves in trade unions and initiate disputes of an economic or social nature and may even be authorised to call a strike if they have previously complied with all the requirements and formalities prescribed by the Labour Code and if their action is not prejudicial to national security and the defence plans. Thus, from 30 October 1985 until the date of the report, 23 new trade unions belonging to branches of industry, stockbreeding, etc., have been registered after becoming affiliated to different trade union confederations; the conclusion of collective agreements has continued normally, a total of 81 collective agreements having been registered from October 1985 to September 1986, covering 61,890 workers.

The Committee observes that Decree No. 245 of 9 January 1987 has re-established the national state of emergency for a period of one year throughout the national territory, suspending certain trade union rights as well as freedoms and guarantees essential to the exercise of such rights: inviolability of the home (section 26); expression (section 30); movement (section 31); peaceful assembly without prior authorisation (section 53); demonstration (section 54); guarantee against censorship (sections 67 and 68); the right to strike (section 83), etc. In this respect the Committee concurs with the conclusions of the Committee on Freedom of Association (see 248th Report, paras. 433 to 434), in which, while recognising the existence of extremely grave circumstances in Nicaragua, it expressed the view that a return to normality in trade union life would be facilitated by limiting the application of the state of emergency to certain geographical areas. In any case, according to the Committee on Freedom of Association, "it is necessary to safeguard the exercise of specifically trade union rights such as ... the right to hold trade union meetings in trade union premises and the right to strike in non-essential services". The Committee of Experts expresses the firm hope that the Government will take measures to this effect, and that it will be able to lift the state of emergency throughout the national territory.

Furthermore, the Committee has already pointed out that certain provisions of or omissions from the legislation are not in conformity with the Convention, referring in particular to the 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;
- 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);
- amending the provision on the general prohibition of political activities by trade unions (section 204(b) of the Code);
- amending the obligation now placed on trade union leaders to present the registers and other documents of a trade union on application by any member of that union (section 36 of the Regulations on Trade Union Associations);
- 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 notes that the Government again states in its report that public servants are associated in the National Union of Salaried Employees; the Committee nevertheless points out that the new Constitution, promulgated on 9 January 1987, contains no provisions on the right to organise of public servants. As concerns independent workers and persons working in family workshops, the Committee notes with interest that the new Constitution guarantees the right to organise of urban and rural workers. The Committee further notes that the Government expresses the view in its report that permitting the formation of rival trade unions in an undertaking will be to the advantage of the employer and will fragment and weaken the organisational structures and the unity of the working class. Finally, the Government states in its report that the Convention contains no provision specifically referring to the right to strike or to the manner in which States should legislate to provide for it.

The Committee wishes to recall that in its observation of 1985 it noted with interest "the information provided by the Government in its report to the effect that, to bring the legislation into line with the Convention, the Government envisages amending section 189 of the Labour Code in order to recognise the possibility of a multiplicity of trade unions in the undertaking and amending section 204(b) of the Code in order to eliminate the prohibition of political activities by trade unions. It also envisages amending section 36 of the Regulations on Trade Union Associations so as to require that requests for the presentation of a trade union's books and registers should be made by at least 10 per cent of the members of the trade union".

The Committee also recalls that during the direct contacts between the national authorities and a representative of the Director-General in December 1983 the authorities stated that sections 225 (majority required for calling a strike) and 314 (compulsory arbitration after a strike has lasted 30 days) could be amended along the lines desired by the Committee. Furthermore, the Government representative at the Conference Committee in 1985 stated that the Government accepted the comments of the Committee as to the need to amend the provisions regulating the right to strike and was prepared to take them into account.

The Committee wishes to point out that systems allowing for several trade unions within an undertaking may be so construed as to avoid the fragmentation and weakening of the trade union movement, for instance by vesting in the majority union exclusive powers in respect of collective bargaining. The Committee also wishes to recall that striking is one of the essential means that should be available to workers and their organisations for the promotion and defence of their interests, and that serious restrictions upon the right to strike (such as, for instance, the requirement of support by an excessively high proportion of workers in order to call a strike or the imposition of compulsory arbitration) are acceptable only in the public service

in the case of public servants acting in their capacity as agents of the public authority and in essential services or sectors in the strict sense of the term, that is to say whose interruption might endanger the life, personal safety or health of the whole or part of the population, which does not appear to be the case for activities of the kind referred to in section 228 of the Code, which prohibits strikes by rural workers where their produce may be damaged if it is not immediately made available.

The Committee requests the Government to reconsider its position with regard to the provisions of the legislation on which it has commented and expresses the hope that legislation can be adopted in the near future which is fully in conformity with the Convention. Lastly, the Committee requests the Government to supply its comments on the observations made by the IOE on the application of the Convention.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Nigeria (ratification: 1960)

The Committee takes note of the report of the Government, of the information it furnished to the Conference Committee in 1986, and of the discussion that followed.

In its earlier comments, the Committee has pointed out numerous divergencies between the legislation and certain provisions of the Convention.

1. The Trade Unions Decree 1973 (No. 31), as amended by Decree No. 22 of 1978 and Decree No. 17 of 1986, imposes a single-trade-union system; the central labour organisation, Nigerian Labour Congress, is the only central organisation, to which all registered trade unions except unions of senior staff, are considered to be affiliated (section 33(1) and (2)). These provisions, together with that of section 3(2), which provides that there shall be a single trade union to represent the workers or employers at each workplace, impose a system of trade union monopoly that is contrary to the right of workers to establish organisations of their own choosing, at the base and at a higher level, contained in Article 2 and Article 5 of the Convention. The free choice of the workers is further hampered by the requirement that there must be a minimum of 50 workers wishing to establish a union, a figure that the Committee has always considered too high to be compatible to the Convention. Moreover, by virtue of Decree No. 22 of 1978, various unions appearing on a list have been registered, whereas those registered under the 1973 Decree have been struck off without appeal.

The Committee takes note of the statement by the Government to the effect that the restructuring of the trade unions was intended to serve the interest of the workers by increasing their effectiveness in bargaining through the elimination of a multiplicity of trade unions. The Committee, however, is of the opinion that it is for the workers themselves to come together in a single trade union structure if they consider this to be in their interest. As the Committee has already pointed out (see paragraphs 136 to 138 of the General Survey submitted

by the Committee of Experts in 1983 on freedom of association and collective bargaining), the legislation must not establish a system of trade union monopoly, for example, by designating a single central organisation by name, since the workers must be able to safeguard their freedom to set up, should they so wish, unions outside the established trade union structure, and it follows from the Convention that, even if it is generally to the advantage of workers and employers to avoid a proliferation of competing organisations, trade union unity directly or indirectly imposed by the law runs counter to the standards expressly laid down in the Convention.

2. Section 11 of the Decree in question prescribes the exclusion, not provided for by the Convention, of workers of certain classes from the right to organise in trade unions or to join a trade union, the only possibility offered them being that of setting up joint consultative committees (the classes in question are the employees of the Customs Preventive Service, the Nigerian Security Printing and Minting Company, the Central Bank of Nigeria and Nigerian External Telecommunications Limited). The Committee notes with interest from the information furnished by the Government that those employed by the Customs Service and External Telecommunications Limited are now unionised. It requests the Government to state whether the unions covering these classes of workers are registered. With regard to the other classes of workers, the Committee points out that Article 2 of the Convention concerns all workers, without distinction whatsoever (the only possible exclusions being those of the armed forces and the police, by virtue of Article 9), and that section 11 of the Decree should therefore be amended both to correspond to the practice, which appears to conform to Article 2 of the Convention in respect of the employees of the Customs Service and External Telecommunications Limited, and to cancel the exclusions that do not conform to the Convention.

3. The Committee has earlier raised the question of the powers of the registrar, particularly in respect of the supervision of the accounts of trade unions. Sections 42 and 43 of Decree No. 31 authorise the registrar of trade unions to inspect the accounts of trade unions at any time, and in particular to call for a detailed statement of the funds available to a trade union organisation, any refusal by the union authorities constituting an infringement of the Decree. If the registrar considers that the papers are not satisfactory, he is empowered to call for other documents or to submit the statement to an auditor nominated by him. The Committee has already pointed out that these wide powers of supervision and investigation over the accounts of trade unions are such as to restrict the right of the trade union organisations to organise their administration and activities without interference by the administrative authorities, as provided by Article 3. The Committee notes the statements by the Government to the effect that the use made of union dues deducted at the source must be supervised because of the amount of money they represent, that the registrar only investigates the accounts and that the auditors are nominated by the unions with the approval of the registrar. The Committee notes, however, the statement that it is incumbent on the Government to supervise the use made of union funds, whereas, under the Convention, unions must be

free in their administration and the supervision of union funds should normally not go beyond imposing the obligation to furnish periodical financial reports. On the other hand, if the administrative authority is vested with discretionary power to inspect the books and other papers of the organisations, to carry out investigations and to call for information at any time, as provided by sections 42 and 43 of Decree No. 31, there is a serious danger of interference that may well restrict the guarantees provided for in the Convention (see paragraph 188 of the above-mentioned General Survey). The Committee also observes that the Nigerian Workers' member pointed out at the Conference Committee on the Application of Standards in 1986 that the issue of the power of the registrar of trade unions was already before the courts. The Committee requests the Government to keep it informed of this matter and to provide it with a copy of the judgement as soon as it is handed down.

4. Moreover, the Committee notes that the arbitration procedure instituted by various provisions of the Trade Disputes Decree 1976, No. 7 becomes compulsory where negotiations break down, which is equivalent in practice to an indirect prohibition of the right to strike, restricting the opportunities available to workers' organisations for furthering and defending the interests of their members and the right to formulate their programmes.

The Committee notes the statement by the Government to the effect that, in practice, workers go on strike before resorting to the conciliation procedure provided for by Decree No. 7 and that the Government has not taken measures against workers on strike but has brought an end to the strikes by referring the parties to the conciliation and arbitration machinery when it becomes necessary.

Nevertheless, as the Committee has already pointed out in earlier comments, the compulsory arbitration procedure, in the event of the breakdown of negotiations, is equivalent to an indirect prohibition of the right to strike or results at least in a rapid end to a strike since a dispute must be submitted to compulsory arbitration. The Committee recalls that it considers the strike to be an essential means whereby the workers can defend their occupational interests and that trade union organisations should have the right to organise their activities and to formulate their programmes in full freedom, in accordance with Article 3 of the Convention.

The Committee observes that the points raised above have been the subject of comments for many years and that the Government has mentioned in the past that the Senate Committee on Labour intended to review the whole of the labour legislation adopted during the previous military regime. The Committee requests the Government for information on this matter. It trusts once again that the legislation will be amended in the near future so as to give effect to the Convention and would like to be informed of any developments in the situation.

Norway (ratification: 1949)

The Committee has taken note of the information contained in the Government's report, and in a letter referred to therein, in response

to the Committee's request in 1986 for information concerning developments relating to labour disputes which arose in the spring of 1986 within the Norwegian oil industry. It will be recalled that this matter was raised in comments which were received in 1986 from the Norwegian Oil Workers' Federation (OFS).

The Government explains that the industry includes production, drilling and catering personnel who were engaged in a stoppage of work, involving a strike and a lock-out, for a period of three weeks, following the failure of an attempt at mediation by the state mediator. In the view of the Government, there was reason to believe that the conflict would be longlasting, and that its continuation would increase safety risks attached to potential damage to the constructions and cause serious damage to Norwegian society. It therefore introduced legislation, which was adopted in May 1986, for the use of compulsory arbitration for the resolution of labour disputes on oil installations. The disputes are, according to the Government, subsequently to be settled by the National Wages Board. The Government points out that the Committee has appreciated the special nature of the oil industry, as regards both the safety risks and its major significance for the country's economy; but that it has also pointed out that compulsory arbitration can only be used in circumstances in which there is a clear and imminent danger to the life, personal safety or health of the whole or part of the population.

The Committee notes this information. It is of the view that the circumstances described are similar to those which were the subject of consideration by the Governing Body Committee on Freedom of Association in Cases Nos. 1099 and 1255 as well as of a request transmitted directly by the Committee to the Government in 1985. The Committee recalls that on that occasion it drew the attention of the Government to the conclusions of the Committee on Freedom of Association, as approved by the Governing Body at its 226th Session, to the effect that the exclusion of this particular category of workers from the possibility of taking strike action was inconsistent with the principles of freedom of association according to which strikes may only be prohibited or restricted in the civil service or in services that are strictly essential in character. At the same time, the Committee stated that it appreciated that a total and prolonged stoppage in the oil industry, which is of major significance for the national economy, could lead to a situation in which the Government feels that it has no alternative but to bring a strike in that industry to an end; and that, in the event of a strike, there may be safety risks for workers in the industry. The Committee went on to point out that an outright prohibition of the right to strike for this category of workers would not be consistent with the Convention and also that, where a strike took place, intervention by the authorities to bring strike action to an end should also be limited strictly to circumstances in which there is a clear and imminent danger to the life, personal safety or health of the whole or part of the population as a result of the continuance of the strike action.

The Committee notes that the Government has affirmed once again, but has not adduced any evidence to demonstrate, risks to safety arising from potential damage resulting from the strike. It must

therefore draw the Government's attention to the views enunciated above, especially those relating to the need for there to be a clear and imminent danger to the life, personal safety or health of the whole or part of the population in order for a measure designed for the termination of the strike action to be consistent with the Convention. The Committee accordingly invites the Government to consider taking the steps necessary to give effect to the Convention, including the repeal or revision of provisions in the legislation which do not take account of the above-mentioned criteria for the termination of strike action.

Pakistan (ratification: 1951)

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

The Committee takes note of the information communicated by it to the Conference Committee in 1983. The Committee has also taken note of the reports of the Committee on Freedom of Association concerning Case No. 1175 adopted by the Governing Body at its 225th Session (February 1984) and its 229th Session (February 1985).

With reference to its previous comments, the Committee observes that the questions it raised related essentially to the right to strike and the supervision of trade union funds by the Registrar.

Recourse to strikes and trade union rights

The Committee has observed that, despite the possibility under section 32(1) of the Industrial Relations Ordinance, of calling a strike after conciliation proceedings have failed, the right to strike is subject to the restrictions set forth in section 32(2) and section 33(1) of the Ordinance. The Committee has observed that in normal times, an end may be put by the government authorities to a strike that causes serious hardship to the community or is prejudicial to the national interests or that takes place in public utility services.

The Committee points out that the power to prohibit strikes in circumstances which the Government may, at its discretion, describe as a situation of hardship or one that is prejudicial to the national interests or which take place in public utility services may well result in a very wide prohibition of the right to strike that, in the opinion of the Committee, should be confined to essential services in the strict sense of the term.

Furthermore, the Committee has observed on a previous occasion that, by virtue of section 4 of the Export Processing Zone (Control of Employment) Rules, workers in these zones do not have the right to strike. It notes the Government's statements to the effect that restrictions in respect of labour law (no recourse to strikes or collective bargaining) are generally placed on these workers to meet the conditions laid down by

multinational organisations before making investments in the country. The Government also states that these workers enjoy better conditions of employment than the other workers in the country in general. The Government adds, however, that it intends to reconcile the necessity placed on it of curtailing the trade union rights of the workers in these zones in order to maintain the social peace and attract investors with the obligations it has assumed by ratifying the Convention. It further announces that this question is at present under study. The Committee is aware of the economic difficulties mentioned several times by the Government but points out the importance it attaches to the full enjoyment by workers without distinction whatsoever of the trade union rights provided for by the Convention.

Referring, moreover, to Case No. 1175 presented to the Committee on Freedom of Association, the Committee notes that the following have been recognised under section 33 as being public utility services: the petroleum and gas industry, harbour services and transport services. These are not services, in accordance with the definition given by the Committee in paragraph 214 of its General Survey of 1983, whose interruption would endanger the life, personal safety or health of the whole or part of the population.

Furthermore, the Committee notes with regret that the Declaration of Martial Law of 16 October 1979 is still in force and any recourse to a strike is thus prohibited.

The Committee therefore requests the Government to ensure that any prohibition or restriction in respect of strikes is confined to essential services in the strict sense of the term.

The Committee also notes that Martial Law Regulation No. 52 of 1981, mentioned in Case No. 1175, completely prohibits trade union activities in the Pakistan International Airlines Corporation. The Committee points out that Articles 2 and 3 of the Convention guarantee to all workers, without distinction whatsoever, the right to establish and to join organisations of their own choosing which must be able to carry on the activities of defending their members' interests and formulating their programmes.

The Committee requests the Government to adopt the necessary measures so that these workers may enjoy the trade union rights provided for by the Convention.

Supervision of trade union funds

With regard to section 8 of the Industrial Relations Regulations, under which the Registrar may have any financial document of a trade union produced at any time, the Committee notes the Government's statement that the provincial governments and itself consider this provision essential for the verification of the use made of trade union funds, since most trade unionists are illiterate and cannot therefore themselves supervise the proper use of the funds. It states, however, that recourse has not yet been had to this provision.

The Committee takes account of these special considerations but is bound to point out that in paragraphs 182 to 188 of its General Survey of 1983, it expresses the view that the supervision of union finances should not normally go beyond the requirement to submit periodic financial returns and that the discretionary power of the administrative authority to examine any trade union document presents a serious danger of interference. In the opinion of the Committee, investigatory measures should be restricted to exceptional cases, such as presumed irregularities that are apparent from annual financial statements or complaints reported by members of the trade union. Furthermore, in order to guarantee the impartiality and objectivity of the procedure, this supervision should be conducted subject to review by the competent judicial authority.

The Committee hopes that the Government will re-examine the situation in the light of the above considerations.

Other questions

With regard to the freedom of association of government employees and the situation of civil servants above grade 16, the Committee notes from the report that trade unions are forbidden under Martial Law and that workers of this category are not, therefore, for the moment, in a position to form associations. The Government, however, goes on to refer to the process of democratisation, which, when it is completed, would make a clearer picture of the situation possible.

In its previous comments, the Committee also observed that workers in minority unions cannot be represented, as regards their individual claims by the union they have joined. It notes from the report that these workers may, under the Industrial Relations Ordinance, seek relief from the labour courts in the case of violation of their rights, irrespective of trade union membership.

The Committee draws the attention of the Government to the fact that, by virtue of the right of workers to join organisations of their own choosing provided for by Article 2, the members of trade unions should have the right, as regards their individual claims, even if their union is a minority one, to be represented by their own organisation for the defence of their occupational interests.

The Committee hopes that the movement towards democratisation will make it possible in the near future to achieve the re-establishment or the granting of trade union rights to all categories of workers coming under the Convention and to give full effect to this instrument.

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

Panama (ratification: 1958)

In comments that it has been making since 1973, the Committee has pointed out to the Government the divergencies remaining between the 1971 Labour Code and the Convention:

- the requirement of too high a number of members to establish an occupational organisation, at least 50 workers and 10 employers (section 344);
- the prohibition of more than one union per undertaking (section 346);
- the requirement that 75 per cent of union members shall be Panamanian (section 347);
- the automatic removal from office of a trade union officer in the event of his dismissal (section 359);
- the wide powers of supervision of the authorities over the records and accounts of trade unions (section 376(4));
- the exclusion of public servants from the scope of the Labour Code and consequently from the right to organise or to bargain collectively (section 2(2)).

The Committee notes that the Government, in its latest report, confines itself to repeating its earlier statements to the effect that a draft decree to provide for the extension of the provisions of Book III of the Labour Code to public employees, and the Bill whose provisions would eliminate the divergencies existing between the Labour Code and the Convention, are still being studied by the authorities of the Ministry of Labour and Social Welfare.

The Committee recalls that the Government stated as long ago as 1981 that these draft texts were under study. It therefore, again urges the Government to ensure that national legislation, in conformity with all the requirements of the Convention, is adopted rapidly and to communicate information in its next report on any progress made.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Paraguay (ratification: 1962)

The Committee takes note of the information supplied by the Government in its report. In its previous comments the Committee took note of the report by a representative of the Director-General on the direct contacts mission he had carried out in Paraguay from 23 to 27 September 1985.

At its last session the Committee noted from the Government's report that the public servants excluded from the provisions of the Labour Code under section 2 had their own associations, which carried out the function of furthering and defending the economic interests of their members, and were therefore true trade unions. The Committee observed that the representative of the Director-General, in the mission report, had 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 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 noted that during the mission it had been proposed to the authorities that they 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 notes the Government's statement in its latest report that it has not yet been possible to bring new measures into effect in relation to the proposals for amendment made during the direct contacts mission in these respects.

The Committee further wishes to recall the comments it made on the following provisions: section 353 (the requirement of three-quarters of the members to call a strike) and 360 (services in which strikes are prohibited) of the Labour Code, and sections 284 (submission of collective disputes to compulsory arbitration) and 291 (dismissal of the workers who have stopped work during the procedure) of the Code of Labour Procedure. The Committee also observed at its last session that the authorities had 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 Labour Code, which prohibits trade unions from receiving subsidies or economic assistance from foreign or international organisations. The authorities had also indicated that the prohibition on trade unions from discussing or participating in "political matters" referred to party political matters and was interpreted as such; in practice, trade unions discussed economic and social policy. The Committee also noted from the mission report that officials of the Ministry of Justice and Labour had 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 Labour Code).

The Committee notes from the Government's latest report that the proposals for amendment made during the direct contacts mission have not yet been approved by the authority competent to take the decision.

The Committee expresses the hope that the Government will take steps to amend the legislation as regards all the matters which raise problems of conformity with the Convention, bearing in mind the discussions which took place during the mission and the proposals for amendment that were made then.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Peru (ratification: 1960)

The Committee takes note of the information contained in the report of the Government.

The Committee recalls that, in its previous comments, it had pointed out certain divergencies between the national legislation and the Convention:

- the prohibition of the re-election of the officers of the public servants' union immediately after the end of their term of office (section 16, subsection 2, of Presidential Decree No. 003-82PCM);
- the requirement of too high a number of trade unions for the formation of a federation of public servants' unions (20) and of too high a number of federations for the formation of a confederation (10) (section 17, subsection 3);
- the prohibition of public servants' federations and confederations from forming part of organisations representing other categories of workers (section 19);
- the necessity of recognising expressly the right to organise of hospital workers and those in similar branches;
- the necessity of changing the requirement of over 50 per cent of the manual workers for the creation of a manual workers' union, over 50 per cent of the non-manual workers for a non-manual workers' union and over 50 per cent both of the manual and of the non-manual workers for a mixed union of manual and non-manual workers laid down by section 11 of Presidential Decree No. 009 of 3 May 1961, as amended by section 1 of Presidential Decree No. 021 of 21 December 1962;
- the necessity of changing the requirement of belonging to the undertaking for election to trade union office (Presidential Decree No. 001 of 15 January 1963);
- the necessity of amending Presidential Decree No. 009 of 1961 prohibiting trade unions from engaging in political activities as institutions (section 6).

The Committee observes that, in its report, the Government states that the revision of the trade union rights of public servants has been entrusted to a multisectoral committee and that it will transmit the observations of this committee as soon as these are available.

With regard to the provisions on the re-election of officers, the Government adds that the above-mentioned section 16 is intended to protect freedom of association and to permit the genuine rotation of officers by offering every worker the possibility of being elected.

On this point, the Committee considers that the rules governing the re-election of trade union officers should be decided in the rules of the trade union organisations and not by laws or regulations.

With regard to the excessive number of trade unions (20) and federations (10) required to form a federation or confederation, the Government states that it has taken account of the criteria set forth by the Committee on Freedom of Association where the latter admitted that the requirement of a minimum of 20 members was not excessive for the formation of a trade union. The Committee, although agreeing with the Committee on Freedom of Association that a minimum of 20 members may be required for the formation of a trade union, considers that the same numerical criterion cannot be used when legislation requires the combination of 20 trade unions to form a federation and of 10 federations to form a confederation. The Committee expresses the hope that the Government will amend its legislation to reduce these figures to such a reasonable level as not to form an obstacle to the formation of federations and confederations.

With regard to the right to organise of workers in hospitals and those in similar branches, the Committee takes due note of the

assurances given by the Government that these persons are covered by the legal provisions both in the public sector and in the private sector. It considers in these circumstances that this point does not call for further comment by it.

With regard to the percentages of workers required for the formation of a trade union (50 per cent of the workers), the Government states that these do not apply in the public sector and that it has communicated the observations of the Committee to the trade union organisations of the private sector through their central organisations. As soon as the replies have been received it will apply the appropriate measures. The Committee expresses the hope that the Government will bring its legislation into conformity with the Convention on this point at an early date.

With regard to the prohibition of trade unions from carrying on political activities, the Committee takes note of the statement of the Government to the effect that the provision in question only prohibits activities on behalf of a political party and which would pervert trade union aims, but that obviously trade union activities imply a political content in that they concern questions which, directly or indirectly, have a bearing on labour matters. The Constitution recognises freedom of association, and the legal provisions in force offer broad protection for exercising this right, particularly in a tripartite context.

The Committee requests the Government to communicate any court decision handed down by virtue of section 6 of the 1961 Presidential Decree.

With regard to the necessity of belonging to an undertaking for election to trade union office, the Government sets forth the legal provisions protecting trade union officers who remain at their workplace when they are elected, unless they are guilty of serious misconduct.

On this point the Committee hopes that the Government will be able to amend its legislation to enable a proportion of persons from outside the undertaking to be elected to trade union office if the workers so wish.

The Committee takes note of the assurances given by the Government that the trade union legislation is constantly changing, in view of the principles and criteria arising from the ratification of Convention No. 87 and that the results of the proposals of the above mentioned review committee will be communicated to the Committee.

The Committee hopes that legislation in conformity with the Convention will be adopted in the near future and again requests the Government to keep it informed of any progress made in this connection.

Philippines (ratification: 1953)

The Committee notes the information contained in the report submitted by the Government and in the statement of the Minister of Labour at the 72nd Session of the International Labour Conference in June 1986, as well as the report of the Governing Body's Committee on Freedom of Association concerning Case No. 1353 (246th Report of the Committee, November 1986, paras. 184 to 196).

The Committee notes with interest the references in all of these to statements by the President of the Philippines concerning the dedication of the new administration to the restoration as soon as possible of the rights of workers and of the trade union movements which have been restricted, and in particular to the commitment to the implementation of ILO Conventions, including Convention No. 87. It also notes with interest the information relating to the steps that have been taken to institute a process for the review and amendment of the Labour Code, and the tripartite consultations which have taken place in this regard through the Labour Advisory Consultative Council (LACC).

The Committee has moreover taken note with particular interest of the repeal by the President of Letter of Instruction No. 1458, which was one of the matters on which it had addressed comments to the Government.

The Committee observes, however, that information supplied by the Government in its report concerning other efforts to give effect to the observations it made in 1986 is largely devoted to measures contained in Ministry Order No. 9 (Series of 1986), a draft copy of which is attached to the Government's report. It observes from the note at the end of that report that the draft of the ministerial Order was rejected by the LACC on the premise that it had been based on the repressive laws of the former administration and was therefore not acceptable to the labour sector; and also that the Minister of Labour had agreed to amend certain provisions of the said Order in accordance with earlier suggestions by the LACC. It observes further in this regard that, according to the Government's report, Ministry Order No. 9 has not been published and is not in effect.

The Committee has, however, taken note of the measures adopted in Executive Order No. 111, issued by the President in December 1986, and notes with interest in particular those which respond to the comments it made in its previous observation, including especially the repeal of section 238 which concerned the impossibility of registering more than one federation or national union per branch of activity and the amendments introduced in respect of sections 264(f) and 265(d) of the Labour Code, dealing respectively with majority votes in bargaining units or boards of directors for strikes and lock-outs and restrictions on the army and police force in relation to escorting replacements for strikers and presence at picket lines. It has noted, too, the reduction from 30 per cent to 20 per cent of membership in relation to the requirement for registration introduced by an amendment to section 234(c) of the Labour Code, but would draw the attention of the Government in this regard to the view which it expressed previously to the effect that the amended requirement still represents a restriction on the creation of unions in large undertakings. In noting the statement in the Government's reply to its previous observation concerning section 264(g) of the Labour Code, which does not appear to have been amended by Executive Order No. 111, to the effect that the term "disputes affecting national interest" contained therein has been strictly confined to essential services such as transportation, telecommunications and hospitals, the Committee draws the Government's attention to the fact that only the last of these would in its view meet the criteria it has enunciated

regarding essential services in the strict sense of the term, in respect of which restrictions may legitimately be placed on the right to strike, namely that these should be those the interruption of which would affect the lives, personal safety or health of the whole or part of the population.

The Committee is furthermore bound to observe that a significant number of the provisions of the Labour Code referred to in its previous observation do not yet appear to have the object of remedial legislation. These include sections 237(a) on the number of trade unions required for establishing a federation or national union; 264(g), (i) and (s), 265 - other than subsection (d) - 270, 273(a) and (b), 275 as well as section 146 of the Penal Code concerning, inter alia, restrictions on the right to strike, participation of foreigners in trade union activity, and matters relating to powers of inquiry into the financial management of trade unions.

In these circumstances, the Committee can but note that substantive measures have yet to be taken for the repeal or amendment of a significant number of elements in the labour legislation which have been the subject of comments in the past. It trusts that the Government will keep it informed of all developments in regard to these, and that due account will be taken of the observations on these subjects which it has addressed to the Government, in particular those made in 1986.

The Committee would moreover repeat its reminder to the Government that the International Labour Office is at its disposal for any assistance that may be needed in formulating amendments which will give effect to the Convention, and once again invites the Government to consider seeking such assistance in the near future.

Poland (ratification: 1957)

With reference to its previous observation, the Committee takes note of the information supplied by the Government in its reports. It has also examined the observations of the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL) of December 1985 dealing with the trade union situation in Poland.

The ICFTU and the WCL devote a large part of their communications to the Trade Union Act, in particular the abolition of any possibility of introducing trade union pluralism and setting up trade unions other than those that are officially recognised: the restriction on the setting up in a given undertaking of more than one trade union organisation introduced by section 53, subsection 4, of the Trade Union Act, which was provided for as a transitional measure until 31 December 1985, is now in force for an indefinite period (Act of 24 July 1985, section 1(23)). The Council of State has thus, according to the ICFTU and the WCL, full discretion to decide how long that period will last and the conditions in which the possibility might be introduced of setting up another organisation in an undertaking. The ICFTU and the WCL also observe that the new trade unions and the All-Poland Consensus of Trade Unions now have the right to represent "all the workers" (Act of 24 July 1985, section 1(20)).

In its reports, the Government mentions, in particular, the work of the Congress of the All-Poland Consensus of Trade Unions, which was held in November 1986. The Government states that this organisation represents more than six million trade unionists and is open to all Poles. It refers to the statements of the chairman of the All-Poland Consensus of Trade Unions, who considers that any divergencies between the economic administration and the trade unions can be settled only if there are no more than two partners and that there is, therefore, no room for more than one trade union in an undertaking.

The Committee takes note of these statements, but is bound to emphasise that a system of trade union unity imposed by law is not in conformity with the principle of the freedom of choice of workers' and employers' organisations set forth in Article 2 of the Convention. Although it has clearly never been the purpose of the Convention to make trade union diversity an obligation, it does at least require this diversity to remain possible in all cases. In these circumstances, the Committee can only observe that the impossibility for more than one trade union organisation to exist in an undertaking, imposed by section 53, subsection 4, of the Trade Union Act, for an indefinite period whose end is to be decided by the Council of State, is an infringement of Article 2. The Committee, therefore, expresses the firm hope that the Council of State will rapidly adopt the necessary measures to put an end to the application of this section. The Committee has been informed that an appeal was submitted in November 1986 to the Constitutional Court in respect of this provision. The Committee would be grateful if the Government would supply information on the outcome of this appeal.

The Committee also feels bound to observe that the Act concerning farmers' socio-occupational organisations (section 33(2)) and the Act concerning the representation of workers employed by the State (section 40) and the law concerning employees in military units and in state enterprises which are under the jurisdiction of the Ministries of National Defence and of the Interior impose systems of trade union unity that are not in conformity with Article 2.

The Committee further observes that the Government has supplied no information in reply to the other divergencies between the legislation and the Convention pointed out in its previous observation, which concerned the refusal of the right to organise to officials of prison establishments and restrictions on the right to strike.

The law does not recognise the right to organise to officials of prison establishments (section 12 of the Trade Union Act). The Committee recalls that the functions exercised by prison staff should not normally justify its exclusion from the right to organise.

The Trade Union Act fixes a certain number of conditions for the calling of a strike, including the acceptance of the decision by the majority of the workers concerned and the prior agreement of the higher trade union body (section 38(1)). It also sets out a very extensive list of essential services in which strikes are prohibited (section 40). Furthermore, under section 37(1), the purpose of a strike is to defend the social and economic interests of a clearly defined group of workers. The Committee is bound to emphasise that the laying down of requirements that are too severe for the calling of

a strike may seriously jeopardise the possibility open to workers of organising such movements. The majority required to call a strike should therefore, in the opinion of the Committee, be confined to a simple majority of those voting, and the necessity of the agreement of the higher trade union body should be abolished. Furthermore, the prohibition of strikes should be confined to essential services in the strict sense of the term, that is to say services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee also observes that trade union organisations should have the possibility of resorting to protest strikes, particularly with a view to expressing criticism of the economic and social policy of governments.

The Committee would again wish to express the firm hope that the Government will take the necessary measures to amend the legislation on these points which have already been the object of comments by all the supervisory bodies which have been called upon to examine the trade union situation in Poland.

The Committee is addressing a direct request to the Government on other points.

[The Government is asked to supply full particulars to the Conference at its 73rd Session, and to report in detail for the period ending 30 June 1987.]

Romania (ratification: 1957)

The Committee takes note of the report of the Government and the information provided in reply to its previous comments, which related to the system of trade union monopoly, the links between the Party and the trade unions and the settlement of labour disputes.

1. The Committee recalls that section 164 of the Labour Code, read as a whole, 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, of the unions set up for each branch of activity and of the trade union organisations in the units. According to the report of the Government, this means that the trade union of a given unit, such as an undertaking, an establishment or an institution, operates on the basis of its own rules, and not on that of the rules of the branch union or the General Confederation of Trade Unions; it is also stated that no provision in the legislation obliges the union of a unit or a branch federation to affiliate to a higher organisation. The Committee takes note of this statement, which the Government has made in the past, but stresses that the wording of section 164, referring by name to the sole central trade union organisation, which thus appears as the sole central organisation, would not permit the establishment of a trade union that could draw up its own rules and operate in full independence of the General Confederation of Trade Unions, the branch federations or the trade unions in the units, the situation that, in the opinion of the Committee, amounts to the institution of a system of trade union monopoly that runs counter to the principle of freedom of association laid down in Article 2 of the Convention. Furthermore, the Committee

observes that, even if, in accordance with the information provided, the freedom of first-level unions to affiliate with higher-level organisations and to draw up their rules is maintained, and even if they enjoy a measure of autonomy in relation to the central bodies, it is no less true that the rules and activities of trade unions seem bound, as indicated in the rules of the single central organisation, to conform to those of the General Confederation of Trade Unions. The line to be followed is laid down in the rules of the central trade union organisation. Against a background of trade union unity, provisions of this sort are such as to prevent any union from acting in full independence outside the democratic centralism that is the guiding principle of the General Confederation of Trade Unions as laid down by Rule 8 of its Rules, and create an obstacle to the establishment by the workers of trade unions of their own choosing.

Furthermore, the Committee observes that basic functions in occupational life are attributed to the General Confederation of Trade Unions, which, through its governing body, the Central Council, participates in the making of economic policy by the Council of Ministers, takes the initiative and participates in the drafting of Bills and all other standard-setting texts relating to conditions of employment and living (Rule 29 of the Rules and, for example, sections 113(2), 116, 119, 122 and 153 of the Labour Code). It would seem to the Committee that, in these conditions, any other trade union organisation which might come into being would have its opportunities for action limited in practice by the extent of those functions conferred on the existing trade union structure. Accordingly, it seems to the Committee that it is not possible for workers wishing to establish a trade union organisation capable of defending their occupational interests to do so in practice outside the trade union structure already established, directed from the top by the General Confederation of Trade Unions. The Committee points out that it has already taken note of Case No. 1066, examined by the Committee on Freedom of Association at its sessions in March 1983, February 1984 and November 1984, the factual aspects of which, indicate very clearly the nature of this impossibility.

The Committee observes that, in its General Survey on Freedom of Association and Collective Bargaining submitted to the 69th (1983) Session of the International Labour Conference, particularly at paragraph 134, it stated that "sometimes legislation explicitly establishes a single trade union system [...] when first-level organisations must conform to the constitutions of a single existing central organisation", and at paragraph 136 stressed 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 therefore urges the Government to take measures to ensure that workers are enabled to establish trade union organisations of their own choosing in full freedom, in accordance with Article 2 of the Convention.

2. With regard to the links between the Party and the trade unions, the Committee takes note of the statement repeated by the Government, to the effect that Article 3, paragraph 2, of the Convention concerns not interference by political parties in the

internal organisation of trade unions but that of the public authorities and that the trade unions are not subject to any interference in their internal affairs and enjoy extensive rights. The Committee recalls that in its opinion section 26 of the Constitution establishes close links between the Party and the trade unions and that, by virtue of section 165 of the Labour Code, the trade unions have the duty of mobilising the masses to carry out the programme of the Party and of giving effect to its policy concerning the workers. The above-mentioned provisions, in the opinion of the Committee, also imply, a restriction of the rights of workers to establish organisations of their own choosing and to formulate their programmes, contrary to Articles 2 and 3 of the Convention. The Committee also stresses that, under Article 8, the law of the land must not be such as to impair nor be so applied as to impair the guarantees provided for in the Convention.

3. With regard to labour disputes, the Committee takes note of the information given by the Government on the decisions of the bodies that settle labour disputes, which are binding. The Committee also notes that, by reason of the social, political and economic system of the country, in which the means of production belong to the workers, there are not, according to the Government, any collective labour disputes since the general assembly of the workers controls the executive organs of the unit (that is to say of the undertaking itself) and the conditions of employment and wages are proposed, discussed, approved and verified by all the workers in the same way.

With regard to points 1 and 2 above, the Committee trusts that the Government will take the necessary measures to give effect to the Convention in accordance with its comments on trade union unity and on the links between the Party and the trade unions. The Committee requests the Government to keep it informed of the situation.

Senegal (ratification: 1960)

The Committee takes note of the report of the Government. It recalls that its comments related to section 1(4) of Act No. 65-40 of 22 May 1965 concerning seditious associations, which permits the dissolution by decree of associations or groups "whose activities would be such as to disrupt, by unlawful means, the functioning of the constitutional order".

The Government informs the Committee in its report that consultations have been held at the highest level and that a bill to amend Act No. 65-40 has been drafted for the opinion of the Minister of the Interior. The Committee recalls that the Government's previous report stated that the amendment of the provisions questioned by the Committee had already been referred to the Minister competent in the matter, and that, after studying this law, he observed that it applied only to seditious organisations and could not concern trade union organisations, whose operation continued to be determined by the Labour Code (section 12 of which specifies the legal forms of dissolution, which can be only voluntary, statutory or judicial).

The Committee notes that the draft bill, as worded, excludes from the scope of the Act in question workers' and employers' or

occupational organisations in respect of administrative dissolution. The Committee therefore hopes that this draft will be adopted in the near future so that, in accordance with Article 4 of the Convention, the administrative authority cannot dissolve a trade union organisation when it considers that this organisation disrupts the functioning of the constitutional order by unlawful means.

The Committee requests the Government to keep it informed of developments in the situation and to provide it with a copy of the text of the amendment for the Act as soon as this is adopted.

Seychelles (ratification: 1978)

The Committee takes note of the report of the Government and of the statutes of the National Workers' Union. It observes no new information in addition to the general statements that were made in the first report (1979) submitted since the accession of the country to independence has been supplied on the application of the Convention.

The Committee considers that it would be useful to recall the obligation on all States Members under article 22 of the Constitution of the ILO to transmit detailed reports on the effect given to ratified Conventions and to use as a basis the report forms adopted for the purpose by the Governing Body.

With reference to its previous comments, the Committee would point out that, after the voluntary dissolution of all trade unions, the "National Workers' Union", representing all categories of workers, was set up in 1979. Under the constitution of the "Seychelles People's Progressive Front", promulgated as a schedule to the national Constitution in 1979, the Union functions under the direction of the Front (section 4); for example, the consent of the Front is necessary for every decision, it must also approve the expenditure of the Union, and it receives 25 per cent of the total amount of union dues (section 12 of the constitution of the Front). The Committee has noted that the law in force provides for the existence of only one trade union organisation, mentioned by name and placed under the direction of a political party, as is confirmed by the comments of the National Workers' Union, and thus establishes a system of trade union monopoly, which is contrary to the Convention.

The Committee recalls that it has already pointed out in the General Survey on Freedom of Association and Collective Bargaining, which it submitted to the 69th (1983) Session of the International Labour Conference, particularly in paragraphs 132 to 138, that trade union unity imposed directly or indirectly by law is in conflict with express standards of the Convention (Article 2) and that trade unions should have the right to organise their activities and to formulate their programmes in full freedom, and also to draw up their constitutions and elect their representatives in full freedom. The Committee feels bound to emphasise, in reply to the statement of the Government that the socialist development of the country will be carried out in accordance with the doctrine of the party, which advocates the support of a single national trade union organisation, that, even in a situation where, at some point in the history of a nation, all workers have preferred to unify the trade union movement,

they should, however, be able to safeguard their freedom to set up, should they so wish in the future, unions outside the established trade union structure.

Lastly, the Committee considers it useful to recall that the resolution on the Independence of the Trade Union Movement (adopted by the International Labour Conference at its 35th Session, 1952) stresses, in particular, that governments should not seek to transform the trade union movement into a political instrument which they could use to achieve their political aims.

The Committee requests the Government to take appropriate measures to ensure that the legislation guarantees the above-mentioned rights.

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

Swaziland (ratification: 1978)

The Committee takes note of the report of the Government and of the statement that the questions raised by the Committee will be referred for discussion to the Labour Advisory Board.

The previous comments of the Committee have brought to light divergencies between the Industrial Relations Act, 1980, which came into force in 1982, and certain provisions of the Convention.

1. Under section 20(1) and (2) of the Act, workers and employers can organise only within the industry in which they carry on their activity currently or usually. Similarly, section 34(1) restricts the choice by obliging any occupational organisation or federation wishing to join an international organisation and maintain the corresponding relations with it to apply to the Minister for prior authorisation. Furthermore, section 23(3) confers on the Labour Commissioner the power to refuse to register a workers' or employers' organisation when there is already an association that he considers sufficiently representative of the interests concerned.

The Committee points out that these provisions are not compatible with the Convention and that it is for the organisations themselves to decide whether it is in their interests to amalgamate. It observes that by limiting the right of organisation and membership in this way, the legislation tends to institute a single-trade-union system, which is contrary to the Convention when it is not the result of the wish of the workers or employers. The Committee hopes that the Government will reconsider the situation so that workers and employers shall have the right to establish and to join organisations of their own choosing without previous authorisation, in accordance with Articles 2 and 5 of the Convention.

2. The Committee has also noted that the scope of the following provisions is still too wide for conformity with the provisions of the Convention: strikes and lock-outs are prohibited in essential services, and the Minister is empowered to modify the list of these essential services (section 65(6) of the Act), which, the Committee points out, must be restricted to services whose interruption would endanger the life, personal safety or health of the whole or part of the population; moreover, in the event of a strike, the Minister is

empowered to make application to the court if he considers that the national interest is threatened (section 63(1)), which is equivalent in fact to a system of compulsory arbitration. The Committee observes that the right to strike is one of the essential means available to the workers of furthering and defending their economic and social interests, that restrictions on the exercise of this right should affect only public servants engaged in the administration of the State and workers in the essential services in the strict sense of the term, as understood by the Committee, and that the restrictions must be compensated by appropriate, impartial and rapid procedures of conciliation and arbitration, in every stage of which the persons concerned may participate. The Committee points out that in general it does not consider the services mentioned in clauses (vi) and (vii) (posts, telephone, telegraph, radio and teaching) to be essential in the strict sense of the term. It seems, from the information available to the Committee that administrative and supervisory staff are also considered to perform essential services. The Committee therefore requests the Government to re-examine the question in the light of these comments. It is of the opinion that the list of essential services should be confined to clauses (i), (ii), (iii), (iv), (v) and (viii) and not be subject to modification at the discretion of the Minister.

3. With regard to federations, the Committee has observed that section 33(1) of the Act restricts these organisations to purely advisory activities; the Committee has noted that the activities mentioned in this provision represent only some of their functions. The Committee requests the Government to indicate the other functions that may be carried out by federations, since, moreover, under subsection 2 of the same section, they cannot carry on political activities or any activity that might make them resemble an industry union, a staff association or an employers' association, which leave them only the role of advice and the furnishing of services to their members, as provided by subsection 1 of this section of the Act. The Committee requests the Government to furnish details in this connection and draws its attention to the wording of Article 6, under which federations must enjoy the guarantees set forth in Articles 2, 3 and 4 of the instrument; it must therefore be possible to establish them freely without previous authorisation and they must be able to carry on their activities without interference by the public authorities to restrict this right.

4. The Committee has previously taken note of the statement by the Government that teachers are agents of the public service. It points out that by virtue of section 83 of the Industrial Relations Act, 1980, they enjoy the right of association as laid down by this Act. The Committee observes, however, that by virtue of the same section members of prison staff are excluded from the scope of the Act, whereas this class does not come within the scope of Article 9, which confines the possible exclusions to the staff of the police and the armed forces. The Committee therefore asks the Government to reconsider the question in the light of these comments.

5. Furthermore, the Committee has noted that the new Industrial Relations Act does not repeal the Decree of 12 April 1973, section 12 of which imposes certain restrictions on trade union activities. The

Government has stated that these two texts come within the competence of two different ministries but that it is doing everything possible to improve the situation. The Committee hopes that section 12, which places important restrictions on the right of meeting and demonstration, will be repealed in the near future. It requests the Government to inform it of the repeal as soon as this has taken place.

Syrian Arab Republic (ratification: 1960)

The Committee regrets that the report of the Government on the application of the Convention has not been received. The Committee takes note of the statement of the Government representative to the Conference Committee in 1986 (72nd Session). The Committee recalls that its previous comments related to Legislative Decree No. 84 of 1968 concerning trade unions (section 7), Legislative Decree No. 250 of 1969 (section 2) and Law No. 21 of 1974 concerning peasants' co-operatives (sections 26-31) which set up a single trade union structure, section 25 of Legislative Decree No. 84 which restricts the trade union rights of foreign, non-Arab workers, sections 32, 35, 36, 44 and 49(c) of Legislative Decree No. 84 and sections 6 and 12 of Legislative Decree No. 250 of 1969 which restrict the free administration and independence of the management of trade unions, and section 160 of the Agricultural Labour Code of 1958 which prohibits strike action in the agricultural sector.

1. As regards the system of trade union unity, the Committee notes that the Government representative emphasised the voluntary adherence of workers to one central trade union, and the fact that decisions are taken independently was obvious in that different types of trade union have been established in different regions. The Government representative also indicated that a teachers' trade union had been set up and that, in addition to workers' unions, there existed various associations of workers and employers.

The Committee takes note of this information which, in the Government's view, shows the existence of a multiplicity of trade unions. The Committee recalls, however, that the terms of the legislation (Legislative Decree No. 84 of 26 June 1968, Legislative Decree No. 250 of 1969 and Law No. 21 of 1974) clearly establish a system of trade union unity according to which only one trade union can be set up for the same occupation within the same "Mouhafazat"; the unions in a Mouhafazat can only group themselves into one federation of workers in the Mouhafazat (section 5) and all can group themselves into the General Federation of Workers of Syria (section 7). In addition, it is only when this Federation has taken a decision that the occupations which can constitute groups of unions and the occupational groups which can constitute unions, may be determined (section 4). The Committee recalls that, even if affiliation to an existing union is voluntary, and if the workers concerned wish to remain within the single trade union system, such a system should not be established by law, given that under Article 2 of the Convention workers should be able to establish organisations of their own choosing. The Committee has recognised, in paragraph 136 of its General Survey on Freedom of Association and Collective Bargaining of

1983, that this principle was not intended as an expression of support either for the idea of trade union unity or for that of trade union pluralism; pluralism, however, should remain possible in all cases. The Committee draws the attention of the Government to the fact that, if the workers wished to form unions other than those which they are entitled to set up (other than occupational associations) that is to say outside the established structure that is directly linked to the General Federation of Trade Unions, they would be unable to do so, contrary to Article 2 of the Convention.

2. Moreover, the Convention guarantees trade union rights to "all workers without distinction whatsoever", the only categories which can be excluded therefrom under Article 9 of the Convention being the armed forces and the police. This means that foreign, non-Arab workers employed in the Syrian Arab Republic should also be able to join or form trade unions of their own choosing. Section 25 of Legislative Decree No. 84 only provides this possibility if they have been resident in Syria for one year and only if there are reciprocal rights. The Committee notes that the Government representative stated that reciprocal clauses were matters of State sovereignty, but that in practice every worker could belong to a union. The Committee considers, nevertheless, that an amendment should be made to section 25 in order to bring it into conformity with Article 2.

3. As regards the management of trade union finances, the Committee notes that, according to the Government representative, it would not be logical for a trade union to accept a gift from a person or from an organisation if this was not in the interests of national objectives or if there were a risk of threat to the sovereignty of the country. The Committee understands that the prohibition on unions under section 32 of Legislative Decree No. 84, and on unions of artisans under section 6 of Legislative Decree No. 250 from accepting gifts, donations and legacies, except with the prior consent of the General Federation and with the approval of the Minister, results in part from the trade union unity situation which has been set up for the benefit of the General Federation. The Committee recalls that this provision is in contradiction with Article 3 of the Convention which provides, in particular, for the right of workers' organisations to organise their administration without interference by the public authorities. The same may be said for section 36, which the Government representative explained, concerns legally financed assistance but which, as the Committee has noted, imposes certain obligations on unions as regards their management and the preparation of their budgets and which provides that trade union committees should receive a certain percentage of the total income. The same is the case as regards section 12 of Legislative Decree No. 250.

Under section 35 the Minister is also endowed with control over the funds of trade unions. According to the Government representative, this control ensures that the accounts are properly kept, but it does not affect the manner in which the trade unions use their funds nor the objectives of the unions. He also recalled the instructions issued in 1968 concerning the verification of funds and financial statements and the bodies dealing with financial management. The Committee takes note of these explanations and

recalls that control exercised over trade union funds should not normally extend beyond the obligation to supply financial reports periodically. On the other hand, if the administrative authority has a discretionary power to inspect the books and other documents of organisations or to carry out investigations and demand information at any time, there exists a serious risk of interference in trade union affairs. The Committee requests the Government to supply with its next report detailed information concerning the authority of the Ministry in this connection and the manner in which it is exercised.

4. In his statement, the Government representative pointed out that the condition laid down in section 44 that a person had to spend six months in an occupation before being eligible for trade union office was designed to ensure that trade union leaders were competent and trained. The Committee accepts that the particular nature of the functions of trade union leaders requires a certain degree of competence. It would, however, draw the attention of the Government to the fact that trade unions themselves should lay down these requirements, for example in their statutes, and that it is necessary that trade unionists should be able to freely elect their representatives and decide on conditions of eligibility (Article 3 of the Convention). The Committee would also recall in this connection that, in paragraph 155 of its General Survey of 1983, it considered that the right of workers and employers to elect their representatives in full freedom is an essential condition for their organisations to act effectively and independently and to promote their members' interests efficiently. In order that this right be fully recognised it is essential that the public authorities refrain from any interference which would restrict the exercise of this right, whether in determining the conditions of eligibility of union officials or in the process of the elections themselves.

5. As regards section 49(c), under which the General Federation has the right to dissolve, for various reasons, the executive committee of any trade union, the Committee takes note of the information supplied by the Government representative according to which such dissolution can only intervene after the completion of an enquiry. It also notes that this matter also arises within the context of the system of trade union unity mentioned under point (1) of the present observation.

6. In addition, the Committee had noted that strikes are prohibited in the agricultural sector by virtue of section 160 of the Agricultural Labour Code of 1958. This prohibition removes from agricultural trade union organisations an essential means by which they may promote and defend the occupational interests of their members and is not in conformity with Article 3. The Committee notes that, according to the Government representative, a draft law has been prepared by the Government with a view to repealing this provision. The Committee expresses the hope that it will be repealed in the near future and requests the Government to keep it informed of any developments in this matter.

7. In its previous observations, the Committee had suggested to the Government that it should carefully examine the possibility of taking advantage of the technical assistance of the ILO in order to resolve the difficulties experienced in the application of the

Convention. The Government had, on several occasions in the past, mentioned that a draft of a new labour code had been prepared and submitted to the competent authorities. It subsequently indicated that a serious study had been undertaken to bring the legislation into conformity with the Convention. The Committee, however, notes that, in his statement, the Government representative pointed out that his Government would not request the assistance of the Office since the outstanding questions were not, in his view, linked to the problem of the application of the Convention but to a problem of interpretation of the Convention by the Committee.

8. In view of the large number of divergencies that exist between the legislation and the terms of the Convention, the Committee would urge the Government to take appropriate steps to introduce the necessary amendments to give effect to the Convention on the points mentioned above.

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

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

Togo (ratification: 1960)

The Committee recalls that its previous comments related to the deduction of trade union dues from all salaries and wages, by virtue of Ordinance No. 77-5 of 4 March 1977 on behalf of the National Confederation of Togolese Workers (CNTT), designated by name in the legislation, and to Decree No. 77-66 of 14 March 1977 fixing the amount of the dues.

The National Confederation of Togolese Workers has stated that it was at its request and following agreement with the workers concerned that the Government adopted a text authorising the deduction at source of trade union dues on its behalf. It added that the rate of contribution fixed in 1976 is 100 FCFA, equivalent to 0.50 Swiss Francs, per month, that the legislation did not impose the single-trade-union system and that in the event of a split in the CNTT there would be no problem concerning the deduction of union dues at source since each central organisation would know the number of its members and thus could claim the contributions due to it. The Committee regrets that the Government does not comment on the deduction of union dues at source on behalf of the CNTT. It observes, however, that the 1974 Labour Code places no obstacle in the way of trade union pluralism, since section 4 provides that any worker may freely join a trade union of his choice within his occupation.

The Committee recalls that in its General Survey of 1983 on Freedom of Association and Collective Bargaining (paragraphs 144 and 145) it stated that the Convention is not opposed to union security clauses intended to strengthen the position of trade unions by ensuring that they become better established among workers and giving them greater weight with the employers. It also stated, however, that legal provisions designating a particular central organisation which benefits from a union security system are similar in their results to those establishing trade union monopoly.

The Committee requests the Government to state whether it would be possible under the law for a central organisation other than the CNTT that came into existence to benefit at its own request from the deduction of its members' union dues on its behalf once the members agree individually. It also requests the Government to indicate what consequences would ensue for workers belonging to the CNTT who refused to pay their union dues.

Trinidad and Tobago (ratification: 1963)

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

The Committee has taken 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 requests 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.

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

Tunisia (ratification: 1957)

The Committee takes note of the report of the Government. It has also taken note of the report of the Committee on Freedom of Association concerning complaints that are pending against Tunisia (Case No. 1327), a report approved by the Governing Body at its 234th Session in November 1986.

The Committee observes, from this report, that the difficulties encountered by a large part of the trade union movement have not disappeared. The Committee therefore urges the Government to take measures in accordance with the recommendations of the Committee on Freedom of Association with a view to re-establishing in full a trade union situation in conformity with the guarantees laid down by the Convention.

The Committee further recalls that it has commented in its previous observations on the right to strike (the need for the calling of a strike to be approved by the central trade union organisation, the ability to impose compulsory arbitration to end a strike that may affect the national interest, the ability to requisition workers where a strike is considered to be such as to affect the vital interests of the nation).

The Committee notes from the report of the Government that the Bill to revise the Labour Code, which includes amendments to bring this code into line with ratified international standards, is at present the subject of consultations with all the parties concerned before being examined by the Council of Ministers.

The Committee expresses the hope that account will be taken of its comments in this Bill so as to give full effect to the Convention and that the Bill will be adopted in the near future. It requests the Government to provide information in this connection.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Ukrainian SSR (ratification: 1956)

The Committee takes note of the report of the Government, which, it observes, contains no new information replying to its earlier comments but refers to the previous reports in respect of the law and practice concerning the application of the Convention.

Since the points raised by the Committee refer to texts or situations analogous to those of the USSR, the Committee invites the Government to refer to the comments made for that country under the present Convention.

USSR (ratification: 1956)

The Committee takes note of the information in the report of the Government and also of the discussion that took place in the Conference Committee in 1985. The Committee has for many years been making comments on the system of trade union monopoly, the links between the Communist Party and the trade unions and other questions including the right of meeting made subject to previous authorisation.

1. The Committee has observed that the 1971 Regulations respecting the rights of local, factory and works trade union committees, which attribute all trade union functions specifically and solely to the trade union committee of the undertaking, establishment or production or work organisation, exclude any other organisation representing workers of the same class from the possibility of carrying on activities in defence of its members' interests and of formulating its programme.

The terms of this text are so worded as to make no provision for the possible existence of other trade union organisations and to confirm the existence of a single-trade-union system.

The Committee has noted the statements by the Government that the basic principles of the labour legislation of the USSR and the provisions of the Labour Codes of the federated republics (for the RSFSR, section 7 concerning collective bargaining and section 230 concerning the rights of local, factory or works committees) do not prohibit the establishment of trade unions different from the existing ones, but has observed that, if a trade union should be established, it would have no practical possibility of exercising activities in defence of the occupational and economic interests of its members, since these functions are attributed to the trade union committees of the undertaking, establishment or organisation by the Regulations of 27 September 1971 and by certain provisions of the Labour Code of the RSFSR (sections 230, 231, 233, 234 and 235) of 9 December 1971.

The Committee again requests the Government to state whether any action has been taken by workers with a view to establishing workers' organisations independent of the existing trade union structure and, if so, what the results have been.

The Committee notes the statement in the report of the Government to the effect that it makes an arbitrary interpretation of Soviet labour legislation and draws erroneous conclusions. According to the Government, the Regulations concerning the rights of trade union committees apply to any committee irrespective of the place where it

is established. Furthermore the Government refers to the Decrees of the Presidium of the Central Council of Trade Unions of the USSR, dated 26 August 1977, 7 June 1974 and 24 January 1975, which contain provisions that govern the committees representing particular classes of workers (collective farms, collective fishing undertakings, students) and grant them rights for the defence of the specific interests of these workers.

The Government adds that the Committee ought thus to reach the conclusion that all trade union organisations enjoy rights that truly enable them to defend the specific interests of their members, if, indeed, the Committee has any wish to reach such a conclusion.

First, the Committee observes that the above-mentioned decrees are decrees for certain classes of workers issued under the 1971 Regulations concerning the exclusive functions of the trade union committees. Secondly, the Committee emphasises that its comments do not relate to the defence of the occupational interests of particular classes of workers but to the system of trade union unity in general, as confirmed by the legislation on behalf of the local trade union committees.

The Committee points out that, in the General Survey on Freedom of Association and Collective Bargaining it submitted to the 69th (1983) Session of the International Labour Conference, particularly paragraphs 132 to 138, it stresses that a system of trade union monopoly established indirectly by the law is in contradiction with the principles set forth in the Convention, which are intended to guarantee to workers the possibility, both in theory and in practice, of establishing in full freedom organisations of their own choosing to represent their interests. It also states that provisions on the rights and functions of trade union committees, by assigning trade union functions only to a given trade union organisation (as in the present case), appear to rule out the possibility of setting up another organisation representing workers of the same category.

The Committee therefore hopes that the Government will re-examine the situation in the light of its comments with a view to ensuring to the workers the possibility of establishing the unions of their own choosing, in accordance with Article 2 of the Convention.

The Committee also takes note of the statement of the Government in its report to the effect that the General Survey of 1983 reflects points of view of the Committee that are not supported by many members of the Organisation and is an example of the way in which the Committee imposes its opinion as the only possible one and also an example of the arbitrary interpretation of an ILO Convention.

2. The Committee points out that, under section 6 of the Constitution of the USSR, the Communist Party is the force that directs and guides Soviet society and is the nucleus of the "social organisations", terms that embrace the organisations representing the workers. In the view of the Committee, the law thus establishes a link between the Communist Party and the organisations in which the directing role falls automatically and permanently to the Party.

The Committee observes that the Government, as in the previous report, insists on the fact that it considers the question of the links between the Communist Party and the trade unions to be attached artificially to the application of the Convention and that there is

thus no legal basis for raising this question, since the Convention deals with relations between the trade unions and the State and not relations between the trade unions and the political parties. The Committee draws the attention of the Government to paragraphs 192 to 198 of its General Survey, where it expresses the view that in order to guarantee the independence of the trade unions, which alone can enable them to play the role of furthering and defending the interests of their members, it is necessary that there should be no legal provision linking them closely to a political party. The Committee observes, however, that by virtue of section 6 of the Constitution of the USSR the Communist Party of the Soviet Union is the force that drives and guides Soviet society and the nucleus of its political system, of the State bodies and of the social organisations; it defines the general lines of the development of society and the trends in the domestic and foreign policy of the USSR. Accordingly, under section 6 of the Constitution of the USSR, the Party lays down the framework and the social perspective in which the activities of the trade unions must take place, which does not guarantee to them the possibility of carrying on their activities freely and in full independence.

The Committee considers that this situation is such as to restrict the right of trade unions to organise their activities and formulate their programmes, as provided by Article 3. The Committee is also bound to repeat that, by virtue of Article 8, paragraph 2, the law of the land must not be such as to impair the guarantees provided for in the instruments.

The Committee trusts that the Government will be willing to review the questions that it has been raising in its comments for a number of years. It requests the Government to keep it informed of any development in this connection.

3. Other questions. In its previous comments the Committee had observed that any meeting or conference of occupational organisations was subject, by virtue of the Order of 15 May 1935, to prior authorisation. It had also noted the statement of a Government representative that the Committee would be informed of any developments that might take place in this regard. The Committee observes that the Government, in its report, does not supply any information on this point. It urges the Government to indicate in its next report if this Order applies to unions wishing to hold meetings and to meetings the purpose of which is to establish unions.

United Kingdom (ratification: 1949)

In relation to the observations it made in 1985 concerning the situation at the Government Communications Headquarters (GCHQ), the Committee takes note of the discussion which took place at the Committee on the Application of Conventions and Recommendations at the 71st Session of the International Labour Conference, and of matters brought to its attention in communications from the Government and in its report, concerning developments which have occurred since then. It has also received three communications on the subject from the

Trade Union Congress, which have been transmitted to the Government and the Committee awaits the Government's observations on these.

In its report, the Government refers to a communication dated 2 May 1986 indicating that it had already explained why negotiations on the substance of its original decision could not be expected to lead to a satisfactory settlement and why it did not accept that any such obligation was imposed in these circumstances by the Conventions which it had ratified. It also referred to discussions which had taken place between representatives of the Government and the trade unions concerned, and to a statement on the matter which had been made in Parliament by the Secretary of State for Foreign and Commonwealth Affairs on 18 March 1986. This indicated that over 99 per cent of GCHQ staff members had accepted the terms offered; that those who had not accepted the terms had been offered alternative employment or premature retirement on redundancy terms; and that, although those who have not done so or who have rejoined trade unions would be subject to disciplinary procedures, the director of the GCHQ had informed the head of the civil service that he did not regard dismissal as an appropriate penalty for the latter.

The Committee takes note of this information. It trusts that additional information will be forthcoming on the subject, in relation both to the communications from the TUC which have been transmitted to the Government and in connection with any attempts which may have been made to give effect to the earlier treatment of the matter by the Committee and the Conference Committee on the Application of Conventions and Recommendations.

In particular, the Committee trusts that measures will be taken concerning the suggestion made in its previous observation and the request made by the unions, which it notes with regret have not yet been the subject of action by the Government, to the effect that negotiations be undertaken with the civil servants' unions involved with a view to reaching an agreement that will enable the obligations under the Convention to be applied in full.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

Uruguay (ratification: 1954)

With regard to its previous observation, in which it raised objections to a large number of provisions of the national legislation, the Committee notes with satisfaction that, according to the report of the Government, Parliament, by means of Act No. 15738 of 13 March 1985, has declared null and void the provisions on occupational associations (Act No. 15137) and the right to strike (Act No. 15530), which had been approved by the Council of State, the body that exercised the legislative function during the dictatorship.

The Committee notes from the report that, by virtue of the above-mentioned declaration of nullity, the laws that previously governed the legal status of occupational associations and the question of strikes have been brought back into force. Accordingly, occupational associations are governed by sections 39 and 57 of the

Constitution and Decree No. 93/68 of 3 February 1968 to give effect to Conventions Nos. 87 and 98, and strikes by workers in the private sector are governed by Act No. 13720 (section 3(f)) and sections 57 and 65 of the Constitution.

The Committee notes with interest that, in practice, workers and employers can establish organisations with the guarantees provided for in the Convention and that the right to strike is fully exercised, both in the private and public sectors.

Yemen (ratification: 1976)

The Committee takes note of the report of the Government and of the information provided in reply to its earlier comments. In particular, the Committee notes that during the period 1981-85 trade union organisations, or trade union branches, were established in addition to those mentioned previously by the Government.

With regard to point 3 of its previous observation, the Committee notes from the report that the Government is at present drafting an amendment to adapt the legislation to present trends and to bring it into harmony with the Convention. The Committee recalls that the matter at issue is section 132 of the Labour Code, which 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 conditions were considered by the Committee to conflict with the freedom to organise their administration and activities, 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 of the Convention. The Committee therefore hopes that the necessary legislative amendments will be made in the near future to give effect to this provision of the Convention.

The Committee recalls that other divergencies have been the subject of its earlier comments and notes that the report contains nothing new in connection with them.

The Committee had pointed out that section 3 of the Labour Code excludes from its scope civil servants (the law that applies to them, Act No. 49 of 1977, contains no provision concerning trade union rights), the manual and non-manual employees of the administration and certain persons working in agriculture, whereas Article 2 expressly provides that workers without distinction whatsoever shall have the right to establish trade union organisations. The Committee observes that, among the new organisations or branches mentioned in the report, there are no civil service or agricultural organisations. Furthermore, sections 129, 138, 139 and 158 establish a single-trade-union structure by providing for the existence of only one trade union committee per undertaking, only one branch of a 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.

Under section 153 of the Code, a union is set up on the application of ten manual or non-manual workers, the founding members, to the Chief of the Labour and Social Affairs branch, whereas section 2 of the Code designates 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 had also 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 observes that if conditions are laid down for the registration of a trade union they should, in its opinion, be confined to formal verification and not result in the power of the administrative authority to refuse registration at its discretion, which would be equivalent to prior authorisation and contrary to the Convention.

Furthermore, the Committee had pointed out that sections 150 and 154 of the Labour Code also make the filing of, and any amendment to, trade union rules subject to the approval of the chief of the branch; the chief of the branch (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 statement by the Government that the regulations concerning model rules worked out by the Ministry of Social Affairs and Labour are not of a compulsory nature but are merely indicative and that, when a union is set up, the chief of the branch 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 a 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 the verification of 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. Further, 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 authority to take part in supervising the functioning of the electoral machinery contain risks of interference in the internal affairs of trade unions, an interference that is incompatible with the principles embodied in Article 3.

With regard to 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 become an important one. 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 state whether the power conferred on the Ministry by section 16 is exercised at its discretion or whether precise criteria are applied so as to enable the degree of importance of the disputes to be judged.

Under section 157 of the Code, the Council of Ministers may, in certain circumstances, dissolve a general trade union or 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, which should not become effective until the period laid down by law has elapsed without the lodging of an appeal or until 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.

The Committee trusts that the Government will re-examine the trade union legislation in the light of its comments and requests the Government to keep it informed of any developments in this respect.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Antigua and Barbuda, Barbados, Bolivia, Cameroon, Canada, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Dominica, Finland, Gabon, Greece, Guinea, Guyana, Mali, Mexico, Paraguay, Peru, Poland, Portugal, Saint Lucia, Senegal, Switzerland, Venezuela.

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

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1956)

Article 3 of the Convention. The Committee refers to its previous comment concerning the decrease in the number of offices of the employment service in the Province of Buenos Aires (from 29 to 16). It notes the Government's reply to the effect that the number of employment offices was insufficient to serve the Province of Buenos Aires and the indications given concerning the steps taken since 1983 to set up new employment offices in the Province of Buenos Aires. It expresses the hope that a sufficient number of offices will come into operation in the near future in order to satisfy the need for employment services in the region in question.

The Committee is grateful for the detailed statistical information supplied concerning the Province of Buenos Aires and requests the Government to transmit with its next report information

concerning the number and operation of employment offices in the other geographical regions of the country.

Articles 4 and 5. In its previous observations, the Committee expressed the hope that the Government would supply information on the progress made in obtaining the co-operation, through advisory committees, of employers and workers in the organisation and operation of the employment service. The Committee notes the information supplied in the Government's reply and, particularly, that the authorities are reviewing the planning of the National Employment Service on the basis of the provisions of this Convention, accumulated experience and the national social and economic situation. The Committee hopes that the Government will make every effort to adopt, in the near future, the necessary measures, including advisory committees, in order to obtain the co-operation of the representatives of employers and workers in the organisation and operation of the employment service. The Committee hopes that the Government will supply information in this respect with its next report.

Portugal (ratification: 1972)

Articles 4 and 5 of the Convention. With reference to its previous comments, the Committee notes with satisfaction that in accordance with Decree No. 247/85 of 12 July 1985, the central bodies and the regional advisory bodies of the Employment and Vocational Training Institute (IEFP), are to include representatives of employers and workers in equal numbers, in accordance with the provisions of the Convention.

Furthermore, a request concerning a number of points is addressed directly to the Government.

United Republic of Tanzania (ratification: 1962)

Tanganyika

The Committee has noted the information in the Government's report in reply to its previous observation.

It notes that a draft project document containing measures to improve the employment service system has been shelved due to unavoidable circumstances. It also notes the Government's intention to consolidate the employment function of the labour division and its view that the law should then encompass most of the provisions of the Convention.

The Committee hopes that the Government will provide information in its next report on all developments in the implementation of Articles 6, 7 and 8 of the Convention.

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).

The Committee hopes that the Government will provide statistical information as soon as it is available in conformity with point IV of the report form.

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In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bolivia, Brazil, Central African Republic, Colombia, Costa Rica, Djibouti, Dominican Republic, Ecuador, Ethiopia, Guatemala, Guinea-Bissau, Mozambique, Nicaragua, Panama, Peru, Portugal, Thailand, Venezuela.

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

Convention No. 89: Night Work (Women) (Revised), 1948

Requests regarding certain points are being addressed directly to the following States: Angola, Romania, United Arab Emirates.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Mexico (ratification: 1956)

Article 2 of the Convention. The Committee refers to its previous comments in which it had pointed out that section 60 of the Federal Labour Act, which defines night work as a period of ten 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 has noted the detailed information supplied by the Government in its report concerning the fact that ratified international treaties, and in particular international labour Conventions, take precedence over all domestic legislation. It notes also that the Government, in order to dispel all doubt and to give greater publicity to the text of the Convention, nevertheless intends to present to Congress a text amending federal law in a manner consistent with this Article of the Convention.

The Committee again expresses the hope that the necessary measures will be adopted very shortly and requests the Government to report any progress made.

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949

Cuba (ratification: 1952)

The Committee notes with satisfaction that section 88, paragraph 2, of the 1984 Labour Code provides for paid leave proportional in length to the period of work completed, which gives full effect to Article 3, paragraph 2, of the Convention, which was the subject of previous comments of the Committee.

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

Convention No. 92: Accommodation of Crews (Revised), 1949

Panama (ratification: 1971)

Further to its previous comments, the Committee notes with satisfaction the information and documents provided by the Government concerning the world-wide ships inspection system in force since 1985, from which it appears that effect is given to most of the technical requirements contained in Articles 6 to 17 of the Convention, with the exception of a few provisions, which are the subject of a direct request.

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

Convention No. 94: Labour Clauses (Public Contracts), 1949

Burundi (ratification: 1963)

The Committee notes with satisfaction the adoption of Presidential Decree No. 100/49 of 11 July 1986 laying down special provisions to guarantee certain minimum conditions for workers in the service of employers operating under a public contract, which was prepared in consultation with the International Labour Office and which gives full legislative effect to this Convention.

Cameroon (ratification: 1962)

The Committee notes Decree No. 86/903 of 18 July 1986 regulating public contracts and, in particular, section 18 of the above Decree which provides that enterprises tendering for contracts must undertake

in their tender to abide by all the legislative provisions and regulations and the provisions of collective agreements concerning the wages, working conditions, safety, health and welfare of the workers concerned. The Committee recalls that Article 2 of the Convention concerns the inclusion of clauses ensuring the same conditions of labour as those established for work of the same character in the trade or industry concerned in the same region, to workers employed in enterprises which have entered into public contracts for the purchase of materials, supplies or equipment or for the performance or supply of services. Consequently, the provisions of Decree No. 86/903 do not give effect to the Convention.

The Committee hopes that the Government will take the necessary steps to bring its legislation into conformity with the Convention. Furthermore, it suggests that the Government make contact with the ILO, which could offer it the necessary support for the enactment of legislation to implement the Convention; it requests the Office to send the Government the explanatory note that it has prepared indicating the types of measures that may apply in various situations for the implementation of the Convention.

Central African Republic (ratification: 1964)

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

The Committee notes that the Government intends to supplement Decrees Nos. 61/135 and 6/137 of 19 August 1961 relating to public contracts for the supply of materials and services, in accordance with the suggestions made in the Committee's previous comments. The Committee trusts that the new legislation will be adopted shortly and will provide that clauses be inserted in the public contracts covered by these Decrees, requiring that the wages paid under public contracts be no less favourable than the wages established for work of the same character in the trade or industry concerned.

The Committee hopes that the Government will be able to indicate in its next report the progress made in this regard. It also asks the Government to supply a copy of any provisions adopted, as well as copies of the collective agreements currently in force in the building sector or covering the supply of materials and services, if such collective agreements exist.

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

Egypt (ratification: 1960)

The Committee notes with interest the information supplied by the Government indicating once again that the Central Body for Management and Administration has circulated to all state services instructions that a clause be included in all public contracts guaranteeing to workers engaged under those contracts conditions of work not less

favourable than those of other workers performing the same work. The Government also indicates that a letter has been transmitted to the Minister of Administrative Development requesting him to issue instructions to all state services that the above clauses be included. The Committee welcomes the action taken by the Government in response to its comments concerning the application of the Convention and, in particular, of Article 2 of the Convention as set out above.

The Committee would be grateful if the Government would indicate in its next report whether contracts concluded by the state services have included the above clause. It also requests the Government to supply a copy of the instructions transmitted by the Central Body for Administration to the state services and copies of contracts which have included the above clause.

Ghana (ratification: 1961)

The Committee notes from the Government's report that the Committee's previous comments had been noted and will be discussed by the National Advisory Committee on Labour in due course. It recalls that measures to apply the Convention have been requested since the Convention's ratification, and that the previous report referred to the Government's intention to take into account the Committee's comments in codifying the national legislation in a two-year programme starting from January 1983. In these circumstances, the Committee can only raise the question once again, trusting that measures will be taken in the very near future to bring the legislation into conformity with the Convention with regard to the following points:

Article 2 of the Convention. The Committee hopes that the Government will take measures to include labour clauses in public contracts ensuring to the workers concerned wages, hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade, industry or area concerned. The Committee trusts that the employers' and workers' organisations concerned will be consulted on terms of clauses.

Article 5. The Committee hopes that effect will also be given to the provisions of this Article (application of adequate sanctions and measures to enable the workers concerned to obtain the wages to which they are entitled).

Guatemala (ratification: 1952)

The Committee notes with satisfaction the adoption of the Ministerial Agreement of 21 November 1985 approving a model labour clause to be included in contracts concluded by the public authorities, thus applying Article 2, paragraph 3, of the Convention. The Committee would be grateful if the Government would supply the information asked in the request being addressed to it directly.

Guinea (ratification: 1966)

The Committee recalls there are no specific regulations or legislation concerning public contracts. It further notes the information contained in the report to the effect that there is an increase in the number of public contracts, which makes legislation applying the Convention increasingly necessary. The Government also indicates that the establishment of a specialised office may imply that such regulations and legislation could be implemented in the near future. In this connection, the Committee recalls that under Article 2 of the Convention read in conjunction with Article 1(1)(c), public contracts concluded between the Government and private enterprises shall include clauses ensuring to the workers concerned under these contracts, wages and conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned. The Committee therefore hopes that the necessary steps will be taken in the near future to ensure the inclusion of these clauses in all public contracts, and consequently to give effect to the Convention.

Mauritania (ratification: 1963)

The Committee notes the Government's intention to make a positive response in the near future to the Committee's previous comments. The Committee once again expresses the hope that the draft Decree of 1979, which was to ensure conformity between the legislation and the Convention, will be adopted in the near future. The Committee would therefore be grateful if the Government would indicate the measures which have been taken or are contemplated with a view to the adoption of the above Decree.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Mauritius (ratification: 1969)

With reference to its previous comments, the Committee notes that the amendments to the Labour Act, 1975, intended to apply the Convention have not yet been adopted and that the matter is still under consideration. It trusts that the necessary measures will be taken in the very near future to give effect to the Convention, and hopes that the Government will be able to indicate in its next report that progress has been made in this regard.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Panama (ratification: 1971)

The Committee notes with interest the draft Decree prepared by the Ministry of Labour and Social Welfare in order to give effect to this Convention. The Committee requests the Government to supply

information on the progress of the procedures for the adoption of the above draft and hopes that the draft will take into account the comments it made in its previous request being addressed directly to it.

Philippines (ratification: 1953)

With reference to its previous comments, the Committee notes the information supplied by the Government in its report. It notes that there has been no progress as yet in the adoption of measures necessary to ensure the full application of the Convention, due to the change in government.

It accordingly again expresses the hope that the Government will review the labour clauses contained in public contracts in the near future, and that it will adopt the measures necessary to bring them into compliance with the Convention and to ensure that such clauses are included in the full range of public contracts covered by Article 1, paragraph (1)(c) of the Convention.

In this connection, the Committee recalls that in its previous observation it requested the Government to indicate whether the terms of the clauses to be included in public contracts were drawn up after consultation with the organisations of employers and workers concerned, as required by Article 2, paragraph 3 of the Convention. It again asks the Government to reply to this point.

The Committee hopes that the Government will be able to indicate, in its next report, that progress has been made to ensure the full application of the Convention.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Rwanda (ratification: 1962)

The Committee takes note of the information supplied by the Government to the effect that the adoption of the Bill governing public contracts by the competent bodies is still awaited. The Committee hopes that the above Bill will be adopted in the near future and that a copy of the new provisions will be transmitted.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Bahamas, Brazil, Burundi, Costa Rica, Djibouti, Grenada, Guatemala, Kenya, Morocco, Panama, Saint Lucia, Somalia, Suriname, Swaziland, Syrian Arab Republic, Uruguay, Zaire.

Convention No. 95: Protection of Wages, 1949Afghanistan (ratification: 1957)

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 the Government's statement that the draft decrees drawn up following direct contacts in 1974 are still under consideration. It hopes that the points covered in those drafts relating to the application of the present Convention (in particular to Articles 2, 4, 12(2) and 13) will be included in the final text. The Committee recalls that the Government has been referring to its intention to adopt legislation to apply the Convention for more than 20 years. It hopes accordingly that the Government will be able to indicate in its next report that progress has been achieved.

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

Costa Rica (ratification: 1960)

Article 3, paragraph 1, of the Convention. In its previous comments the Committee requested the Government to take the necessary steps to revise section 165 of the Labour Code, which provides in paragraph 3 that workers on coffee plantations may receive coupons instead of legal tender, provided that they have to be changed into money within a week. The Committee considers that, although the Government states that the spirit of this provision is to assist in controlling the quantity of money carried about by the workers in such plantations, the text of the said section 165 as it is written is not clear in this respect and does not conform to the provisions of Article 3 of the Convention which provide that wages payable in money shall be paid only in legal tender. Consequently, while noting that the Legal Affairs Committee of the Assembly has not handed down a decision in this connection, the Committee once again requests the Government to continue taking the necessary steps to ensure the implementation of this Article of the Convention.

Cyprus (ratification: 1960)

The Committee notes with regret from the Government's report that there has been no progress in the adoption of measures necessary to give effect to Articles 8, 9, 10 and 15(d) of the Convention. It recalls that such measures have been requested for many years. It again expresses the hope that appropriate measures will soon be adopted to this end, and that the Government will be able to indicate in its next report, that progress has been made towards ensuring the full application of the Convention.

Dominican Republic (ratification: 1973)

The Committee notes that the Government's report has not been received, and that the information provided to the Conference Committee in 1986 contained no reply to its previous observation. It must therefore repeat that observation which read as follows:

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 notes 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 Committee hopes 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 73rd Session.]

Egypt (ratification: 1960)

Article 2 of the Convention. Further to its previous comments, the Committee notes that Act No. 48 of 1978, enacting the Statute of the Workers in the Public Sector contains provisions concerning wages and that section 1 of this Act provides that the Labour Code applies to all cases not covered by a special provision of the above Act.

Article 4. The Committee notes that, although the term "wages" is defined in such a way as to include allowances in kind, there is no statutory provision to regulate these payments in accordance with the requirements of this Article. The Committee recalls that paragraph 2 of the Article provides that, in cases in which partial payment of wages in the form of allowances in kind is authorised - and this is the case in Egyptian legislation - appropriate measures shall be taken to ensure that such allowances are appropriate for the personal use and benefit of the worker and his family, and that the value attributed to them is fair and reasonable. These measures shall be taken even in cases where a minimum wage in cash is provided and where these allowances in kind supplement the minimum wage in accordance with usage and customs. The Committee therefore hopes that the Government will take the necessary steps to ensure that effect is given to this Article.

Greece (ratification: 1955)

Articles 4 and 7, paragraph 2, of the Convention. With reference to its previous observations, the Committee notes from the Government's report that due to the volume of legislative work that it has undertaken, it has not yet been possible to complete the

preparation of the Bill to bring the legislation into conformity with the above provisions of the Convention relating to the payment of wages in kind and to prices in stores or services established by the employer. The Committee recalls that these points have been raised since 1958 and hopes that the Government will take the necessary steps to bring its legislation into conformity with the Convention in the very near future.

Guatemala (ratification: 1952)

The Committee notes with interest the detailed information supplied by the Government concerning the application of the Convention in practice and through the legislation. The Committee hopes that the Government will continue to transmit similar information in its future reports, as requested in point V of the report form.

Libyan Arab Jamahiriya (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:

Articles 2, 4, 7 and 8, paragraph 1, of the Convention.

The Committee notes the Government's reports, which indicate that the Government has transmitted to the competent authorities for action all of the Committee's comments on this Convention which would call for the adoption of new legislation. It refers to its previous comments, in which it has indicated that there are two kinds of questions outstanding. The first is that it has appeared that workers in agriculture were not covered by legislation governing the payment of wages. However, a Government representative indicated to the Conference Committee in 1982 that Act No. 15 of 1981 covers all wage earners, including those in agriculture. The Committee has therefore asked that the Government communicate a copy of this legislation which, however, has not arrived.

The second question relates to the regulation of payments in kind (Article 4) and deductions (Article 8). The Committee has previously indicated that these subjects did not appear to be sufficiently regulated in the terms required by the Convention. The above-mentioned statement to the Conference Committee in 1982 indicated that these questions also were covered by Act No. 15 of 1981.

As concerns Article 8, paragraph 1, more specifically, the Committee notes that the Government has indicated in a supplementary report that section 34 of the Labour Code fixed the total of deductions at 25 per cent of the workers' wages, and that the 75 per cent which remains is sufficient for the needs of the worker and his family. It refers, however, to its direct requests of 1976 and 1980 in which it indicated that section 34 relates to the proportion of the worker's wages which may be

attached or assigned, and not to deductions in the sense of Article 8 of the Convention. The Committee would therefore be glad if the Government would indicate - as regards deductions made by the employer otherwise than by virtue of an attachment and assignment of wages - (a) whether there is any provision ensuring that all deductions other than those specifically authorised by law or by collective agreement shall be prohibited; and (b) whether the cumulation of authorised deductions (such as those permitted under sections 35, 36 and 78, amounting to nearly 50 per cent of the month's wages) is permitted or whether measures are taken to limit deductions to the extent deemed necessary to safeguard the maintenance of the worker and his family. In so far as such provisions do not at present exist, the Committee hopes that consideration will be given to including them in the revised legislation now being prepared.

The Committee therefore hopes that the Government will communicate a copy of the legislation in question, and also indicate any further progress which may have been made in applying these provisions of the Convention.

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

Syrian Arab Republic (ratification: 1957)

1. The Committee notes the adoption of Act No. 1 of 2 January 1985, regulating employment conditions for public employees, and particularly the provisions permitting the engagement of temporary, seasonal and occasional workers by public bodies and the extension of the protection of these provisions, including those with regard to wages, to such workers.

2. However, the Committee recalls that temporary workers other than those working for public bodies are excluded from the coverage of Book II, Chapter II, of the Labour Code under section 88(a). In particular, the Committee recalls that the protection afforded by sections 54 and 66 of the Labour Code (regarding limitations on deductions from wages under certain conditions), which give effect to Article 8, paragraph 1, of the Convention, has not yet been extended to temporary workers. The Committee further observes that these workers also are entitled to the protection of sections 85 and 87 of the Labour Code (relating to protection of wages owed by the employer, his successor or assignee in cases of bankruptcy, etc.), which are in harmony with the requirements of Article 11, paragraph 1. The Committee recalls the Government's statement to the effect that it had prepared a draft Decree to amend the Labour Code in certain respects in relation to several Conventions. The Committee hopes that the Government will take its comments into account during the discussion and adoption of the above draft Decree and that the necessary measures to ensure the full application of the Convention will be taken in the near future.

Turkey (ratification: 1961)

Further to its previous observation, the Committee notes the information provided by the Government in its report.

Article 2 of the Convention. The Committee notes with interest the Government's statement in reply to its previous comments that it has prepared draft legislation which would extend the provisions of the Labour Act concerning wages to workers in the agricultural sector, as well as in small commercial and craftwork enterprises. The Committee hopes that the consultations now going on will result in measures to bring the legislation into conformity with the Convention, and requests the Government to inform it of any progress made in this connection.

Article 11. The Committee notes the new measures adopted in this regard.

Article 13, paragraph 2. The Committee notes that a Bill to amend the Labour Act No. 1475 has been prepared so that the practice concerning the payment of wages, which the Government has indicated is in conformity with this provision, will be more clearly reflected in the legislation.

The Committee hopes that the Government will be able, in its next report, to indicate that this legislation has been adopted, and that it will supply a copy of the text.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Austria, Burkina Faso, Central African Republic, Chad, Colombia, Costa Rica, Cuba, Gabon, Grenada, Guyana, Islamic Republic of Iran, Iraq, Italy, Malaysia, Mauritius, Nicaragua, Niger, Nigeria, Philippines, Poland, Saint Lucia, Sierra Leone, Somalia, Sri Lanka, Sudan, Uruguay, Venezuela, Zaire.

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

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949Pakistan (ratification: 1952)

Part II of the Convention. Further to its previous observation the Committee takes note of the information provided by the Government to the Conference Committee in 1986 and the discussion that took place on that occasion. The Government has reiterated its view that, in the absence of fee-charging employment agencies, it has not been considered appropriate to bring the Fee-Charging Employment Agencies (Regulation) Act into force. The Committee would observe once again that, as the Act in question has not been made applicable, 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 the Convention. The Committee again expresses the hope that the

relevant provisions will be brought into force to give legislative effect to this requirement of the Convention.

The Committee also notes the declaration of the Government that no exception has been given to any international employment agency to recruit and place Pakistani workers overseas under conditions which would violate the country's law and the present Convention. The Committee recalls, however, that "overseas employment promoters" are licensed under the Emigration Ordinance of 1979 to recruit workers for employment abroad, for instance in Middle Eastern countries, as stated by a Government representative to the Conference Committee in 1986. The Committee again requests the Government to supply full information as regards these fee-charging employment agencies as required under Article 9 of the Convention (number of agencies concerned, scope of their activities, reasons for the exceptions, supervision of their activities).

* * *

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

Convention No. 97: Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the following States: Italy, Jamaica, Nigeria, Portugal, Spain, Zambia.

Information supplied by the United Republic of Tanzania (Zanzibar) has been noted by the Committee.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Argentina (ratification: 1956)

The Committee takes note of the information supplied by the Government in its report. It has, in addition, received in the course of its present session, comments made by the General Confederation of Labour (CGT) which have been transmitted to the Government for its observations, and which concern problems in collective bargaining.

In its previous observation, the Committee noted, in particular, that the Government had established a transitional scheme for the revision of collective agreements (Decree No. 2284/85 of 20 November 1985). The Committee expressed the hope that the measures adopted would make it possible to strengthen the dialogue between the Government and the social partners and to reach an agreement between the sectors concerned with regard to wage-fixing policy.

The Government stated in its report that, by virtue of the machinery provided for by section 2 of Act No. 23126, most of the clauses in collective agreements that have been repealed or amended by Act No. 21476 adopted under the previous regime have been brought

again into effect by direct negotiations between the parties. The Government added that during 1986 the economic indicators revealed that progress was being made towards the stability that was necessary to regularise the variables in the economy and in particular to fix conditions of employment and wages by free bargaining between the agents of production. Owing to the important victories obtained in controlling inflation, the wage freeze provided for when the "Austral Plan" was launched has been cancelled (Decree No. 2466/85). Furthermore, Decree No. 665/86 has instituted a procedure of "wage truth", under which the parties to collective agreements in force were convened to negotiate the fixing of basic wage scales at 31 March 1986. At the same time, in order to maintain purchasing power, a general increase in wages of 8.5 per cent, with a minimum of 15 australs (Decree No. 666/86) was decreed for the period from 1 April to 30 June 1986. Subsequently, the parties to collective agreements were again convened to negotiate the pay to be put into effect between 1 July and 31 December 1986 (Decree No. 1155/86). However, in order to avoid jeopardising the success of the campaign against inflation, wage increases were to remain between 14 and 22 per cent, on the understanding that the sectors concerned were free to fix a possibly uneven distribution of the percentage and conclude an additional increase of 4 per cent for increased productivity and reduced absenteeism. Although the Government was aware that these measures did not amount to a full re-establishment of the collective bargaining system, it emphasised that there was considerable progress towards a rapid return to free bargaining.

The Government further pointed out that Act No. 14250 on collective bargaining dates from 1953 and that it was therefore indispensable to change the system in force to adapt it to present conditions. A Bill has been submitted to Congress and is at present under examination by a working party set up under the Committee on Labour Legislation of the Chamber of Deputies.

The Committee takes note of the detailed information supplied by the Government. In particular, it notes that the wage freeze introduced in 1985 had been cancelled and that it had been possible for the social partners to carry out wage bargaining.

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

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Bangladesh (ratification: 1972)

The Committee takes note of the Government's report and of the comments of the Bangladesh Employers' Association that have been sent to it. Furthermore, the Committee has studied Case No. 1326 presented against the Government of Bangladesh to the Committee on Freedom of Association (see 241st report, November 1985, and 243rd report, March 1986, approved by the Governing Body at its 231st and 233rd Sessions) and also the reply dated 26 October 1986 of the Government to the conclusions reached by the Committee on Freedom of Association after examining the case.

The Committee takes note of the information provided by the Government showing that bipartite collective bargaining has been established in the industries of the organised private sector, agreements being concluded for a period of two years. With regard to the industries of the organised public sector, it is the Wages Commissions appointed by the Government in 1973, 1977 and 1984 that have determined conditions of employment, wage rates, etc. According to the Government, these Commissions take account of the opinions of the parties, including those of the workers, in fixing wages. It is also stated that the 1984 Commission included an employers' member and a workers' member to make the body tripartite. The Committee observes that the Government is of the opinion that since it is the employer in this sector it must be expected to become a dominant partner in negotiations, and that this is why it was necessary to set up a Commission. In small establishments in the private sector, where the workers are not organised, wages are fixed by the Minimum Wage Board, appointed by the Government in accordance with the provisions of the Minimum Wage Order, 1961. In the fixing of wages, employers, workers and the Government call on this body.

The Committee has earlier observed that, under the State-Owned Manufacturing Industries Act, No. X of 1974, the Government could fix wages and other conditions of employment (leave) for any worker employed in this sector, so as to unify the wage structure in the public sector and safeguard the interests of the workers in the less viable industries. The Committee notes that the Wages Commission appointed by the Government for the industries of the public sector included an employers' member and a workers' member in 1984, but observes that this Commission was set up only three times and then on the initiative of the Government. It considers that a system of this kind is not such as to promote collective bargaining between workers and employers within the meaning of Article 4 of the Convention.

The Committee points out that, under Article 4, it is for the Government to encourage and promote the full development and utilisation of machinery for the voluntary negotiation of collective agreements. The Committee therefore requests the Government to state how it intends to meet this obligation in respect of workers in the industries of the public sector, where they should be able to negotiate freely in their own right with the employer, even if the employer is the State.

The Committee remains concerned by this situation because, in 1984, the Bangladesh Free Trade Union Congress drew its attention to the restrictions placed on the scope of collective bargaining for workers covered by the National Pay Commission and the Industrial Workers Wage and Productivity Commission and pointed out that the result was that the trade unions could no longer be anything but welfare associations.

The Committee therefore requests the Government to re-examine the situation in the light of the above comments with a view to re-establishing voluntary negotiation in the sector concerned. Furthermore, it requests the Government to provide details on the negotiation of wages and conditions of employment in general and on the workers concerned and to supply information on the number of

collective agreements, their duration, their scope, the sectors and numbers of workers concerned, etc.

In addition, the Committee points out that it has observed in the past that no protection against the acts of interference covered by Article 2 is provided for in the legislation. The Government has stated that it was willing, where necessary, to protect the workers against any act of interference.

The Committee observes that, by virtue of Article 2, special measures must be taken, in particular through legislation, accompanied by appropriate civil remedies and penal sanctions, and again requests the Government to re-examine the situation on this point and to keep it informed of all developments.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Belgium (ratification: 1953)

The Committee takes note of the Government's report and of the discussion which took place at the Conference Committee in June 1985 concerning the application of this Convention.

Referring to its earlier comments concerning the wage restraint measures adopted by the public authorities in 1982 and extended to 1986, which have resulted in restricting wage bargaining for several years and thus infringing the rights of workers and employers to negotiate conditions of employment freely, the Committee takes note with interest of the statement by the Government in its report to the effect that the Recovery Act of 22 January 1985 and the Act respecting tax measures of 1 August 1985, which prohibited increases in pay in excess of the linking of pay to the price index between 1 January 1985 and 31 December 1986, have now lapsed. It notes that the Government also states that the prohibition against granting wage increases ceased to exist on 31 December 1986 and that the joint committees have recovered full liberty to negotiate and conclude collective agreements in the matter.

The Committee trusts that Article 4 of the Convention will now be applied without any interference by the public authorities and requests the Government to keep it informed of developments in the situation in the field of collective bargaining.

Brazil (ratification: 1952)

The Committee takes note of the observations made by the National Confederation of Workers of Credit Enterprises (CONTEC) in April and May 1985 and October 1986 concerning the application of the Convention.

CONTEC refers to the question of the right to form unions of the employees in public undertakings. In its opinion, and contrary to the Government's indications, this is not guaranteed by section 566 of the Consolidated Labour Laws, although some progress has been made in that Act No. 4715 of December 1985 permits employees of the Federal Economic Fund (a public undertaking) to unionise. In addition, CONTEC

mentions the adoption of Legislative Decree No. 2283 of 27 February 1986.

The Committee had previously recalled that the discrepancies between the national legislation and the Convention relate to the following points:

- interference by the Government in respect of collective bargaining and collective wage increases in mixed economy enterprises and private enterprises subsidised by the State or holding concessions from public services, these enterprises being entitled to conclude agreements only "within the terms of the resolutions of the National Council on Wage Policy" (Act No. 6708 of 30 October 1979, section 12);
- the possibility of excluding from the scope of the agreements enterprises demonstrating their economic inability to support the wage increases and the authorisation accorded these enterprises not to grant the (automatic) wage increases (Act No. 6708, section 11(2) and (3));
- the wide powers vested in the authorities to cancel collective agreements or arbitration awards which do not conform to the standards fixed by government wage policy (Consolidated Labour Laws, section 623, as amended by Legislative Decree No. 229 of 28 February 1967 and section 8 of Act No. 5584 of 26 June 1970);
- the exclusion from the right to organise, and therefore from the right to bargain collectively, of those persons employed by the State and state institutions (including the workers of the Central Bank of Brazil and of the National Housing Bank), except those in mixed economy enterprises (section 566 of the Consolidated Labour Laws as amended by Act No. 6128 of 1974).

The Committee notes with interest that section 24 of Legislative Decree No. 2283 of 27 February 1986 provides that collective bargaining "shall not be subject to any limitation", and "the revision of salaries may be freely agreed in collective agreements". In view of this provision, the Committee requests the Government to indicate whether the provisions limiting collective bargaining listed in the above paragraph are still in force.

The Committee also recalls that Article 6 of the Convention excludes from the application of the Convention only public servants engaged in the administration of the State, and that all other workers should be able to conclude collective agreements.

The Committee hopes that it will be able to note, in the near future, that the legislation is in full conformity with the Convention.

Lastly, the Committee has been informed that a draft Act on collective bargaining and the right to strike has been submitted to the Chamber of Deputies. The Committee requests the Government to provide explanations on CONTEC's comments and to provide the ILO with information on the situation of this draft Act.

Burkina Faso (ratification: 1962)

The Committee refers to its observation under Convention No. 87 on the situation of teachers dismissed following a strike which took place in March 1984.

Chad (ratification: 1961)

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

The Committee has pointed out on many occasions that the prior approval of collective agreements required by section 121 of the Labour Code is not in conformity with the principle expressed in Article 4 of the Convention respecting the full development and utilisation of machinery for the voluntary negotiation of collective agreements. The Committee notes the statement by the Government that prior approval by ministerial order and, where there is an equal vote on the conclusion of a collective agreement, the participation in the second vote of the representative of the administration (section 119 of the Labour Code), are justified by the need to bring the negotiations to a successful conclusion and to extend the collective agreement to the whole country. In this regard, the Committee feels bound to point out that in the General Survey it submitted to the 69th (1983) Session of the International Labour Conference, particularly paragraph 311, it expressed the view that the requirement of prior approval before a collective agreement can be applied is incompatible with Article 4 of the Convention and that a system of official approval is acceptable only so far as approval can be refused exclusively on grounds of form. Although the Government states that approval has never been refused in practice, the Committee considers that statutory effect should be given to the principle of Article 4, the approval of the Minister being restricted to questions concerning matters of form.

With regard to the right of the chairman of the joint committee entrusted with the preparation of a collective agreement to have a second vote carried out where there is an equal vote on the conclusion of the agreement, in which he can participate, the Committee points out that the risk under this provision that the administration may impose the conclusion of an agreement conflicts with the principle of free bargaining between the parties.

Since the right to negotiate freely, without any legal restriction, is a fundamental aspect of freedom of association, the Committee trusts that the necessary amendments will be introduced to the legislation in the near future.

Costa Rica (ratification: 1960)

The Committee takes note of the report of the Government and of the conclusions of the Committee on Freedom of Association in Case No. 1304 relating to restrictions on freedom to bargain collectively in several sectors (240th report, May 1985).

Articles 1 and 2 of the Convention. (Protection against acts of discrimination and interference). The Committee notes the statement made by the Government in its report to the effect that the draft

Labour Code contains at section 104(d) and (e) provisions in conformity with the Convention. The Government also confirms that the committee set up to draft the new Labour Code is considering the possibility of maintaining sections 363, 382 to 398, 441, 483 and 487 of the 1981 draft Labour Code, which was prepared with the assistance from the ILO. The Committee trusts that legislation in conformity with the Convention will be adopted shortly and urges the Government to furnish information on any progress made.

Articles 4 and 6 (Right to bargain collectively of public servants not engaged in the administration of the State). The Committee notes with interest the statement of the Government in its report that it has drafted a bill to be submitted to the Legislative Assembly concerning the establishment of a negotiating board for the public sector. According to the report, this board will be composed of one representative each from the Ministries of Labour, Housing, Planning and Economic Policy and two members each from the institution, undertaking or ministry concerned and from the majority trade union determined in accordance with the rules laid down by the Labour Code. The function of the board will be to negotiate and draft collective agreements on labour relations and conditions of employment for the whole of the public sector, including the state undertakings. It will act within the limits of the law and government instructions and, if no agreement is reached by negotiation, the union may take the matter to the High Court of Labour of San José to settle the problem. The Court will work within the same limits as the board. The Committee takes note of this information and expresses the hope that the future legislation will be compatible with the Convention.

The Committee requests the Government to communicate information in its report on developments concerning these bills.

Denmark (ratification: 1955)

The Committee takes note of the report of the Government and of the discussion which took place in the Conference Committee in 1986 and of the consideration by the Governing Body Committee on Freedom of Association at its meeting in November 1986 of additional aspects of the situation relating to Case No. 1338 which had been brought to its attention. These were also dealt with in the Government's report, which indicates that legislation was adopted in June 1986 (Act No. 297) concerning the lapse of the automatic adjustment of wages, salaries, etc. on the basis of the price index; and that the effect of the legislation is that existing agreements concerning wage indexation lapse when their suspension expires, but that no restrictions are imposed by the Act on collective agreements which may be concluded through negotiations which are scheduled to commence in the spring of 1987. Additional information has been provided by the Government in its report concerning tripartite discussions which it convened at the end of October 1986, at which aspects of the principles concerning the Government's economic policies were explained, and in order to assist the parties in ensuring that the 1987 negotiations can take place in a manner which will lead to the

conclusion of new collective agreements without industrial disputes and without the necessity for further intervention.

The Committee takes note of these developments, and in particular notes with interest the opportunities for free collective bargaining in the absence of statutory restrictions which will come into existence with the lapsing of agreements which are to be the subject of renewed negotiations in the spring of 1987. It trusts that full account will be taken of the comments it has made in its last two observations, particularly as regards the importance it attaches to the fundamental aspect of freedom of association involving the right of workers' organisations to negotiate wages and conditions of employment 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; and that such restrictions should be accompanied by adequate safeguards to protect the living standards of the workers.

Dominican Republic (ratification: 1953)

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

Articles 1 and 2 of the Convention. With reference to its previous comments and the recommendations of the Commission of Inquiry on the employment of Haitian workers in the sugar plantations of the country concerning the need to adopt provisions for the protection of workers against anti-union discrimination by employers and acts of interference by employers in workers' organisations (paragraph 473 of the report of the Commission of Inquiry), the Committee takes note of the statement by the Government in its report to the effect that a bill to guarantee the protection against removal of trade unionists and to protect trade union leaders engaged in the negotiation of collective agreements or other trade union activities has been submitted to Congress. The Government adds that this bill has met with strong opposition by the employers but that the State Secretary of Labour protects this trade union right and the right to bargain collectively and has endeavoured to obtain, and has almost always succeeded in obtaining, the reinstatement of workers dismissed for strikes or else substantial compensation for dismissal.

The Committee trusts that legislation conforming to the Convention will be adopted in the near future and points out that, in the present state of the legislation, although section 307 of the Labour Code contains provisions conforming to Articles 1 and 2 of the Convention, the penalties laid down by the law to guarantee its application, namely a mere fine of from 10 to 500 pesos (sections 678(15) and 679(6) of the Code), are entirely inadequate and must be strengthened. Furthermore, the exclusion of agricultural, agro-industrial, stock-raising and forestry undertakings employing fewer than ten permanent workers from the scope of the Labour Code (section 265) enables the employers in these agricultural undertakings to evade the obligations laid down by section 307 of the Code

prohibiting employers from acts of anti-union discrimination and acts of interference.

In addition, the Committee notes that the Committee on Freedom of Association, which examined Cases Nos. 1293 and 1339 (see 241st and 246th reports) relating to complaints presented by several workers' organisations, expressed the hope that legislative measures would be strengthened to protect workers and trade union leaders against dismissals based on trade union activities.

The Committee therefore again requests the Government to keep it informed of the measures taken to bring the legislation into full conformity with the Convention in the near future.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Ecuador (ratification: 1959)

The Committee refers to the comments it is making under Convention No. 87 concerning protection against acts of anti-union discrimination at the time of recruitment.

Egypt (ratification: 1954)

The Committee takes note of the Government's report and of the information supplied to the Conference Committee in 1985 in reply to its comments.

The Committee has pointed out that section 87 of the Labour Code (Act No. 137 of 1981) provides that any clause in a collective labour agreement jeopardising the economic interests of the country shall be null and void. The Committee considers, as it has already pointed out, that the possibility of cancelling a provision in a collective agreement because it is deemed to be contrary to the economic interests of the country is likely to restrict the activities of trade unions by narrowing the scope of collective bargaining. The Committee observes that in this way the process of collective bargaining cannot follow a free course and that full effect is not, therefore, given to Article 4 of the Convention. It points out that in accordance with this provision of the Convention, it is for the Government to promote voluntary collective bargaining in the widest sense and that, if the Government considers that the social partners must conform to "national economic interests", as defined in the economic policy of the Government, the parties to bargaining must not be compelled to conform but must be invited to have regard voluntarily to the national interest in their negotiations and must remain free in their final decisions.

According to the report of the Government and the information given before the Conference Committee, a tripartite committee has been set up to study the possibility of amending certain provisions including certain sections of Act No. 137 to issue the Labour Code. This tripartite committee, composed of representatives of the Ministry of Manpower, the Confederation of Egyptian Workers' Unions and the Federation of Egyptian Industries, should, according to the

Government's report also examine the advisability of amending section 87 of the Code. The Committee of Experts considers that the wording of this section should be made more flexible by eliminating the possibility of cancelling a clause in a collective agreement.

The Committee draws attention to the importance of free and voluntary collective bargaining in the exercise of trade union freedoms and rights. It hopes that the work of the tripartite committee will be concluded very shortly and result in the amendment of section 87 in accordance with the above comments.

The Committee asks the Government to inform it of any developments in the situation.

Ethiopia (ratification: 1963)

The Committee takes note of the information contained in the brief report of the Government.

With regard to Article 1 of the Convention, the Committee has already observed that the legislation contains no provision affording protection against acts of discrimination at the time of recruitment but that, under the law (section 3(4) of the 1975 Labour Proclamation), undertakings must generally engage workers only through the Employment Office. Express provisions had been proposed in this connection (section 252 of the draft Labour Proclamation) and the Committee had previously mentioned that, generally speaking, penalties should be provided for to ensure adequate protection of the workers in cases where acts of discrimination were committed, particularly at the time of recruitment.

The Committee regrets that, according to the Government's report, this legislative draft has not yet been adopted. It recalls that, under Article 1, adequate protection must be guaranteed to the workers against all acts of discrimination, including those set forth in paragraph 2 of the Article, and that the fact that workers are recruited by the Employment Office does not represent adequate protection within the meaning of the Convention. Provisions should therefore be adopted through laws or regulations, to guarantee to the workers adequate protection against acts of discrimination, and they should be accompanied by penal sanctions and civil remedies.

With regard to Article 4, the Committee notes that, according to the report, 894 collective agreements were signed in 1984-86. With reference to its previous comments, the Committee recalls that section 70 of the Labour Proclamation of 1975 makes the entry into force of collective agreements conditional on their registration with the Minister, which may be contrary to the development and promotion of machinery for collective bargaining. The Committee considers that the possibility for the Minister to refuse to register a collective agreement on the grounds that it does not conform to government policy is equivalent to a requirement of previous administrative authorisation and therefore contrary to the Convention.

The Committee takes note of the Government's statement to the effect that collective agreements form part of the overall development plan of the country; since senior staff and workers work towards a common aim, which is the building of a socialist society, collective

agreements are means of facilitating relations between these two parties in giving effect to the overall National Plan.

It appears to the Committee that the Plan lays down the broad outlines within which collective agreements must be concluded but that the only function of these agreements is to apply the National Plan, and that this limits the scope of collective bargaining, which thus loses its free and voluntary character.

Furthermore, the Committee has also observed in its previous comments that sections 261(a) and 265 of the draft Labour Proclamation, which would give the public authorities very extensive powers of supervision over collective agreements, might seriously restrict the voluntary negotiation of these agreements. The Committee notes the Government's statement in its report to the effect that the approval of the Minister is intended to make sure that basic minimum labour standards are observed and to protect the enterprise by giving guide-lines on the objective realities of the country.

The Committee feels bound to recall that, by virtue of the Convention, the right to negotiate wages and conditions of employment freely with employers and their organisations is a fundamental aspect of freedom of association and that a system of approval is acceptable only so far as approval can be refused solely in respect of questions of form and of non-conformity with the minimum standards of the labour legislation. Accordingly, if the Minister confines himself to such verification this is not incompatible with the terms of the Convention, but if he is responsible for giving guide-lines to enterprises on the realities of the country, this places a restriction on matters concerning the enterprise that might be the subject of negotiations between the parties concerned. The Committee further points out that Article 4 guarantees the autonomy of the parties to bargaining and implies that the Government must refrain from interfering restrictively in it.

The Committee again requests the Government to re-examine the question of the application of Articles 1 and 4 in the light of the above comments and to keep it informed of all developments in the situation.

Finland (ratification: 1951)

The Committee takes note of the report of the Government and of the observations of the Central Organisation of Finnish Trade Unions (SAK), which were enclosed with it.

The previous comments of the Committee concerned the application of Article 1 of the Convention relating to acts of discrimination by the employer. The Committee has noted the inadequacy of the sanctions applicable to employers who have committed acts of anti-union discrimination against workers, to which its attention had been called by the SAK. New legislation, which came into force in 1984, has improved the situation, but, according to the SAK, the sanctions could be made more deterrent. The Committee notes that a complete revision of the penal legislation is in progress and that this has provided the opportunity for proposals concerning discrimination in employment. The Committee points out that under the Convention workers must enjoy

adequate protection against acts of anti-union discrimination by the employer at the time of recruitment and during the employment relationship and that this protection must be accompanied by adequate civil remedies and penal sanctions, and hopes that the forthcoming amendments to the legislation will be such as to provide this protection for all workers. The Committee requests the Government to supply copies of the new legislation as soon as it is adopted.

Furthermore, the Government refers in its report to collective agreements entered into between the social partners that provide better protection for trade union leaders. The Committee therefore requests the Government to give information on the practical application of the Convention, in particular, in respect of collective agreements and to supply court decisions concerning acts of anti-union discrimination.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Gabon (ratification: 1961)

The Committee takes note of the information supplied by the Government in its report concerning the application of Article 1 of the Convention. In particular, it notes the contents of clauses A 6(2), A 7, A 8, A10, A11(5) and A 23 of the Common Agreement dated 6 February 1982 and of the court decisions transmitted by the Government. It has also taken note of the provisions of the 1978 Labour Code (sections 41(3), 50(1) and (2), 55, 70(1), 173(2), 197, 252 and 253), relating to the protection of workers and trade union leaders against acts of anti-union discrimination by employers.

The Committee takes note, however, of the assurances given by the Government that Articles 1 and 2 are among the matters that will be taken into consideration in the revision of the Labour Code. It expresses the hope that the Government will be able to introduce an express provision in the legislation obliging employers to disregard membership or non-membership of a union and participation or non-participation in its administration in their decisions concerning recruitment, the performance or distribution of work, disciplinary measures, pay, dismissal or promotion, the granting of social advantages and occupational training, a provision similar to that contained in clause A 6(2) of the Common Agreement, and also an express provision ensuring the protection of workers' organisations against acts of interference by employers or their organisations, accompanied by the sanctions laid down by virtue of section 252 of the Labour Code.

The Committee requests the Government to transmit any amendments that may be made to the legislation on these questions.

Greece (ratification: 1962)

The Committee has taken note of the conclusions of the Committee on Freedom of Association concerning Case No. 1354 relating to Greece (243rd report of this Committee, paras. 312 to 366). It notes that

the Committee on Freedom of Association recommends, in respect of the measures of interference in the determination of wages adopted by the Government for the period 1986-87, an examination with the occupational organisations concerned of the possibility of negotiating wages in a way that is free from interference by the public authorities.

The Committee notes that the Government refers in its report to the Presidential Decree of 18 October 1985 on measures for the protection of the national economy, which was confirmed by Act No. 1584 of 1986, and states that the Court of Appeal of Salonica concluded in an Order of 1986 (No. 35) that the Presidential Decree in question does not infringe the principles of International Labour Conventions Nos. 87 and 98.

The Committee recalls that the Government itself has recognised before the Committee on Freedom of Association that a restriction of wage increases, even for a limited period, is likely to inconvenience the workers, but that it has added that Greek workers have a sense of responsibility before the urgent problems facing the economy of their country and that the measures in question are of a temporary nature.

The Committee observes that the fixing of wage increases in accordance with the law is provided for up to 31 December 1987. It emphasises that the interference of the Government in the field of collective bargaining, if it should go on for several years, would jeopardise the right of workers and employers to negotiate conditions of employment freely. Furthermore, it recalls that in the case of economic difficulties the Government should prefer persuasion to constraint and that at all events the parties should remain free in taking their final decisions.

The Committee therefore requests the Government to state in its next report whether the measures for the protection of the economy have lapsed, as foreseen by the expiration of Act No. 1584, and to indicate the measures taken to permit bargaining on wages in a manner free from interference by the public authorities.

Guatemala (ratification: 1952)

The Committee notes with interest that, by virtue of section 111 of the Constitution that came into force on 14 January 1986, the staff of decentralised state units whose economic functions are similar to those of private undertakings are governed by the ordinary labour laws.

The Committee requests the Government, however, to indicate the measures taken to repeal or amend section 4 of Decree No. 1786 of 10 September 1968, which grants workers in autonomous and semi-autonomous state undertakings only the right to present petitions of an economic and social nature to the executive authorities, and thus to afford public servants other than those engaged in the administration of the State the same rights of free collective bargaining as workers in the private sector, with a view to bringing the legislation into full conformity with the Convention on this point (Articles 4 and 6).

Guinea-Bissau (ratification: 1977)

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 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.

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

Indonesia (ratification: 1957)

The Committee takes note of the report of the Government and of the information supplied to the Conference Committee in 1986.

1. With regard to Article 1 of the Convention, the Committee has requested that specific provisions should be adopted, in particular through legislation, in order to guarantee to the workers adequate protection against anti-union discrimination by the employer. The Committee notes that dismissal on trade union grounds is covered by official texts (point 6 of the Implementation of the Act on termination of employment, No. 362/67, and section 8 of Ministerial Regulations No. Per.04/MEN/1986). As the Committee has previously observed, however, there is no protection of the workers against acts which an employer might commit at the time of recruitment (refusal to engage on account of trade union membership) or during employment (transfers, demotions and any other prejudicial acts). If such protection is to be effective, it should be the subject of express provisions accompanied by sufficiently deterrent sanctions.

The Committee takes note of the Government's statement in its report concerning the Pandja Sila Industrial Relations (PIR), the philosophical elements of which help to establish tripartite relations that are egalitarian and therefore, according to the Government, free from all forms of discrimination. It urges the Government to take specific measures to ensure that protection against possible acts of anti-union discrimination is established in accordance with Article 1.

Furthermore, the Committee notes the Government's reference to Ministerial Decision No. 645 of 1985, which is not available to the Committee, and requests the Government to send this text.

With regard to section 1(3) of Act No. 21 of 1954, again referred to by the Government, which renders 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, the Committee points out that the purpose of this provision seems to be the protection of the employer against a "dictatorial" attitude on the part of a trade union, as is stated, moreover, in the explanatory text attached to the Act, and the exclusion of any system of trade union security rather than the protection of the workers against anti-union discrimination within the meaning of Article 1.

2. As to the application of Article 2, the Committee observes that the Government refers to the possibility granted both to the

workers and to the employers of forming and joining organisations. As in its previous comments, the Committee draws the attention of the Government to the inadequacy of the provisions relating to the voluntary nature of the establishment of occupational organisations to ensure protection against the acts of interference covered by this Convention. Under Article 2, specific measures must be taken, in particular through legislation, to protect the workers against acts of interference by employers and their organisations and vice versa, not only in the establishment but also in the functioning and administration of organisations. These provisions must be clear and precise in order to provide effective protection against acts of interference and must be accompanied by penal sanctions and civil remedies. The Committee recalls the terms of Article 2, paragraph 2, which specify that acts of interference are in particular those which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations.

The Committee therefore urges the Government to ensure that specific measures are taken to give effect to the above-mentioned guarantees.

3. According to the information provided by the Government to the Conference Committee, the number of collective labour agreements has been increasing from year to year, and questions concerning employment and occupational relations between 1983 and 1986 have been referred to a tripartite body, which makes proposals to the Government on the existing legislation when the economic, social or employment situation calls for it. It is also stated that the requests by the Committee of Experts for amendments to the legislation have been referred to this tripartite body.

The Committee also notes that the Minister of Manpower has issued regulations under which unions must be free to conclude collective agreements when no union exists at the level of the undertaking; the Committee requests the Government to supply details in this connection.

The Committee recalls that it has already pointed out that, under Regulations No. 49 of 1954 and No. Per.01/MEN/1975 (to which Regulation No. 02/MEN/1978 refers), only federations covering at least 20 provinces and comprising 15 trade unions may draw up and sign collective agreements. The Committee again draws the Government's attention to the terms of Article 4, which are intended to make collective bargaining possible in the widest sense, and therefore not to restrict it to a given level. Referring to the General Survey it presented to the 69th (1983) Session of the International Labour Conference, in particular paragraphs 293 to 297, the Committee emphasises that provisions granting the right to bargain collectively only to certain federations hamper the full utilisation of machinery for the voluntary negotiation of collective agreements and so may constitute an obstacle to the development of industrial relations and that it should be left to the parties themselves to fix the level of negotiations. The Committee considers that the above-mentioned provisions are contrary to the obligations placed on the Government by

Article 4, namely to encourage and promote collective bargaining and voluntary recourse to negotiations.

Furthermore, the Committee is of the opinion that there is no collective bargaining within the meaning of the Convention when collective bargaining can be carried out only in a tripartite body whose function is confined to making recommendations to the Government, which alone has the power to lay down rules or conditions of employment. It is clear from the discussion that took place at the Conference Committee in 1986 that great uncertainty exists concerning the opportunities available to the trade unions of negotiating conditions of employment and wages.

The Committee therefore requests the Government to re-examine the situation in the light of the above comments, so that the workers and their representatives may negotiate their conditions of employment and wages freely and voluntarily, as provided by Article 4.

The Committee trusts that the necessary measures to give effect to the provisions of the Convention will be adopted in the near future.

Ireland (ratification: 1955)

The Committee notes that the Government refers in its report to a complaint by the Irish Congress of Trade Unions concerning measures taken by the Government in relation to a dispute over teachers' salaries, which are alleged to have been contrary to the Convention. The substance of this complaint is identical to that dealt with by the Governing Body Committee on Freedom of Association in Case No. 1387 [see 248th report, paras. 36-66] and all the complainants in that case (the Irish Congress of Trade Unions, the World Confederation of Organisations of the Teaching Profession and the International Federation of Free Teachers' Unions) requested that the communications containing their complaints receive consideration by the Committee of Experts. These communications were transmitted to the Government and were the subject of further information supplied by the Government.

The Committee notes that the allegations relate to two specific aspects of the arbitration process established in Ireland for teachers in 1973 by an agreement between the teachers' unions and the Government, known as the Scheme of Conciliation and Arbitration for Teachers, namely: the failure of the Government to appoint (or reappoint) a chairman of the arbitration board between 1 August 1985 and 29 May 1986; and modifications made by parliamentary resolution in February 1986 at the instance of the Government to the award which the arbitration board had decided on 1 August and forwarded to the Government on 1 November 1985.

The Committee notes, in relation to the first of these allegations, that the chairman of the arbitration board was in office during the consideration of the teachers' salary claim by the board and participated in its decision on the matter even though his term of office had formally expired at the time the award was forwarded to the Government. In other words, the process of arbitration does not appear to have been impaired by the absence of a chairman during the period in question, or by any formal defect in his position at the time he signed and forwarded the report of the board to the

Government, nor has the award been impugned by any of the worker representatives who participated in the hearings related to it. Similarly, the delay in appointing a chairman of the arbitration board does not appear in any way to have influenced the subsequent course of the dispute or its ultimate settlement after the resort to industrial action by the unions and protracted negotiations between the parties. While it would seem to the Committee to be desirable that arbitration machinery established by agreement should always be as fully operational as possible, the fact that previous intervals of a similar nature had occurred in vacancies for the chairmanship of the board, and that this one arose after the making of an award and while there was no likelihood of another being made, do not suggest that the failure of the Government to act promptly in making an appointment was contrary to the Convention.

The second allegation also does not seem to the Committee to have involved action which might be considered a breach of the Convention. The agreement between the teachers' unions and the Government embodied in the Scheme of Arbitration preserves the Government's liberty of action and its constitutional powers in general terms (clause 2), and goes on explicitly in clause 46(1) to provide that it may propose the rejection, modification or deferment of an award of the arbitration tribunal. The Government exercised its right in terms of the agreement, apparently for the first time since the establishment of the Scheme in 1973 and because of what it considered to be the excessive budgetary pressure created by the award at a time of economic difficulty, to obtain a resolution of the Parliament to give effect to the second of these possibilities; there would appear to be no reason for considering that the provision under which the Government acted was less operative than any other in the Scheme of Conciliation and Arbitration for Teachers which had been arrived at through negotiations with the relevant unions representing the teachers.

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:

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, paras. 303 to 323, and its 230th report, paras. 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.

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

Japan (ratification: 1953)

The Committee takes note of the detailed information supplied by the Government in its reports as well as the comments made in various communications transmitted by the following workers' organisations:

Public Services International and the Council of Public Service Unions (KOMUIN-KYOTO), the Japanese Confederation of Labour (DOMEI) and the General Council of Japanese Trade Unions (SOHYO).

The comments submitted by these workers' organisations essentially relate to the following matters all of which have been the subject of comment by the Committee on previous occasions: (1) the question of implementation of recommendations made by the National Personnel Authority (NPA) relating to wage increases for national public employees in the non-operational sector; (2) the implementation of arbitration awards issued by the Public Corporations and National Enterprises Labour Relations Commission (KOROI) concerning wage increases for employees of public corporations and national enterprises; and (3) the question of collective bargaining in special finance corporations such as loan corporations (KOHKO) and public finance corporations (KOH DAN).

As regards the implementation of the recommendations of the NPA the workers' organisations refer to the failure on the part of the Government, since 1982, to implement these in full. They recall that, since 1982, these recommendations have either not been implemented or only partially implemented. The most recent example was in 1985 when implementation of the NPA's recommendation to increase wages by 5.74 per cent was deferred until July whereas it should have been implemented in April. This meant that the effective increase was 4.1 per cent instead of 5.74 per cent. Accordingly, the workers' organisations argue that the NPA system does not adequately compensate workers in this category for the restrictions imposed on their trade union rights. In addition, SOHYO points out that the Government did not respond to a request for negotiations on proposals submitted in April 1986 by KOMUIN-KYOTO concerning the establishment of procedures for the determination of wages and other conditions of work. As regards the NPA recommendation for the fiscal year 1986, DOMEI, in its communication of 31 October 1986, states that the Government has decided to implement this in full. DOMEI adds, however, that the NPA system, which allows for no participation of unions in the wage determination process, should be re-examined.

In its report the Government confirms its decision to implement the 1986 NPA recommendation in full, in spite of the extremely difficult financial situation. The Government explains in this connection that, when it received the recommendation, it convened the Conference of Ministers concerned with pay on three occasions and also heard the views of workers' organisations on several occasions. The Government states that workers' organisations are not excluded from participation in the wage determination process and the NPA frequently hears their views before making its recommendations. The Government intends to make every effort to implement these recommendations in full taking into account the overall political, economic and social implications.

As the Committee has previously noted, public employees in the non-operational sector (i.e. all national and local public employees other than those employed in public corporations or enterprises) are not only denied the right to strike but their capacity to participate in the process of the determination of their wages is substantially limited. The Committee would again emphasise, as it has done in the

past, that in such circumstances, it is all the more important that recommendations made by the National Personnel Authority are implemented in full. The Committee would stress that only the existence of a system which fully compensates this category of public servants for restrictions on their trade union rights can be considered to be compatible with the Convention. The Committee observes, however, that in 1986, for the first time in several years, the operation of the present system resulted in the NPA recommendation being implemented in full. The Committee trusts that, if the restrictions on trade union rights are to be maintained, recommendations of the NPA will continue to be fully implemented in the future.

In their various communications the workers' organisations referred to above again raise the question of arbitration awards made by the Public Corporation and National Enterprises Labour Relations Commission (KOROI) and to the fact that these are submitted to the Diet for approval prior to implementation. According to the Government, such awards approved for 1986 were again fully implemented after their submission to special sessions of the Diet in accordance with the law. In this connection, the Committee would again draw attention to the principle that arbitration awards, once handed down, should not only be fully, but rapidly implemented.

As regards certain special public corporations involved in financial operations whose employees are covered by the Trade Union Law in the same way as private sector workers, the comments made by the workers' organisations relate to interference in collective bargaining in particular in such a manner as to impose on these workers the same wage increases as those awarded to national public service employees. The Government explains that in 1986 collective bargaining took place and agreements were concluded for most corporations involving this category of workers. It adds that, in 1985, a subcommittee of the Special Advisory Council on the Enforcement of Administrative Reform was established, *inter alia*, to review methods of determining wages in such corporations. This subcommittee reported in June 1986 that it expected that efforts would be made to establish a system to enable autonomous and substantive negotiations to take place in these corporations. The Government adds that this category of workers was assimilated to national public employees in view of the public nature of their business and the degree of dependency on public finance. It states, however, that autonomous negotiations should take place in these institutions and that it will undertake a study to find ways of streamlining wage determination. The Government also points out that the Council of Governmental Corporations (SEIHOREN) will be strengthened and given appropriate guidance as regards wage negotiation.

From the information available it appears to the Committee that, while autonomous collective bargaining should take place as regards workers in these finance corporations, at least in certain cases, wages have been equated to those applicable to national public employees. In requesting the Government to supply more detailed information on the wage determination system for workers in these institutions, the Committee would recall the obligation to encourage and promote voluntary negotiation with a view to the regulation of

terms and conditions of employment by means of collective agreements (Article 4 of the Convention).

Jordan (ratification: 1968)

The Committee takes note of the Government's report. It also notes that it contains no information in reply to its previous comments.

The Committee had observed that the plans of the Government for the adoption of the new Labour Code were still under study, and took note of the political difficulties mentioned by the Government, principally the necessity of first adopting a new Constitution. The Committee nevertheless pointed out that it had 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 had 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. In reply the Government had indicated its willingness to include provisions for this 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.

In addition, 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 these workers - who are within the scope of the Convention - are able to negotiate their conditions of employment and wages.

The Committee hopes that the Government will, in its next report, supply the information requested.

Liberia (ratification: 1962)

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

With reference to its earlier 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 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.

Libyan Arab Jamahiriya (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 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.

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

Malaysia (ratification: 1961)

The Committee takes note of the Government's reports in reply to the Committee's previous observations, as well as the detailed discussion which took place in the Conference Committee in 1985.

Article 4 of the Convention

1. As regards section 13(3) of the Industrial Relations Act, the Committee notes from the information supplied by the Government that the matters listed in this provision as being excluded from union proposals in collective bargaining are in fact negotiated (and can be the subject of conciliation and arbitration and trade disputes) and are in practice included in collective agreements. It would, accordingly, suggest to the Government that this provision - which no longer reflects the actual collective bargaining situation in

Malaysia - could be repealed so as to ensure conformity with the Convention on this point.

As regards section 15, the Committee also notes that it only applies for a limited period to pioneer industries (its extension to other industries never having been declared) and that the Minister has not withheld his approval when an exemption is sought under this provision. It would, however, recall that this Article of the Convention applies to bargaining in all sectors (Article 6 of the Convention allows the only exemption). Restrictions such as those contained in section 15, which the Government describes as a "reserve" provision to protect weak pioneer industries, even where they link certain conditions of work to levels fixed in legislation in what might appear to be fairly generous terms, nevertheless remove from the social partners the possibility of voluntarily negotiating these terms and conditions of employment. Since the Government itself states that the need to apply this "reserve" provision has yet to arise, the Committee suggests that this provision might also be repealed, thus leaving it to the employers and workers themselves to choose whether to adopt the standards laid down in Part XII of the Employment Ordinance, as apparently is done in practice in non-pioneer status enterprises.

2. The Committee notes that the Committee on Freedom of Association has again criticised the authorities' refusal to grant recognition to a union which wished to represent workers for collective bargaining purposes in two electronics industry companies (Case No. 1380, 248th report, paras. 363 to 380, March 1987). Recalling the principles on this point already drawn to the Government's attention in its 1985 observation, the Committee requests the Government, in its future reports, to supply information on the Registrar's practice when presented with applications for recognition for collective bargaining purposes.

3. Denial of the right to bargain collectively of employees in public administrations other than those excluded by Article 6

The Committee understands from the Government's description of the functioning of the five National Joint Councils that their decisions (although subject to appeal to the independent Public Service Tribunal (PST)) are submitted to the Cabinet Committee for the final determination of wages, as are salary commission decisions (which can also be reviewed by the PST). Despite the joint discussions in these bodies the fact nevertheless remains that the category of public servants not covered by Article 6 of the Convention is denied any possibility of negotiating questions of remuneration and general conditions of employment. It is thus clear that this category of workers is not free to bargain collectively with a view to regulating the terms and conditions of employment as required by Article 4.

Since the Government has stated on several occasions that the legislation was under continuous review, with consultation of workers' and employers' organisations from time to time, the Committee would

request it to reconsider the exclusion of this category of public officer from the provisions of the Industrial Relations Act covering collective bargaining, thus leaving only those civil servants engaged in the administration of the State within the salary commissions - Cabinet Committee system. The Government might otherwise consider modifying the National Joint Councils system so as to ensure that decisions arrived at therein by representatives of workers and government agencies as employers can remain subject to review before the independent Public Service Tribunal, but without being subject to further unilateral consideration by another governmental body.

The Committee requests the Government to take the necessary measures in relation to the above matters and to inform it of any amendments that might be made to take account of its comments.

Malta (ratification: 1965)

The Committee takes note of the Government's report, which contains the information requested earlier on the practical application of Article 4 of the Convention. The Government also furnishes amendments to the Industrial Relations Act 1976, which do not affect the application of the instrument.

Furthermore, the Committee takes note of Case No. 1349 (243rd and 244th reports of the Committee on Freedom of Association, March and May-June 1986), which concerns the labour dispute between the Government and the Movement of United Teachers (MUT) on wage claims. It also takes note of a communication dated 17 January 1987 from the Confederation of Malta Trade Unions (CMTU) concerning the application of the Convention, in particular the setting up of the Joint Negotiating Council.

This case raises two problems concerning Convention No. 98, that of the application of Article 1, deriving from the allegations that sanctions were taken in the form of compulsory transfers after a strike of 1,400 teachers, and that of the application of Article 4, deriving from the breakdown of negotiations through the freezing of wages and the absence of the conciliation machinery provided for by law.

With regard to Article 1, the Committee points out that protection against acts of discrimination by the employer concerns not only dismissals (for which the Industrial Relations Act, 1976 does provide procedures), but also any measure taken at the time of recruitment or during employment, such as transfers, demotions or disciplinary measures, etc. It appears from the facts of Case No. 1349 that certain teachers of the Movement of United Teachers (MUT) were suspended without pay or transferred to posts that they did not want, as a consequence of the strike. The Committee points out that public servants not engaged in the administration of the State, such as teachers, must benefit from the guarantees provided for in the Convention and that the legislation should guarantee their protection against any act by the employer, in this case the State, constituting discrimination against them for having carried on trade union activities. To be more precise, they should have access to various methods of making this protection effective, such as, where necessary,

machinery appropriate to national conditions (Article 3) or procedures for prevention or for compensation, perhaps accompanied by penal sanctions (see paragraphs 264 to 278 of the General Survey on freedom of association and collective bargaining of 1983 by the Committee of Experts).

The Committee therefore requests the Government to take measures in laws or regulations to ensure that public servants coming within the scope of the Convention benefit from the protection that it lays down; in particular the Committee hopes that the teachers who have been the subject of compulsory transfers for having gone on strike, may be re-instated in their former posts if they so wish.

The second problem raised by the above-mentioned case relates to the application of Article 4.

The Committee points out that the Confederation of Malta Trade Unions (CMTU) has submitted comments on the setting up of the Joint Negotiating Council for the public sector provided for by section 25 of the Industrial Relations Act, No. 30 of 1976, and that the CMTU has for many years been drawing the Committee's attention to the necessity of establishing this body to negotiate conditions of employment and pay. The Government has always asserted in reply that the two unions representing all the employees of 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 inclined to impose it on the parties.

In this matter, the Committee on Freedom of Association has reached the conclusion that the absence of bargaining machinery seems to have contributed to the difficulties encountered in the solution of the problems that have given rise to the labour dispute affecting the teaching profession and to the consequences of the situation. Furthermore, it has stressed that if machinery for representing the occupational interests of a whole class of workers is set up, representation should normally be given to the organisation that has a majority in the given class, and the public authorities should refrain from any interference that might invalidate this principle.

In the absence of the bargaining body provided for by law, the Committee points out that all trade union organisations should be able to negotiate with the employer in the name of the workers they represent and it emphasises that the present case clearly shows that many public servants have difficulty in freely negotiating their conditions of employment and working conditions. Under Article 4, it is for the Government to encourage and promote the full development and utilisation of machinery for the voluntary negotiation of collective agreements between the State (the employer) and this class of workers (public servants not engaged in the administration of the State). The Committee has for years been noting that the Government states that it is not opposed to the establishment of the Joint Negotiating Council in the public sector and places the responsibility on the trade union organisations, incapable of reaching agreement for this purpose. Since the situation remains unresolved and is likely to give rise to labour disputes, as the events of Case No. 1349 show, the Committee suggests that the Government might re-examine with the trade union organisations concerned the question of setting up the Joint Negotiating Council so that these organisations might reach agreement by resorting, for example, to a system based on representativity,

representation normally being given to the organisation that has the majority among the class of workers in question.

The Committee urges the Government to re-examine the whole situation in the light of its comments and to keep it informed.

Mauritius (ratification: 1969)

The Committee takes note of the report of the Government which does not contain any new information on the points raised in its previous observation. It observes that the amendment of the Industrial Relations Act is still under consideration.

In its previous comments, the Committee pointed out that the provisions of the Act do not give workers' organisations sufficient protection against acts of interference, as provided for by Article 2 of the Convention. It has been requesting the Government since 1977 to include an express provision in the legislation for this purpose.

The Committee noted from the observations of the Mauritius Labour Congress sent in 1984 that a committee set up to examine the replacement of the Industrial Relations Act of 1973 has submitted its report.

The Committee trusts that this step will give rise in the near future to the inclusion in the Act of an express provision covering appropriate procedures and penalties, to ensure that the guarantees set forth in Article 2 of the Convention are respected. The Committee requests the Government to keep it informed of any development in the situation.

Morocco (ratification: 1957)

The Committee notes that the report of the Government contains no reply to its previous comments, which were as follows:

In previous comments, the Committee pointed out that the Collective Agreements Board set up by Dahir No. 1-58-145 of 29 November 1960, had issued recommendations, which were not binding, concerning the relations between workers and employers. In the past, the Government has furnished the Committee with explanations showing that effect has been given to Article 1 of the Convention, concerning protection against acts of anti-union discrimination in respect of employment, by the recommendations of this Board.

First, the Committee refers to its General Survey adopted at the 69th (1983) Session of the International Labour Conference, in particular paragraphs 260, 278, 279 and 280, and emphasises that by virtue of Article 1 of the Convention the legislation must specifically guarantee workers adequate protection against acts of discrimination, on recruitment and during employment, enforceable by civil or penal sanctions. The Committee notes the statement by the Government that the courts competent to settle labour disputes are implicitly competent to hear appeals against acts of anti-union discrimination and all acts infringing the provisions of collective agreements, a matter relevant to the

application of Article 3 of the Convention, but points out that these bodies, ought, by law, to be empowered to enforce specific legal provisions concerning acts of discrimination by employers against workers. Furthermore, the Committee notes that acts of anti-union discrimination, such as dismissals for union membership or activities, have been the subject of complaints to the Committee on Freedom of Association (Cases Nos. 992, 1017 and 1116). It therefore appears clear that specific legal provisions should be adopted to give effect to Article 1 of the Convention. The Committee requests the Government to ensure that the legislation is supplemented by specific provisions for the purpose.

Moreover, the Committee requests the Government to provide information on the practical application of Article 4 of the Convention (number and duration of collective agreements, sectors and numbers of workers concerned, etc.) and to indicate the cases in which the recommendations of the Collective Agreements Board have produced results.

The Committee requests the Government to keep it informed of any measure taken in the light of the above considerations to give full effect to the Convention.

[The Government is asked to supply full particulars to the Conference at its 73rd Session, and to report in detail for the period ending 30 June 1987.]

Nicaragua (ratification: 1967)

The Committee notes the Government's report. In its previous comments, the Committee referred to Decree No. 530 of 24 September 1980, under section 1 of which the approval of the Ministry of Labour is needed for collective agreements. In the second introductory paragraph to the Decree it is stated that "collective labour agreements have important consequences on economic activity, particularly at the general level of prices and wages, which cannot be disregarded by the State due to the destabilising influence that they could exercise at this stage of the establishment of economic and social order in the process of National Reconstruction".

In its report for 1985, the Government stated that in order to stabilise the economic situation in Nicaragua it was necessary to adopt measures preventing the free determination of wages through collective bargaining. The Government added that it had taken every step to guarantee the living standard of the workers and that the General Directorate of Employment and Wages was preparing to put into effect a new wage policy with the assistance of the ILO incorporating the following components: evaluation of the wages policy; foundation of a new wages policy; methodology for the development of a national classification of occupations; methodology for the classification of occupations; and a national payments scale. The new wages policy will apply the National Labour and Wages Organisation System (SNOTS). In 1984 the Government implemented the classification of occupations and put into effect a wage scale. It is preparing payments systems, labour regulations, incentives and a national wage scale.

Furthermore, it established price controls for basic products and organised people's shops distributing basic products at subsidised prices; it established free education and medical assistance and subsidised public transport. Finally, the Government explained that it had regulated wages for each harvest of coffee and cotton, taking into account, in accordance with the SNOTS the increase in the cost of living.

In its report for 1987, the Government states that Decree No. 530 of 1980 does not in any way restrict the right of employers' and workers' organisations to negotiate collective agreements and, in accordance with the principle of tripartitism of the ILO, enables the Ministry of Labour to intervene. The National Labour and Wages Organisation System (SNOTS) provides for the participation of employers and workers in order to discuss the characteristics of the work to be performed in the various occupations so as to determine wages levels in view of the quantity of the work and its complexity. The report adds that other conditions of employment are negotiated by means of a conciliation procedure and that in the event of the failure of conciliation, the Ministry of Labour is not empowered to impose the terms of a collective agreement upon the parties. In such cases (in the present state of national emergency) the issue shall be resolved by an arbitration tribunal, which is a body of the judicial authority.

The Committee wishes to point out that Decree No. 530 has been in force for more than six years and that it subjects collective agreements to the approval of the Ministry of Labour for reasons of economic policy, in such a way that employers' and workers' organisations are not able to freely determine wages. Although noting that the Government has endeavoured to preserve the standard of living of the workers, the Committee considers that this situation and the practice, except in the case of essential services, of resorting to compulsory arbitration by the judicial authority in the event of disputes between the parties concerning employment conditions other than wages, is not in conformity with Article 4 of the Convention, which envisages the encouragement and promotion of the full development and utilisation of machinery for voluntary negotiation, with a view to the regulation of terms and conditions of employment by means of collective agreements.

The Committee has expressed the opinion on many occasions that in cases when governments consider that the economic situation requires stabilising measures to be taken which hinder the free determination of wage rates through collective bargaining, such restrictions should only be imposed as an exceptional measure and only to the extent that is necessary; they should only be applied for a reasonable period of time and should always be accompanied by adequate guarantees protecting the living standards of the workers.

The Committee accordingly hopes that the Government will take the necessary measures in the near future to give full effect to the Convention and it requests the Government to report any developments in the situation.

Nigeria (ratification: 1960)

The Committee takes note of the report of the Government, which contains no new elements.

In its earlier comments, the Committee has observed that the provisions of the Labour Decree, 1974 (No. 21), protecting the workers against acts of anti-union discrimination do not apply to certain categories of workers by virtue of the interpretation given by section 90 of this Decree to the term "worker" (persons exercising executive, technical, administrative or professional functions as public officers, agents and commercial travellers, self-employed workers and persons employed in a vessel or aircraft to which the civil laws apply are all excluded).

The Committee notes the Government's statement to the effect that these workers have the right to associate in occupational organisations or to join trade unions by virtue of the Trade Unions Act. The Committee would point out, however, that under Article 1 of the Convention workers must enjoy adequate protection against all acts of discrimination likely to impair freedom of association in respect of employment, in particular such acts as referred to in paragraph 2 of this Article.

In an earlier report, the Government referred to the Committee on the Review of Labour Laws (of the Senate), which was to be set up to deal with suitable amendments. The Committee hopes that the Government will very shortly take the measures necessary in this regard since adequate protection accompanied by civil remedies and penal sanctions can be ensured to the workers only so far as it is specifically provided for by the legislation and applies both at the time of recruitment and during employment.

The Committee therefore trusts once again that the above-mentioned categories of workers will shortly enjoy the guarantees provided for by Article 1 of the Convention and already granted by the legislation to other workers.

Pakistan (ratification: 1952)

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 takes note of the information contained in a communication to the Conference Committee in 1983. The Committee has also examined the report of the Committee on Freedom of Association concerning Case No. 1175, approved by the Governing Body at its 225th (February 1984) and 229th (February 1985) Sessions.

In previous comments, the Committee observed that sections 38A et seq. of the Industrial Relations Ordinance, as amended by Ordinance No. XIX of 1974, enables the Government to constitute a wage commission for fixing rates of wages and determining all the other terms and conditions of service in respect of the workers in banks or such other workers as the Federal Government may

specify, provisions that restrict the exercise of voluntary negotiation established by Article 4 of the Convention.

The Committee notes the statement by the Government that the Wage Commission set up in the sectors of the nationalised banks and the insurance companies, headed by a judge of the High Court, takes the suggestions of the workers' organisations into consideration before giving its award, which, according to the Government, does not lay down conditions less favourable than those that would be reached through collective bargaining. The Government adds that such a procedure avoids confrontation between the parties concerned and brings about a decision acceptable to both.

The Committee draws the attention of the Government to Article 4, under which workers' organisations must be able to negotiate freely their wages and other terms and conditions of employment with the employers or their organisations. Furthermore, the Committee observes that the measures taken in the sector of banking and insurance by virtue of Ordinance No. XIX can be extended to other sectors. The Committee takes note of the restriction placed on the exercise of collective bargaining by workers in the export processing zones and requests the Government to refer in this connection to its comments under Convention No. 87.

Since, in the view of the Committee, the free and voluntary negotiation of conditions of employment is a fundamental aspect of freedom of association, it requests the Government to re-examine the legislative situation in the light of its comments and to leave to the workers themselves or their organisations the possibility of discussing their wages and other conditions of employment.

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

Panama (ratification: 1966)

In comments that it has been making since 1967, the Committee has been asking the Government to grant freedom to bargain collectively to public servants not engaged in the administration of the State, since under Article 6 of the Convention it is only the narrow category of those so engaged that may be excluded from the guarantees provided for by the Convention.

The Committee notes that the Government, in its latest report, confines itself to repeating once more that the draft decree to extend to public employees the scope of the provisions of Book III of the Labour Code governing collective relations, is still under study at the Ministry of Labour and Social Welfare.

The Committee once again urges the Government to bring its legislation into conformity with the Convention at an early date and to communicate information in its next report on any progress made.

Papua New Guinea (ratification: 1976)

The Committee takes note of the Government's report on the application of the Convention, but observes that it does not contain any information in reply to its comments. The Committee recalls that it took note of a communication transmitted by the Government concerning Case No. 1267, approved by the Governing Body at its 228th Session (November 1984), in which a number of the legislative aspects raised had been the subject of its previous comments (section 52 of the Public Services Conciliation and Arbitration Act, amended by the Act of 1983, and section 42 of the Industrial Relations Act, covering the private sector).

In this communication the Government stated that it had taken steps to amend the legislation empowering the Government to reject, at its discretion, arbitration awards or agreements concerning wages, in order to bring it into conformity with Article 4 of the Convention.

With reference to the comments that it made concerning section 52 in a previous direct request, the Committee recalls that a system for the approval of collective agreements is only acceptable in so far as such approval can only be refused on grounds of form or where the provisions of a collective agreement do not conform to the minimum standards set out in the labour legislation.

The Committee once again expresses the hope that the necessary amendments will be made in the near future to bring the legislation into conformity with the Convention. It hopes that in its next report the Government will be able to supply information in this respect. It requests the Government to transmit a copy of the new texts upon their adoption; it also requests the Government to supply information on the practical application of the Convention (number of collective agreements, the sectors concerned, their duration, the number of workers involved, etc.).

Paraguay (ratification: 1966)

The Committee takes note of the Government's report.

In its previous comments, the Committee stressed the need to adopt provisions setting out civil remedies and penal sanctions to protect a number of categories of workers not covered by the Labour Code (public officials not engaged in the administration of the State and public employees and workers in public enterprises) against acts of anti-union discrimination and interference (Articles 1 and 2 of the Convention).

The Government states in its report that it has taken due note of the Committee's comments but that the proposals for amendments put forward during the direct contacts mission from 23 to 27 September 1985 have not yet been adopted. The report nevertheless indicates that the Committee will be informed of any decision taken in this connection.

The Committee hopes that the necessary measures will be adopted in the near future to give full effect to the Convention.

Poland (ratification: 1957)

The Committee takes note of the information furnished by the Government in its reports. It has also taken note of the comments made in December 1985 by the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL) on the trade union situation in Poland.

In their communication, the ICFTU and WCL state that, under cover of motives connected with the economic situation of the undertakings or discipline, workers are dismissed for reasons connected with participation in social actions or protests against the authorities. The ICFTU and the WCL also draw attention to the difficulties encountered by the former trade unionists who have been interned, arrested or sentenced and then amnestied in recovering their employment. Since the Government has given no information in reply to these points, the Committee is bound to emphasise that Article 1 of the Convention guarantees to workers adequate protection against acts of anti-union discrimination, both at the time of recruitment and during employment, and covers all discriminatory measures (dismissals, transfers, demotions and every other prejudicial act).

The Committee has also taken note of the adoption on 24 November 1986 of an Act to amend Part XI of the Labour Code relating to collective agreements. The Committee observes that a collective agreement must be registered by the Minister of Labour, Wages and Social Affairs and that, if it is not in conformity with the legal rules or social and economic policy, the dispute is submitted to the Supreme Court or to a committee appointed for the purpose.

The Committee points out that Article 4 provides that governments must take measures, where necessary, to promote voluntary negotiation between the social partners. This provision thus guarantees the autonomy of the parties to negotiation and implies that government must refrain from interfering in it restrictively.

The Committee therefore asks the Government to indicate the precise grounds on which the Minister of Labour may refuse the registration of a collective agreement and to furnish information on any specific cases of refusal occurring.

[The Government is asked to supply full particulars to the Conference at its 73rd Session, and to report in detail for the period ending 30 June 1987.]

Portugal (ratification: 1964)

With reference to its previous comments concerning Article 6 of the Convention, the Committee takes note of the information supplied by the Government in its latest report showing that those considered to be workers engaged in the administration of the State do not include those engaged in the service of the State under private law, particularly contract workers and workers in other public institutions that are not legal entities under public law. According to the Government, these workers enjoy the right to voluntary collective bargaining under Convention No. 98.

Furthermore, the Committee takes note of the conclusions of the Committee on Freedom of Association in Case No. 1370 (248th report approved by the Governing Body at its 235th Session in March 1987), concerning the necessity of previous authorisation by the authorities before giving effect to a collective agreement (section 24 of Legislative Decree No. 519/C1/79). The Committee of Experts and the Committee on Freedom of Association consider that legislation of this kind is compatible with the Convention only so far as the registration of an agreement can be refused for defects of form or because the provisions of the collective agreement do not conform to the minimum standards of the labour legislation. On the other hand, when refusal is justified on grounds such as incompatibility with general government policy, this is equivalent to requiring prior authorisation to give effect to a collective agreement, which is not in conformity with the principles of voluntary negotiation laid down in Convention No. 98 (see the General Survey of 1983 on freedom of association and collective bargaining, para. 311).

The Committee asks the Government to indicate the measures it has taken or intends to take to give effect to the Convention on this point.

Singapore (ratification: 1965)

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

1. In its previous comments, the Committee observed that, by virtue of section 17 of the Industrial Relations Act, certain aspects of conditions of employment, namely promotion, transfer, appointment, dismissal without notice and the assignment of duties, are excluded from collective bargaining. It notes that the Government repeats its explanations concerning the possibility open in practice to the unions of being consulted and of negotiating on these issues, and states that such informal consultations are based on mutual trust and co-operation and work well. The Committee further notes the point of view of the Government that the industrial peace prevailing in industry is favoured by the legislation in force and attracts investments, the creation of employment and the economic prosperity of the country, to the benefit of all the workers. Accordingly, the Government expresses its concern that the amendments proposed by the Committee should bring tangible benefits to the workers and not ruin the present confidence and stability.

The Government states that national practice admits the free negotiation of conditions of employment, going beyond the clauses laid down by law, and it seems to the Committee that this practice might be incorporated in amendments to the legislation that would make it possible to give full effect to Article 4 of the Convention without affecting the established industrial relations.

The Committee requests the Government to keep it informed of any development in this situation.

2. Furthermore, the Committee has noted that the Industrial Arbitration Court has never exercised the powers conferred on it by section 25 of the Industrial Relations Act, to refuse to register the collective agreements of certain newly established undertakings on the grounds that their clauses are more favourable than those laid down in Part IV of the Employment Act. The Government has stated that, as soon as the workers of these undertakings have established trade unions and concluded collective agreements, the restrictions laid down by section 25 will no longer be applicable. The Committee again requests the Government to keep it informed of any change in this field. It also requests the Government to indicate the measures taken or under consideration to encourage and promote in undertakings where there are not yet trade unions the development and utilisation of collective bargaining to regulate the terms and conditions of employment of the workers.

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

Sri Lanka (ratification: 1972)

The Committee takes note of the Government's report and also of the information supplied to the Conference Committee in 1985.

Already on several occasions in its earlier comments, the Committee has observed that there is no special legislation to ensure the protection against acts of anti-union discrimination by the employer that is provided for in Article 1 of the Convention, or to guarantee that acts of interference cannot take place, as provided by Article 2. The Government states that the introduction in a new Act of a chapter to give effect to these provisions has been found to be impracticable. Certain aspects of the draft legislation have therefore been examined with a view to their introduction as amendments into the Industrial Disputes Act.

The Committee once more notes from the report of the Government that the present legislative process is not yet at an end. It again trusts that the necessary specific provisions will be adopted in the near future and that they will be accompanied by sufficiently deterrent sanctions to give effect to Articles 1 and 2 of the Convention. The Government is requested to keep the Committee informed of any developments.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Swaziland (ratification: 1978)

The Committee takes note of the Government's report.

With reference to its earlier comments, the Committee notes that the Labour Advisory Board, a tripartite body mentioned in an earlier report, still has before it an amendment concerning the introduction of protection against acts of interference provided for by Article 2 of the Convention. The Committee recalls that, by virtue of this

Article, specific measures, accompanied by sanctions should be taken, particularly through legislation, to guarantee to employers' and workers' organisations adequate protection against acts of interference by each other or each others' agents or members in their establishment, functioning or administration.

The Committee hopes that the Labour Advisory Board will very shortly adopt the specific measures mentioned above so as to give effect to Article 2.

With regard to Article 4, the Committee has pointed out that the Industrial Relations Act provides for the registration of collective agreements by the Industrial Tribunal (section 5, subsection 1(b) and section 43, subsection 3), which is empowered to refuse registration if the agreements do not take into account the instructions on wages and wage levels published by the Government (section 44, subsection 3(b) and section 4, subsection 4, read together).

The Committee again emphasises that the right of workers and their organisations to negotiate freely with employers and their organisations on wages and conditions of employment is a basic aspect of freedom of association and that, consequently, instead of subordinating the validity of collective agreements to the indirect approval of the Government through registration by the Tribunal, which is equivalent to prior approval and therefore incompatible with Article 4, steps should be taken to persuade the parties to collective bargaining to have regard voluntarily in their negotiations to the major considerations of economic and social policy and general interest invoked by the Government in the Guidelines (IC) Notice, 1984. The Committee observes that the Notice leaves the Tribunal a wide margin of discretion and that its decisions might, in certain circumstances, constitute a restriction on the scope of collective bargaining.

The Committee therefore requests the Government to reconsider the situation in the light of the above comments, since under the Convention, the procedure for registering collective agreements should be confined to purely formal verification to ensure, in particular, that the provisions of the agreements conform to the minimum standards of the labour legislation.

United Republic of Tanzania (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 points out that the subject of its comments was the requirement that collective agreements shall be approved by the Permanent Labour Tribunal prior to registration, whether the agreement is voluntary or negotiated (sections 6, subsection 5, 16(b), 23 and 39 of the Permanent Labour Tribunal Act No. 41 of 1967), in order to take account of economic necessities of national importance (section 22(e)), any decision of the Tribunal, moreover, being final (section 27).

The Committee notes the statement repeated by the Government to the effect that it will communicate information as soon as

possible on the action taken by the competent authorities regarding the proposals sent by the ILO in 1982, at the request of the Government, respecting the incompatibility of the above legal provisions with Article 4 of the Convention.

The Committee points out that, in the General Survey it submitted to the 69th (1983) Session of the International Labour Conference, in particular paragraphs 309 to 315, it expresses the view that the right to negotiate wages and conditions of employment freely with the employers and their organisations is a fundamental aspect of freedom of association and 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.

The Committee trusts that the Government in the near future will adopt suitable measures along these lines to give full effect to Article 4.

Trinidad and Tobago (ratification: 1963)

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

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 considered 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.

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

Turkey (ratification: 1952)

The Committee takes note of the detailed reports transmitted by the Government as well as the information communicated to the Conference Committee in 1986. The Committee has also taken note of the conclusions reached by the Committee on Freedom of Association in the cases examined by that Committee concerning Turkey (249th report, March 1987) in so far as these relate to the application of the Convention.

In its previous comments the Committee noted that section 12 of Act No. 2822 of 1983 requires trade unions to have a membership exceeding 10 per cent in the branch of industry concerned and also exceeding 50 per cent in the enterprise or workplace before a certificate of authorisation to negotiate may be granted. The Committee pointed out that, although it may be accepted that most representative unions may have preferential or exclusive bargaining rights (where such preference is based on objective and pre-established criteria), in its view, the requirements under Act No. 2822 were not fully in accordance with the principle of voluntary collective bargaining set forth in Article 4 of the Convention since, in particular, unions which had a majority membership in workplaces, but where that majority did not exceed 50 per cent of the workers could not enter into collective bargaining with the employer. Similarly, a trade union which met the 50 per cent criterion could not bargain if it did not represent 10 per cent of the workers at the level of the industry in question.

Also referring to its earlier comments the Committee would again point out that, under section 33 of Act No. 2822, if a legal strike appears such as to be harmful to public health or national security it may be postponed by a Decree of the Council of Ministers for a period of 60 days at the end of which the Supreme Arbitration Board will resolve the dispute. By establishing in certain cases a compulsory arbitration procedure this provision, in the opinion of the Committee, restricts the right to voluntary collective bargaining as set forth in Article 4 of the Convention.

The Committee notes the adoption, on 3 June 1986, of Act No. 3299, which contains a number of amendments to Act. No. 2822 and that, to a certain extent, these amendments take account of a number of proposals for the amendment of Act No. 2822 that were previously made by the most representative organisation of workers, TURK-IS. According to the Government, these proposals were discussed within the tripartite structure and the Government, in its report, fully describes the views advanced by the social partners on these proposals.

The Committee also notes that the Government indicates that a committee, established within the Ministry of Labour, has been set up to examine comments recently made by workers' and employers' organisations on the existing labour legislation. The Government adds that draft amendments will be prepared and submitted to these organisations for their views before being submitted to the Turkish Grand National Assembly. The Government states that, before that stage is reached, the Ministry intends to invite an ILO technical mission for consultations on the proposed legislative amendments.

The Committee notes these developments with interest and that the amendments introduced by Act No. 3299 are designed mainly to overcome certain procedural difficulties in the collective bargaining process. In particular, it notes, that the amendments so far adopted do not address themselves to the fundamental question which it raised previously concerning the numerical criteria required by unions for collective bargaining purposes, a matter which, it observes, was fully discussed with the Government and the social partners in the course of an ILO technical consultative mission which took place in April 1986 at the request of the Government. Following that mission the Government formally communicated its intention, *inter alia*, to examine again, in the light of the comments made by the Committee and the observations made by the mission, the provisions of Act No. 2822 concerning collective bargaining, and to take whatever steps or measures that might be required, and within such time limits as might be necessary in the light of the political, economic and social circumstances prevailing in the country, to ensure full conformity with the obligations undertaken by Turkey upon ratification of the Convention and in particular with Article 4 thereof.

The Committee notes with interest that new proposals for the amendment of the legislation are being prepared and that the Government has invited an ILO mission to Turkey to consider these proposals before their submission to the Turkish Grand National Assembly.

The Committee hopes that the proposed amendments to the legislation will soon be finalised and that the difficulties raised by section 12 of Act No. 2822 will soon be removed.

In general, the Committee would recall the importance which it attaches to the essential principles according to which trade unions, as representatives of the workers, should be able to organise their activities freely and normally and to formulate their programmes so as to take full advantage of the right to negotiate collective agreements.

Uganda (ratification: 1963)

The Committee takes note of the Government's report. It observes with regret, however, that once again this report contains no new information on the point raised in its previous comments and that the Government states, as in its previous reports, that the matter raised by the Committee is being referred to the authorities for action.

The Committee recalls that the Trade Unions Decree, No. 20 of 1976, does not apply to the Bank of Uganda and that, for this reason, persons working there do not enjoy the rights guaranteed by the Convention.

The Committee emphasises that only public servants, that is to say persons engaged in the administration of the State, may be excluded from the scope of the Convention (Article 6). The Committee therefore hopes that the procedures under way will shortly lead to the guaranteeing to the staff of the Bank of Uganda of all the rights provided for by the Convention.

The Committee trusts that the Government will in its next report be able to indicate that progress has been made towards bringing the category of workers involved within the scope of the existing legislation.

United Kingdom (ratification: 1950)

The Committee takes note of the Government's report. It also notes that a letter dated 18 December 1986 from the World Confederation of Organisations of the Teaching Profession (WCOTP) contained comments concerning the application of the Convention, in particular as regards the legislation which has been introduced concerning teachers' pay and conditions. This was also referred to in a letter dated 19 February 1987 from the Trades Union Congress (TUC) which also deals with other aspects of the application of the Convention. The contents of these communications have been transmitted to the Government.

The Committee hopes that information will be provided by the Government so that the Committee may at its next session examine the issues raised by the WCOTP and the TUC.

Uruguay (ratification: 1954)

With reference to its previous observation, in which it drew attention to important divergencies between the legislation and the Convention, the Committee notes with satisfaction that, immediately after the re-establishment of democracy, the new Parliament, by means of Act No. 15738, declared null and void Act No. 15328 of 1 October 1982 (concerning collective agreements) and Act No. 15587 of 4 July 1984 (concerning trade unionists' protection). Accordingly, the provisions governing these matters are now those that were in force before the law now declared null and void: Decree No. 93/68, concerning the trade unionists' protection; and Act No. 9675, Act

No. 13556 (section 1), Act No. 10449 (section 36) and Act No. 12590 (section 1) and the decree issued under it, concerning collective agreements.

The Committee notes with interest from the report that the occupational sectors have recovered full autonomy to conclude agreements either at the level of the undertaking or at the industrial level, and possibly at more general levels, without the registration of the agreements being compulsory.

The Committee also notes the statement in the report of the Government to the effect that, when there are complaints that trade unionists' protection has been infringed, a procedure is instituted by the National Directorate of Labour, in accordance with the provisions of Decree No. 93/68. If an act of anti-union discrimination is proved, the National Directorate issues a decision declaring that there has been a violation and ordering the reinstatement of the worker when the infringement has consisted in the dismissal of a trade union leader or a unionised worker. If the undertaking does not comply, it has to pay a heavy fine, which is repeated until the situation is rectified.

The Committee observes from the report of the Government that there are presently Bills before Parliament on collective agreements and the protection of trade union leaders.

The Committee requests the Government to keep it informed of developments in the situation as regards the application of the Convention and to provide information on collective bargaining involving public servants and public employees not engaged in the administration of the State.

Yemen (ratification: 1976)

The Committee takes note of the Government's report.

1. As regards the application of Articles 1 and 2 of the Convention, the Committee observes that reference is made in the report to sections 6 and 19 of the Yemeni Constitution setting forth the general principles of freedom, equality and justice, and sections 9 and 45 of Act No. 5 of 1970 to issue the Labour Code, which call on the employer to treat workers correctly and to respect their religious beliefs and trade union elections.

The Committee would again recall that, under the Convention, specific provisions should be adopted, in particular through the legislation, to ensure to workers protection against any act of discrimination by the employer both at the time of recruitment and during employment in the cases described in Article 1, paragraph 2, and to ensure to workers' and employers' organisations adequate protection against all acts of interference by each other through provisions accompanied by appropriate sanctions as set forth in Article 2.

Since there are no such provisions in the Labour Code, the Committee again requests the Government to take the necessary steps to give effect to these Articles of the Convention.

2. With regard to collective bargaining, the Committee takes note of the detailed information repeated 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 again emphasises that, by virtue of Article 4, it is for the government to encourage and promote machinery for the voluntary negotiation of conditions of employment. It should, therefore, establish machinery encouraging discussion between employers and workers with a view to the conclusion of an agreement freely entered into.

Furthermore, the Committee previously observed that sections 68, 69 and 71 of the Labour Code provide that, before a collective agreement can come into force, it must be registered by the labour service, which can, in certain circumstances, cancel it. The Committee notes that the grounds for cancellation include prejudice to the security or economic interests of the country and incompatibility with the rules and decrees in force or with public order. The Committee considers that the adoption of measures restricting collective bargaining (such as the previous approval of a collective agreement before it can come into effect or its cancellation because it conflicts with the economic interests of the country or public order or any other provisions) is incompatible with the principle set forth in Article 4.

In the opinion of the Committee, instead of subordinating the validity of collective agreements to government approval, efforts should be made to persuade the parties to collective bargaining to take account voluntarily in their negotiations of the economic and social policy of the Government and the general interest. A system could be established in which collective agreements would only come into force after a reasonable period following their deposit with the competent authority. If this authority considered that certain clauses were not acceptable from an economic point of view, the case could be submitted for opinion and advice to a body composed of workers' and employers' representatives, the final decision to amend remaining with the parties to the agreement.

The Committee therefore again requests the Government to take appropriate measures in the light of its comments to give full effect to Article 4.

Zaire (ratification: 1969)

The Committee takes note of the explanations and information supplied in the report of the Government in reply to its previous comments.

The Committee recalls that it had understood earlier that Presidential Ordinance No. 83-166 of 17 September 1983 had fixed a maximum rate that could be used as a guide for wage increases agreed between the social partners.

The Committee takes due note of the Government's statement that the above-mentioned Ordinance to lay down the guaranteed inter-occupational minimum wage and the readjustment of the guaranteed

inter-occupational minimum wage does not fix maximum rates for wage increases in collective agreements. The Government states that rates are agreed freely between the parties and in accordance with the capacity to pay of each enterprise. It explains that in the private sector the parties carry out voluntary and free bargaining to fix wage increases in agreement, that, when the State decides on an increase in the inter-occupational minimum wage, the parties are bound to meet within 30 days of the Government decision to negotiate a readjustment and that, at all events, the agreed rates are reviewed every year.

The Government admits, however, that for compelling reasons of national economic interest, the Executive Council is obliged to fix for limited periods the rates of wage increase for employees of the State and public enterprises.

The Committee emphasises that, although under Articles 4 and 6, the present Convention does not deal with the situation of public servants engaged in the administration of the State, the Committee cannot, as is indicated in its General Survey of 1983 on freedom of association and collective bargaining (paragraph 255), admit the exclusion from the terms of the Convention of important categories of workers employed by the State merely on the grounds that they are placed formally on the same footing as certain public officials engaged in the administration of the State.

The Committee therefore considers that a distinction should be made between public servants engaged in the administration of the State, who may be excluded from the protection of the Convention, and persons employed in public enterprises, who should enjoy the right to free collective bargaining. It requests the Government to indicate the measures it has taken or will take to this end.

In addition, the Committee requests the Government to indicate the measures taken or under consideration to give effect to Article 2, paragraph 2, of the Convention, on protection against acts of interference in the establishment of workers' organisations dominated by an individual employer, as part of the present revision of the Labour Code or in any other way, with a view to completing section 229 of the Code, since this provision, as presently drafted, only provides that workers' and employers' organisations shall refrain from any mutual interference.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Angola, Antigua and Barbuda, Austria, Bangladesh, Barbados, Belize, Byelorussian SSR, Cape Verde, Colombia, Comoros, Côte d'Ivoire, Democratic Yemen, Fiji, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iraq, Kenya, Luxembourg, Malawi, Paraguay, Peru, Philippines, Saint Lucia, Syrian Arab Republic, Togo, Ukrainian SSR, USSR, Venezuela, Zaire.

Information supplied by the Bahamas, Cameroon, Central African Republic, Iceland, Lesotho, Mauritius, Romania and the Sudan.

Convention No. 100: Equal Remuneration, 1951Austria (ratification: 1953)

1. The Committee notes with interest the entry into force on 1 July 1985 of the Act of 27 June 1985 amending the federal Act respecting equality of treatment as between women and men in the fixing of remuneration (Equality of Treatment Act) of 23 February 1979, which provides that equal treatment shall apply to social benefits (such as occupational pensions or housing provided by the employer) and to training and advanced training, and which requires job vacancies to be advertised in a sexually neutral way. The Committee also notes that on the request of the Equality of Treatment Committee, the employer shall, in a report on his compliance with the equal treatment requirements, supply data permitting a comparison of the opportunities for employment, for training and advanced training, and for promotion open to men and women in the enterprise.

The Committee requests the Government to provide detailed information on the application of the Act, as amended, in relation to wages and additional benefits. In particular it requests information on the reports requested by and submitted to the Committee on Equality of Treatment as well as on cases of alleged discrimination submitted to, and inquiries made by, that Committee under the Order of 26 June 1979 respecting its rules of procedure, and on any proposals made by the Committee to enhance the principle of equal remuneration. The Committee further requests the Government to provide information concerning the work of equality committees at the level of federated States.

2. In its previous comments the Committee had noted the Government's information that discriminatory provisions, found by experts to whom the Government had given the task of analysing around 500 collective agreements that were in force in March 1978, had to a large extent been abolished within the framework of new collective agreements concluded after the adoption of the 1979 Act respecting equality of treatment. The Committee notes that the distinct wage categories for men and women and the wage differentials prejudicing women, which still persisted in the collective agreement of agricultural workers in Vienna, Lower Austria and Burgenland, have been abolished in the collective agreement of 1 March 1985 which introduced a uniform wage scale for the agricultural workers concerned.

The Committee requests the Government to provide a copy of that agreement. The Committee also requests the Government to continue to provide information on any branches of activity and sectors of industry where discriminatory provisions in respect of wages and additional social benefits in remuneration would still be contained in collective agreements and on the progress made towards the respect of the principle of equal remuneration. It also asks the Government to provide full information on the measures taken or under consideration to promote with the social partners the principle of equal remuneration for work of equal value.

3. In its previous comments the Committee had noted that wages relating to activities carried out only by women are maintained at a lower level and that according to the Austrian Congress of Chambers of

Labour substantial wage gaps were recorded between men and women. The Committee requested the Government to indicate conclusions reached in the updating of the expert analyses of 1978 on collective agreements in relation to the objective appraisal of jobs within the meaning of Article 3 of the Convention. The Committee notes the Government's statement in its report that work is generally evaluated by means of a classification of activities according to relatively broadly defined characteristics. A central criterion for classification in collective agreements for manual workers is the extent of specialised knowledge; essential criteria in collective agreements for employees include responsibility and independence. Since the entry into force of the Equal Treatment Act sex-specific designations of activities have been eliminated. Therefore, the Government considers that no distinction is made at this level, but that it is impossible to provide direct and objective evidence of the extent to which the social values implicit in the method of evaluation are influenced by the fact that certain activities are performed mainly (or exclusively) by women or men, since objective criteria are lacking. The "value" of certain work is thus primarily a social matter, which cannot be determined by "objective" measurements or evaluation procedures.

The Committee refers to its 1986 General Survey on Equal Remuneration and in particular to paragraphs 65 and 70 thereof, which provide examples of measures which may be taken to avoid the possibility that job requirements laid down in neutral language will in fact maintain discrimination based on sex. Thus, where classification systems based on collective agreements de facto affect the employees of one sex in a discriminatory manner, the social partners may be called upon to change and develop them so as to make them correspond better to the objectives of equality. As the Committee pointed out in paragraph 256 of its 1986 General Survey, particular difficulties for job evaluation are experienced in areas where men and women are in practice segregated into different occupations, industries and specific jobs within enterprises. This is the result of strongly entrenched historical and social attitudes. For the most part, the jobs in which women are predominantly employed tend to pay less than those held primarily by men. By adopting non-discriminatory evaluation criteria and applying them in a uniform manner, differences in wages resulting from traditional stereotypes with regard to the value of "women's work" are likely also to be reduced. In these cases, it is essential to ensure equal remuneration in an industry employing mostly women by having reference to a basis of comparison outside the limits of the establishment or enterprise concerned.

The Committee requests the Government to communicate any information on the measures taken or under consideration to promote, in co-operation with employers' and workers' organisations, the determination of remuneration on the basis of an objective appraisal of jobs.

4. With reference to its earlier comments relating to a bill to protect remuneration and invalidate provisions of collective agreements or individual contracts fixing different rates of remuneration on the basis of sex, the Committee requests the

Government to provide information on any measures adopted or contemplated in this field.

Referring further to section 2 of the 1979 Act prohibiting discrimination in the fixing of remuneration, the Committee requests the Government to provide detailed information on court decisions handed down following complaints of alleged discrimination, including copies of judgements.

Canada (ratification: 1972)

1. The Committee notes with satisfaction, from the detailed information supplied by the Government in its reports for 1985 and 1986 and from the attached documents, that further progress has been achieved, both at the federal and the provincial levels, in the implementation of the principle of equal remuneration with the adoption of new statutory instruments and various practical measures.

With regard to the federal jurisdiction, the Committee notes in particular the adoption of the Employment Equity Act, 1986, to remove employment barriers and to contribute to the promotion of the equal remuneration principle. It also notes that revised Equal Wages Guidelines applying section 11 of the Canadian Human Rights Act, have been adopted in 1986 to include criteria for determining equal value of work and methods for applying them as well as procedures for investigation and settlement of individual and group complaints.

Concerning the provincial jurisdiction, the Committee notes with satisfaction the adoption in Manitoba of the Pay Equity Act, 1985, which establishes the objects and purposes of the principle of pay equity regardless of gender in both the public and private sectors and includes criteria determining the equal value of work.

The Committee also notes that in the Yukon Territory the Employment Standards Act, which contains equal pay provisions, has been put in effect in 1985 as well as the Human Rights Act in British Columbia. The Committee observes that section 7 of the latter Act provides for equal pay between men and women for similar or substantially similar work and that in New Brunswick the inclusion in the Employment Standards Act of provisions dealing with equal pay has been delayed because of continuing study and debate over the entire issue of equal pay for "equal work" and equal pay for work of "equal value".

The Committee hopes that, in adopting or revising legislation on pay equity, account will be taken of the principle of equal remuneration for work of equal value as provided for by the Convention and that the Government will continue to supply information on any new development in this field. In this connection, the Committee noted with interest the Court decision of 17 February 1984 recognising for the first time in Quebec that different work performed by men and women may be of equal value, in accordance with the provisions of the Convention.

2. The Committee notes with interest the publications and the promotional activities of the Canadian Human Rights Commission as well as the establishment, in 1984, of an Equal Pay Programme at the Federal level aiming to enhance voluntary employer compliance with the

equal pay for work of equal value provisions. The Committee also notes the action taken in this field by the Federal Women's Bureau of Labour as well as the promotional activities in the equal pay field of the Human Rights Commissions and the Women's Bureaux or Directorates established in the various provinces; it notes the setting up of a Pay Equity Bureau in Manitoba and of an Equal Pay Directorate in the Northwest Territories to encourage public and private sector employers and employees to implement the pay equity principle and to assist them in any such undertaking.

The Committee also notes with interest the information concerning the consultations with the representatives of employers' and workers' organisations to develop policies and programmes and to ensure compliance with equal pay provisions. It also notes the information on the procedure established in Quebec for the identification of discriminatory clauses in collective agreements and the results obtained.

With regard to the reduction of the differentials between wage rates for men and women workers, the Committee notes from the statistical data provided in the 1986 Government's report that the earnings position of women relative to men improved slightly in 1983 and 1984.

The Committee hopes that the Government will continue to supply information on the action taken and the results achieved with regard to the promotion and the application of the equal pay principle for work of equal value, together with statistical data showing any progress made in reducing wage differentials between men and women doing work of equal value.

Denmark (ratification: 1960)

Referring to its previous comments, the Committee notes with satisfaction the entry into force on 1 March 1986 of Act No. 65 of 19 February 1986 amending section 1 of the Equal Remuneration (Men and Women) Act, 1976, by providing that an employer who has engaged men and women shall pay them equal remuneration, including equal pay conditions, for the same work or work which is given the same value.

Jamaica (ratification: 1975)

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

The Committee notes from the Government's report received in 1984 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.

Sweden (ratification: 1962)

The Committee notes with interest, from the detailed information and the documents supplied by the Government in its reports (for the periods ending June 1985 and 1986) that further progress has been achieved in the implementation of the principle of equal remuneration between men and women for work of equal value and that a number of equal opportunities agreements, including provisions for equal pay, have been concluded between the central employers' and workers' organisations, under the Equal Opportunities Act. These collective agreements apply to all workers in the private and public sectors.

The Committee notes, in particular, the adoption in 1984, of the Ordinance on Equal Opportunities in the National Government Service, as well as the conclusion of co-determination agreements for the national government sector and for the municipal authorities and the county councils, which include common rates of pay for both sexes.

The Committee notes, with interest, the information supplied in the above-mentioned reports on the activities of the Equal Opportunities Commission and the Equal Opportunities Ombudsman. It also notes that seminars on pay discrimination have been organised, in September 1986, by the Commission of Research on Equality between men and women, under the Ministry of Labour, and, in November 1986, jointly by the Government Employees' Section of the Swedish Central Organisation of Salaried Employees, the Federation of Salaried Local Government Employees and the Federation of Salaried Employees in Industry and Services.

The Committee requests the Government to continue supplying detailed information on any further progress made with regard to the promotion of the application of the principle of equal remuneration, to all workers, as provided for by the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Austria, Benin, Canada, Central African Republic, Comoros, Denmark, Ecuador, Federal Republic of Germany, Ghana, Iraq, Jamaica, Jordan, Libyan Arab Jamahiriya, Nicaragua, Panama, Sudan, Swaziland, Sweden, Syrian Arab Republic, Venezuela, 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.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Comoros, Costa Rica, Ecuador, Sierra Leone.

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

Convention No. 102: Social Security (Minimum Standards), 1952

Federal Republic of Germany (ratification: 1958)

Part XIII (Common Provisions), Article 69(i) of the Convention. Referring to its previous observations, the Committee takes note of the revision of paragraphs 1, 3, 5 and 6 of section 116 of the Employment Promotion Act concerning the suspension of unemployment benefits in cases of labour disputes. It has also taken note of the observations made by the German Confederation of Trade Unions (DGB) within the framework of Convention No. 87 and of the reply of the Government. Since Article 69(i) provides that unemployment benefit may be suspended in particular when the person concerned has lost his employment as a direct result of a stoppage due to a trade dispute, the Committee would be grateful if the Government would provide information on the implementation of the amended provisions of section 116 of the Employment Promotion Act, including in particular examples of cases in which this provision has been applied.

Niger (ratification: 1966)

1. Part VII of the Convention (family benefit), Article 43 (length of qualifying period). In reply to the previous comments of the Committee, the Government states that, in view of the current economic crisis, it considers that the maintenance of the six-month qualifying period is more beneficial to the workers. It adds that the legislation could only be amended on this point when this is permitted by the economic situation. The Committee notes this information. While being fully aware of the difficult economic conditions prevailing in the country, the Committee is bound to recall that under this provision of the Convention, the qualifying period for entitlement to family benefit may not exceed either three months of contribution or employment or one year of residence. The Committee consequently hopes that the Government will be in a position in its next report to indicate the measures taken or contemplated to reduce

to three months the present qualifying period, which currently consists of six consecutive months of work with one or several employers. (Sections 5 and 8 of Decree No. 65-116 of 18 August 1965).

2. Part XIII (common provisions), Article 69(b) (in conjunction with Articles 30 and 38). The Committee notes with interest the Government's statement to the effect that the dependants of an insured person who is in prison receive the whole amount of the pension. The Committee requests the Government to transmit the text of any provisions (legislation, regulations or other provisions) which are applicable in this respect.

3. Part XIV (miscellaneous provisions), Article 76(a) (in conjunction with Article 44). The Committee notes with interest the information supplied by the Government with regard to changes in the numbers of beneficiaries and dependent children, together with the statistics appearing in the reports of the National Social Security Fund. The Committee notes, however, that the information supplied is not sufficient for it to assess whether the total value of family benefits provided reaches the level prescribed by the Convention. It therefore requests the Government to supply with its next report the following statistical information: (a) the total value of the benefits in kind and in cash granted in respect of the children of persons protected; (b) the total number of children of persons protected or the total number of children of all residents (according to whether clause (a) or (b) of Article 44 is used); (c) the value of the wage of an ordinary adult male labourer as determined in accordance with the rules laid down in Article 66 of the Convention.

(b) (In conjunction with Article 65). Since the statistics supplied by the Government in its report do not make it possible to assess whether the amount of old-age, employment injury and maternity benefits reach the level prescribed by the Convention, the Committee once again requests the Government to supply the statistics called for under Article 65 in the report form adopted by the Governing Body with regard to these categories of benefits.

Furthermore, the Committee would be grateful if the Government would supply information with regard to a point that it raises in a request addressed directly to the Government.

* * *

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

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

Convention No. 103: Maternity Protection (Revised), 1952

Ecuador (ratification: 1962)

1. (a) With reference to its previous observations, the Committee has noted from the information communicated by the

Government to the Conference Committee in 1986 and in its last report that it is still its intention to amend sections 153 to 156 of the Labour Code so as to bring the national legislation into full conformity with the Convention, and that it has already undertaken tripartite consultations to this end. Since this question has been the subject of comments for many years and draft amendments of the above-mentioned sections of the Labour Code were already drawn up in 1980 on the occasion of the direct contacts carried out, in the framework of the countries of the Andean Group, between a representative of the Director-General of the ILO and the competent national services, the Committee can only once again express the hope that the amendments to the relevant provisions of the Labour Code will be adopted soon so as to ensure the application of the following provisions of the Convention: Article 3 (paragraphs 2 and 3): Under section 153 of the Labour Code the pre-natal maternity leave is two weeks and the post-natal leave is six weeks, a total of eight weeks, whereas according to these provisions of the Convention the duration of maternity leave must be at least 12 weeks of which six weeks must be taken after confinement; Article 3 (paragraph 4): the national legislation does not contain a provision according to which, in accordance with this provision of the Convention, the pre-natal leave must be extended until the actual date of confinement and the period of compulsory leave to be taken after confinement must not be reduced when confinement takes place after the presumed date; and Article 5 (paragraph 2): the national legislation does not contain a provision stipulating expressly that interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly, in accordance with this provision of the Convention.

(b) As regards Article 4 (paragraph 1) the Committee hopes that when the above-mentioned sections of the Labour Code are revised the period during which cash and medical benefits are provided will be extended so as to coincide with the period of the maternity leave and any additional leave due as a result of illness arising out of pregnancy or confinement or error in estimating the date of confinement, both for women workers covered by the compulsory social insurance scheme, including domestic workers, and for women workers covered by the peasants' social insurance scheme.

2. The Committee has noted the information communicated by the Government in its report concerning the coverage of women home workers. It has also noted with interest the adoption of Legislative Decree No. 21 of 1986 reforming the Compulsory Social Insurance Act and of the Act extending the peasants' social insurance. It requests the Government to continue to provide information on any further extension of the social insurance scheme so as to cover all the categories of women workers referred to in Article 1 of the Convention. The Committee also requests the Government to provide, as far as possible, statistics on the number of women workers covered both by the compulsory insurance scheme and by the peasants' social insurance scheme throughout the country, and on their percentage in relation to the women workers of the country as a whole.

* * *

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

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

A request regarding certain points is being addressed directly to Guinea-Bissau.

Convention No. 105: Abolition of Forced Labour, 1957

Afghanistan (ratification: 1963)

Article 1(a) of the Convention. In comments made for a number of years, the Committee has noted that prison sentences involving an obligation to perform labour may be imposed under the following provisions of the Penal Code:

- (a) sections 184(3), 197(1)(a) and 240, concerning, inter alia, the publication and propagation of news, information, false or self-interested statements, biased or inciting propaganda concerning internal affairs of the country which reduces the prestige and standing of the State, or for the purpose of harming public interest and goods;
- (b) sections 221(1), (4) and (5) under which a person who creates, establishes, organises or administers an organisation under the name of party, society, union or group with the aim of disturbing and nullifying one of the basic and accepted national values in the political, social, economic or cultural spheres of the State, or makes propaganda for its extension or attraction to it, by whatever means it may be, or who joins such an organisation or establishes relations, himself or through someone else with such an organisation or one of its branches.

In its latest report, the Government expresses the view that corrective labour imposed on a person sentenced under the Penal Code to a medium or long-term sentence is not in contravention of Convention No. 105, if it complies with the conditions laid down in Article 2(2)(c) of Convention No. 29. This corrective labour is to make the person gainfully occupied so as to keep him psychologically and physically fit and to transform him into a worthy citizen useful to the family and society after leaving prison with the training received there.

The Committee once more refers to the explanations provided in paragraphs 102-109 of its 1979 General Survey on the Abolition of Forced Labour, where it pointed out 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. In most cases, labour imposed on persons as a conviction in a court of law will have no relevance to the application of Convention No. 105; however, if a person is in any

way forced to perform labour, including prison labour, in one of the five cases enumerated in Article 1 of Convention No. 105, the situation is covered by the Convention. Furthermore, in the case of persons convicted for expressing certain political views, an intention to reform or educate them through labour would in itself be covered by the express terms of Article 1(a) of the Convention, which applies, inter alia, to any form of compulsory labour as a means of political education.

The Committee hopes that the Government will re-examine the penal provisions referred to in the light of the Convention and that pending the adoption of measures to amend the legislation, the Government will supply information on its application in practice, including the number of convictions and copies of judicial decisions made under the provisions referred to.

A number of related questions are raised in a direct request addressed to the Government.

Article 1(b). In its previous observation, the Committee requested the Government to indicate whether labour battalions have been definitely abolished or whether the use of conscripts for economic development purposes has been temporarily suspended. In the absence of a reply, the Committee again expresses the hope that the Government will supply the necessary information, including copies of any legislation, regulations or instructions adopted in this connection.

Algeria (ratification: 1969)

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

Article 1(a) of the Convention. In comments 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, and that section 23 of the Ordinance provides that 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 reformed 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 notes the statement by the Government that it is obvious that prison work applies only to common criminals as part of their re-education, training and social development.

The Committee points out 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.

Noting the statement by the Government that forced labour has not been imposed on anybody under the provisions of the above-mentioned Ordinance No. 71-79, the Committee asks the Government to indicate the measures taken to give effect to the Convention, either by amending the basic provisions of Ordinance No. 71-79 or by exempting from prison labour persons sentenced for infringements of this Ordinance or, more generally, for offences of a political nature provided that they have not committed acts of violence.

Angola (ratification: 1976)

Article 1(c) and (d) of the Convention. The Committee has pointed out in earlier comments that under title I of Act No. 11/75 of 15 December 1975 sentences of imprisonment in a production camp can be inflicted for various breaches of labour discipline, including failure to use the means of production, passive resistance to work, exceeding the time allowed to union committees and union delegates for performing union activities during working hours, the paralysis of work and strikes not called by the unions or workers' committees and any other acts seriously harmful to the production process, including any bargaining on wages carried out in the face of the prohibition laid down by the Order of 30 June 1976 to suspend all bargaining on wages. In the absence of explanations by the Government, the Committee understands that the provisions of title I of Act No. 11/75 of 15 December 1975, as amended by Act No. 6/82 of 13 February 1982, providing for the imposition of penal sanctions involving compulsory labour for breaches of labour discipline and participation in strikes, remain in force.

The Committee notes the statement by the Government that the examination of these comments has begun. Referring to the statement of the Government representative to the Conference Committee in 1984 that the necessary explanations, or indeed new texts amending the legislation, would be communicated within a short period, the Committee trusts that measures will be taken rapidly to bring the provisions of title I of Act No. 11/75 into conformity with the provisions of Article 1(c) and (d) of the Convention and that the Government will indicate any action undertaken for this purpose.

Bangladesh (ratification: 1972)

Article 1(c) and (d) of the Convention

1. In its previous comments, the Committee observed that under sections 101 and 102 of the Merchant Shipping Act, 1923, seamen could be forcibly conveyed on board ship to perform their duties, and under sections 100 and 103(ii), (iii) and (v) various disciplinary offences by seamen, concerning cases where life, health or safety are not endangered, were punishable with imprisonment which may involve an

obligation to work. The Committee noted from the Government's report for the period ending 30 June 1980 that the revision of the Merchant Shipping Act, 1923, was expected to cover Article 1(c) and (d) of the Convention.

The Committee notes with regret that the Bangladesh Merchant Shipping Ordinance, 1983, which has repealed the 1923 Act, again provides in sections 198 and 199 for the forcible conveyance of seamen on board ship to perform their duties, and in sections 196, 197 and 200(iii), (iv), (v), (vi) for the punishment, with imprisonment which may involve an obligation to work, of various disciplinary offences in cases where life, safety or health are not endangered. The Committee therefore is bound to request the Government to review the Ordinance adopted in 1983 and to indicate the measures taken or contemplated to bring it into conformity with the Convention.

2. A certain number of other legislative texts which call for comment under Article 1(a), (c) and (d) of the Convention are again dealt with in a direct request to the Government.

Central African Republic (ratification: 1964)

The Committee notes the information communicated by the Government to the Conference Committee in 1986 and also the report supplied by the Government.

Article 1(a) of the Convention. With reference to the comments it has been making for many years, the Committee observes that sentences of imprisonment involving compulsory labour can be imposed by virtue of the following legislative provisions:

- Act No. 63/411 of 17 May 1963 (political activity undertaken outside the national movement "MESAN");
- Act No. 60/169 of 12 December 1960 (distribution of publications that have been banned as likely to be prejudicial to the building of the African nation);
- Order No. 3-MI of 25 April 1969 and Decree No. 70/238 of 19 September 1970 (distribution of newspapers or foreign news not approved by the censor).

The Committee has noted the information given by government representatives to the Conference Committee in 1982 and 1985 respectively to the effect that a draft Ordinance and a draft Decree were before the Minister of Justice and that the legislative amendments had been adopted by the National Legislative Committee and would be signed by the Chief of State in the near future.

The Committee notes the statements by the Government in its report for the period ending 30 June 1986 that the draft Ordinance and draft Decree that have been in question since 1982 have been examined by the National Legislative Committee and are now before the Council of Ministers for possible adoption. It also notes from the report of the Government that the provisions of Act No. 63/411 of 17 May 1962 have fallen into abeyance following the dissolution of the MESAN.

The Committee trusts that the Government will be able in the very near future to state that the necessary measures to ensure the observance of the Convention have been taken and that the relevant

texts, including those relating to the dissolution of the MESAN will be supplied.

Cuba (ratification: 1958)

The Committee takes note of Act No. 49 of 28 December 1984 to issue the Labour Code.

Article 1(c) of the Convention. In its earlier observations, the Committee has referred to section 262 of the Penal Code, under which sentences of imprisonment, involving the obligation to work, may be imposed on a person who, by breach of the duties placed on him by his office, employment, occupation or profession in a state economic unit (particularly of his duties relating to the observance of the standards or standard-setting instructions and other rules and instructions concerning technological discipline), causes harm or substantial prejudice to the production output or to the rendering of services by the unit or to its equipment, machines, machinery, tools or other technical devices. The Committee has pointed out that this section is not confined to breaches of labour discipline that impair or may endanger the operation of essential services or that are committed in jobs essential to safety or in circumstances in which the life or health of persons is threatened, and that the harm or prejudice that gives rise to the penalty involving the obligation to work is a consequence of a breach of duties imposed by virtue of the office, employment, occupation or profession. The Committee has thus found the section in question to be incompatible with the Convention.

The Committee takes note of the statement by the Government in its report to the effect that the determining element in assessing the offence is the result of the damage, which must be considerable. The Government adds that in assessing the penalty the tribunal takes into account, as provided in section 48 of the Penal Code, the gravity of the infraction, the ease with which its commission might have been foreseen or avoided and the fact that the offender has or has not already committed an offence through carelessness.

The Committee also takes note of the sentences furnished by the Government, which have been passed by virtue of section 262 and which impose fines on the persons found guilty of infringing section 262.

The Committee observes from the sentences furnished that in practice the infringement of section 262 is punished by sentences of fines and compensation; the Committee observes nevertheless that the present wording of section 262 provides for the penalty of imprisonment, involving compulsory labour, for which reason the text itself contains provisions contrary to the Convention.

The Committee asks the Government to indicate the measures taken or under consideration to ensure that the wording of section 262, in respect of the sentences referred to, does not provide for the possibility of inflicting sentences involving the obligation to work on persons who damage the property of an economic unit through carelessness.

The Committee asks the Government to inform it of the progress made to this end.

Dominican Republic (ratification: 1958)I. Employment of labour for work
on sugar plantations

The Committee notes the information given to the Conference Committee in 1986 and further information communicated in July 1986 in reply to observations made by the Central Unitaria de Trabajadores (CUT) with respect to the manner of engagement of workers for work in the 1985-86 sugar-cane harvest.

The Committee notes that the previous arrangements for the recruitment of workers in Haiti for work in the sugar harvest on state-owned plantations have now ceased. It requests the Government to provide information on the arrangements now in operation for engaging the labour required for the sugar-cane harvest.

In so far as these arrangements involve the employment of seasonal workers coming from Haiti, the Committee would appreciate information on any measures taken with a view to implementing the recommendations made in paragraphs 522 and 526 of the report of the Commission of Inquiry established under article 26 of the ILO Constitution, namely:

- (a) to establish placement offices at appropriate locations where such workers seeking employment in the Dominican sugar harvest may be hired, given a medical examination and issued with the necessary documentation;
- (b) to determine the number of workers whose engagement by the various employers would be authorised;
- (c) to issue permits to the workers concerned authorising their stay and employment;
- (d) to provide clear information to the workers concerned on their conditions of work, by means of individual contracts of employment or a written statement of their conditions of employment (which should also be available in Creole);
- (e) to arrange for the transport of the workers concerned to their place of employment.

The Committee also requests the Government to provide further information on the action taken and the results obtained in connection with the recommendations made by the Commission of Inquiry in the following paragraphs of its report:

paragraph 516 - measures to stabilise the labour force on the Dominican sugar plantations, as far as possible;

paragraph 527 - measures to regularise the status of Haitians who have lived and worked in Dominican Republic for a given period of time;

paragraph 544 - action by the labour inspection services of the Ministry of Labour with a view to ensuring the observance of labour laws and of workers' rights on the sugar plantations (including particulars of inspections carried out in that sector, complaints and irregularities investigated, and sanctions imposed).

II. Other matters

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 Government had previously indicated that the Committee's comments on this matter would be taken into account in the revision of national legislation. The Committee accordingly hopes that measures will be adopted in regard to the provisions in question 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 notes the Government's statement, in the Conference Committee in 1986, that these provisions had fallen into disuse. It observes, however, that in a case examined by the Committee on Freedom of Association in 1984 (Case No. 1179) the Government had invoked certain of these provisions. It therefore once more expresses the hope that, in order to avoid any uncertainty on the matter, measures will be taken to repeal or amend the provisions in question to ensure conformity of the legislation with the Convention.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Ecuador (ratification: 1962)

The Committee notes the report of the Government.

Article 1(c) and (d) of the Convention

1. In comments that it has been making for some years, the Committee has referred to Decree No. 105 of 7 June 1967, under which sentences of imprisonment of from two to five years can be imposed on any person who foments, or takes a leading part in, a collective work stoppage. The sentence laid down by the Decree for a person who participates in a work stoppage without fomenting or taking a leading part in it, is correctional imprisonment of from three months to one year. For the purposes of this provision "there is a work stoppage when a collective cessation of activity, the imposition of a lock-out outside the cases permitted by law, the paralysing of ways of communication and similar anti-social acts occur". The penalties of imprisonment involve compulsory labour by virtue of sections 55 and 66 of the Penal Code.

The Committee notes the indication by the Government in its report that Decree No. 105 protects the public peace and that the stoppages covered by Decree No. 105 are different from the strikes covered by the Labour Code.

The Committee notes the conclusions adopted by the Committee on Freedom of Association in its 248th report, approved by the Governing

Body at its 235th Session in March 1987, Case No. 1381, in which that Committee points out that under Ecuadorian legislation, strikes can be punished very severely, particularly by virtue of Decree No. 105. In its recommendations (paragraph 420) the Committee on Freedom of Association points out that strikes are one of the essential means of action that must be available to workers' organisations and asks the Government to repeal Decree No. 105.

The Committee recalls that Decree No. 105 has been the subject of the Committee's comments for a number of years, that the Government has stated Decree No. 105 to have fallen into disuse, and that the Committee had noted with interest in 1981 that draft legislation had been elaborated to repeal the Decree. It also recalls that sentences of imprisonment imposed for participation in strikes are contrary to the Convention, so far as they involve compulsory labour.

The Committee again expresses the hope that the Government will take the necessary measures to ensure that no sentence involving compulsory labour can be imposed for participation in a work stoppage or strike. The Committee therefore asks the Government to take the necessary measures to repeal or amend Decree No. 105 and so bring the legislation into conformity with the Convention on this point.

2. In previous years, the Committee has commented on section 165 of the Maritime Police Code, which prohibits crew members of an Ecuadorian vessel from disembarking in any port other than the port of embarkation except with the agreement of the master; it also provides that if a crew member deserts he shall forfeit his pay and pack to the vessel and that if he is captured he shall pay the cost of his arrest and be punished in accordance with the navy regulations in force. In its previous observation, the Committee took note with interest of the statement by the Government recognising the desirability of amending this provision so as to bring it into harmony with the Convention.

The Committee observes that the Government in its last report again refers to the possibility of amending the provision with a view to ensuring the full freedom of the worker to leave his employment. The Committee hopes that section 165 of the Maritime Police Code will be brought into conformity with the Convention in the near future and would be grateful if the Government would indicate the measures taken for the purpose.

3. The Committee is addressing a direct request to the Government on certain provisions of the Penal Code, under which sentences of imprisonment may be imposed for the expression of certain opinions hostile to the established regime and for breaches of labour discipline.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Egypt (ratification: 1958)

Article 1(d) of the Convention

1. Further to its previous comments, the Committee notes with satisfaction that Act No. 194 of 1983 repealed Legislative Decree No. 2 of 1977, section 7 of which punished with hard labour for life

all wage earners who intentionally stopped work together, if the strike endangered the national economy.

2. In previous comments, the Committee also referred to sections 124, 124(a), 124(c) and 374 of the Penal Code, under which strikes by any public employees may be punished with imprisonment. The Committee noted that the maximum penalty is one year of imprisonment under section 124 and two years under section 124(a), which also apply in conjunction with sections 124(c) and 374, and that under section 19 of the Code, imprisonment with labour will be imposed in all cases where persons are sentenced to imprisonment for one year or more. The Committee expressed the hope that measures would be taken in this connection to ensure the observation of the Convention. In its latest report, the Government indicates that there is at present in the country no legal provision prohibiting strikes. The Committee requests the Government to indicate whether the sections of the Penal Code referred to have been repealed or amended and to supply a copy of the amending legislation.

3. The Committee previously expressed the hope that measures would be taken to ensure the observance of the Convention in respect of sections 13(5) and 14 of the Maintenance of Security, Order and Discipline (Merchant Navy) Act, under which sentences of imprisonment involving the obligation to work can be imposed on seamen who together commit repeated acts of insubordination. In this connection, the Committee pointed out that Article 1(c) and (d) of the Convention prohibits the imposition of forced or compulsory labour as a means of labour discipline or as a punishment for having participated in strikes, but authorises such punishments in cases of insubordination that endanger or are likely to endanger the safety of the vessel or the life of the persons on board. The Committee notes from the Government's report that the Committee's comments have been transmitted to the competent authorities with a view to changing all the provisions in question to ensure the compliance with the Convention. The Committee requests the Government to supply information on the measures taken.

Article 1(a)

4. In comments made for many years, the Committee referred to a number of provisions of the Penal Code and other enactments governing the press, associations, meetings and political parties, under which persons may be punished with imprisonment involving compulsory labour for activities falling within the scope of Article 1(a) of the Convention. The Committee noted the indication by the Government that political prisoners are not obliged to work but may work if they so request and will in that case be remunerated. In 1984, noting the Government's statement that it had begun to re-examine the various texts referred to, the Committee asked for further details on the legislative revision in question and for copies of any enactment granting political prisoners a particular status exempting them from the obligation to perform labour.

In its latest report, the Government indicates that political prisoners are subject to the same provisions as prisoners in general, i.e. the 1956 Act on the Prisons Organisation, and that there are at

present no political prisoners in the country. As regards the provisions of the Penal Code and other enactments commented upon previously, the Government understands that the penalty of imprisonment with compulsory labour is at issue, and explains that the aim of the penalty is not forced labour, but the re-education of the prisoner with a view to enabling him to acquire occupational experience and qualifications subject to equitable remuneration so that after liberation he may become a useful healthy citizen and not a citizen mentally disturbed by his detention.

The Committee takes due note of these indications. It refers to paragraphs 102-109 of its 1979 general survey on the abolition of forced labour, where it indicated that in most cases, labour imposed on persons as a consequence of a conviction in a court of law will have no relevance to the Convention; on the other hand, if 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 situation is covered by the Convention. 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, in the case of persons convicted for expressing certain political views, an intention to reform or educate them through labour would in itself be covered by the express terms of the Convention, which applies *inter alia*, to any form of compulsory labour as a means of political education.

In order to bring penal legislation falling within the scope of Article 1 into conformity with the Convention, measures may be taken either to redefine the punishable offences so as to remove them from the purview of Article 1, or to modify the nature of the penalty, e.g. by replacing imprisonment with fines, or by granting prisoners convicted of certain offences a special status, under which they are free from prison labour imposed on common offenders, but allowed to work on their own initiative. The Committee hopes that, having regard to the Government's indications concerning actual practices, a solution will be found to bring the law into conformity with the Convention. It again addresses a direct request to the Government concerning the various legislative provisions at issue.

El Salvador (ratification: 1958)

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

1. Article 1(a) of the Convention. In its previous comments the Committee had referred to a series of provisions in the Penal Code that allow the imposition of sentences involving compulsory labour under section 49 of the Act concerning the organisation of prisons and rehabilitation centres for activities relating to the expression of political opinion or of opposition to the established system, which is contrary to the provisions of the Convention. The provisions in question are the following:

Section 376, subsections 2 and 3, on associations whose aims are teaching or disseminating or propagating doctrines that are anarchical

or contrary to democracy. Section 377, under which imprisonment may be imposed on any person who promotes, establishes, organises or directs sections or branches of foreign organisations or bodies advocating doctrines that are anarchical or contrary to democracy and on those taking part in such sections or branches.

Section 378, punishing those who disseminate or propagate doctrines that are anarchical or contrary to democracy. Section 379, concerning the possession of subversive material (printed matter, tapes, photographs or films) serving for the dissemination of the doctrines mentioned in the preceding section. Section 380, concerning persons who co-operate in subversive propaganda, and Section 407, concerning participation in associations existing for the purpose of committing an offence.

The Committee takes note of the promulgation of Decree No. 50 of 24 February 1984, the Act on the criminal procedure applicable on the suspension of constitutional guarantees. The Committee notes that this Act lays down that persons charged with committing offences against the legal personality of the State shall be judged by military courts (sections 373 to 380) if the constitutional guarantees are suspended. The offences laid down in the Code of Military Justice also come within the competence of these courts. The Committee notes from the report of the Government that forced labour is not imposed on political offenders coming under military jurisdiction. The Committee points out, however, that the Act concerning the organisation of prisons does not provide for the exemption from prison labour of those sentenced for political offences.

The Committee requests the Government for information on the practical application of Decree No. 50, particularly in respect of the number of sentences pronounced by the military courts under the sections of the Penal Code which have been the subject of comments by the Committee for some years, and to supply a copy of any particularly relevant sentences. Since the suspension of the constitutional guarantee has been extended for several years, the Committee requests the Government to take the necessary measures to ensure the observance of the Convention in respect of the imposition of forced labour as a punishment for holding or expressing certain political opinions and to inform it of the progress made to this end.

2. Article 1, (c) and (d). In its previous comments the Committee had referred to section 291 of the Penal Code, under which penalties of imprisonment involving compulsory labour may be imposed 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 workers in a public utility undertaking or service who stop or suspend the service without just cause so as to disturb its regular operation.

The Committee takes note of the statement by the Government to the effect that the only case in which this section has been applied was that of the trade unionists of the River Lempa Hydro-electric Board in 1980, who were involved in the interruption of the power supply that endangered national security. The Committee observed that these persons were placed at the disposal of the military justice under the provisions of the Code of Military Justice.

The Committee observes once more that provisions imposing restrictions on the peaceful exercise of the right to strike and those referring to labour discipline are contrary to the Convention when they impose penalties involving the obligation to work, and that only strikes in essential services in the strict sense of the term fall outside the scope of the Convention, that is to say, services whose interruption would endanger the life, personal safety or health of the whole or part of the population.

The Committee requests the Government to take the necessary steps to ensure that sentences involving the obligation to work cannot be imposed as a punishment for having participated in strikes or for breaches of labour discipline.

The Committee requests the Government to supply a copy of the Code of Military Justice.

Guatemala (ratification: 1959)

The Committee notes the report of the Government and the information furnished by the Government to the Conference Committee in 1986.

Article 1(a), (c) and (d) of the Convention

In comments that it has been making for some years, the Committee has pointed out that, by virtue of various provisions, sentences of imprisonment involving the obligation to work can be imposed as a punishment for expressing certain political opinions, as a measure of labour discipline or for participation in strikes. The sentences of imprisonment involve compulsory labour by virtue of section 47 of the Penal Code.

The provisions that have been the subject of comments are the following:

- Section 396 of the Penal Code: "Any person who foments the organisation or operation of associations that act in accordance with, or obedience to, international bodies propounding the communist ideology or any other totalitarian system, or that are intended to commit offences, or who takes part in such organisation or operation, shall be punished with imprisonment of from two to six years".
- Legislative Decree No. 9 of 10 April 1963, under which sentences of imprisonment of from two to ten years can be imposed:
 - (a) on persons who participate in the organisation or operation of bodies of communist ideology in the national territory, or who maintain links with countries of the communist bloc or who belong to or register with communist parties or similar groups (sections 2, 3 and 7);
 - (b) persons who issue communist propaganda or act as agents of communist organisations (sections 4, 5 and 6, subsection 2).
- Section 419 of the Penal Code: "A public servant or employee who fails or refuses to carry out or delays in carrying out an act appropriate to his duty or post shall be punished with imprisonment of from one to three years".

- Section 390, subsection 2, of the Penal Code, under which a penalty of imprisonment of from one to five years can be imposed *inter alia* on any person who carries out acts intended to paralyse or perturb undertakings contributing to the economic development of the country, with no indication that such acts involve the use of violent methods.
- 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, shall be punished with imprisonment of from six months to two years. If the abandonment is prejudicial to the public interest or if the persons concerned are the chiefs, fomenters or organisers of the concerted abandonment the penalty shall be doubled".

The Committee notes the statement by the Government in its report that, since section 46 of the Constitution lays down the general principle that, in respect of human rights, treaties and conventions accepted and ratified by Guatemala have precedence over domestic law, any domestic text that conflicts with, limits or restricts in whole or in part the provisions of international labour Conventions is ipso jure null and void.

The Committee observes that the incorporation in national law of ratified Conventions is not sufficient to make them effective for the purposes of article 19, paragraph 5(d), of the Constitution of the ILO, according to which a State ratifying a Convention will take such action as may be necessary to make effective the provisions of the Convention. Where the provisions are not self-executing, specific action must be taken at the national level to implement them. Such measures are particularly necessary when a legislative text subsequent to ratification introduces standards that are incompatible with those of the ratified Convention. Lastly, even where the incorporation in domestic law of a ratified Convention entails the implied repeal of previous legislation, it is desirable that suitable measures should be adopted with a view to informing all those concerned of the amendments introduced and to avoiding all uncertainty in respect of the legal situation.

Since these matters have been the subject of comments for some years, the Committee asks the Government to take the necessary measures as rapidly as possible to ensure that penalties of imprisonment involving compulsory labour shall not be imposed for the expression or demonstration of political opinions contrary to the established order, or for participation in strikes or as a punishment for breaches of labour discipline.

Haiti (ratification: 1958)

The Committee notes the information given by a Government representative to the Conference Committee in 1986, that all recruitment of Haitian workers for work in the Dominican Republic had been prohibited that year. It also notes the statement made in October 1986 by the Minister of Social Affairs to an ILO mission, that

it was not intended to organise any migration of Haitian workers for seasonal work in the sugar cane harvest in the Dominican Republic.

In the circumstances, the principal question raised in earlier observations (namely, the association of the Haitian authorities in measures of coercion to oblige Haitian workers recruited for harvest work in the State-owned sugar plantations of the Dominican Republic to remain at their place of work throughout the period of the harvest) no longer calls for comment.

The Committee would however appreciate information on any arrangements which now exist to enable representatives of the Haitian Government to be informed of conditions of Haitian nationals working in the Dominican Republic and to intervene for the protection of the rights and interests of such workers, particularly as regards free choice of work.

Ireland (ratification: 1958)

Article 1(c) and (d) of the Convention. In comments made since 1963, the Committee pointed out that under sections 221 and 225(1)(b) and (c) of the Merchant Shipping Act, 1894, certain disciplinary offences by seamen are punishable with imprisonment (involving, under section 42 of the Rules for the Government of Prisons, 1947, an obligation to work), and that under sections 222, 224 and 238 of the Merchant Shipping Act, seamen absent without leave may be forcibly conveyed on board ship. The Committee likewise pointed out that section 16 of the Conspiracy and Protection of Property Act, 1875, deprives seamen of immunity from criminal liability for conspiracy in respect of acts in contemplation of or furtherance of trade disputes, and that under section 225(1)(e) of the 1894 Act it is an offence, punishable by imprisonment (involving an obligation to work), for seamen to combine to disobey lawful commands or to neglect duty.

The Committee also noted the Government's indications over a number of years that there had been no practical application of these provisions and that the amendment of the merchant shipping legislation was proceeding.

In its latest report, the Government expresses the view that the application of the Convention to seamen is excluded by virtue of Resolution No. 8 adopted by the International Labour Conference in 1921, and that sanctions for breach of a contractual obligation freely entered into cannot be regarded as forced or compulsory labour, provided the conditions referred to in Article 2, paragraph (2)(c) of Convention No. 29 are met. The Government reiterates that since the Convention was ratified, there has been no case in which a man was tried or punished for any of the offences referred to. As regards work in prisons, in actual fact prisoners have freedom of choice whether to work or not; it is accepted that the 1947 Prison Rules need to be rewritten in order to have them reflect present practice, but the process of revising the Rules is likely to be a long-term one.

The Government furthermore points out that the courts are empowered to strike down as void laws which are inconsistent with the Constitution. While statutes enacted after 1937 enjoy a presumption of constitutionality, there is no presumption that pre-1922 British

statutes (such as the provisions of the 1894 Merchant Shipping Act referred to by the Committee) are consistent with the Constitution. In view of the widespread recognition of the right not to be required to perform forced or compulsory labour as a fundamental human right, it may be regarded as virtually certain that the courts would regard it as a personal right guaranteed under the Constitution. That the courts have never been called upon to determine whether the provisions concerned of the 1894 Merchant Shipping Act are inconsistent with that right is because the provisions in question have not in practice been used in recent times. Finally, the Prison Rules must be read in the light of the Constitution and are so administered by the prison authorities and notwithstanding anything contained in the Rules, prisoners are not in fact compelled to work.

The Committee takes due note of these indications. It also has noted the assurances given by the Government to the Conference Committee in 1985 that any conflict which exists between Irish statute and the Convention is purely a legal technicality and does not affect in any way the effective implementation of the Convention, that the Minister for Labour continues to press for legislative changes in this matter as soon as possible, and that in the meantime crew agreements in merchant shipping which are vetted by the Department of Communications in effect preclude forced labour.

In view of the more general questions raised by the Government in its latest report with regard to the scope of application of the Convention, the Committee is bound to observe the following.

As indicated on page 756 of Vol. I of the International Labour Code, the effect of Resolution No. 8 adopted by the Conference in 1921 was to create a presumption as to the scope of Conventions and Recommendations not adopted at maritime sessions of the Conference or after consideration by the Joint Maritime Commission. Such a presumption can however be rebutted, and as the Committee pointed out in paragraph 26 of its 1962 general survey on forced labour, the Abolition of Forced Labour Convention, intended to guarantee respect for certain fundamental human rights, is of general application and designed to protect the entire population of the countries where it is in force.

As regards sanctions for breach of a contractual obligation, imposed in the conditions referred to in Article 2, paragraph (2)(c) of Convention No. 29, the Committee has recalled in paragraphs 102 to 110 of its 1979 general survey on forced labour that the exceptions to the 1930 Convention, and specifically the exclusion of prison labour, do not automatically apply to Convention No. 105 which was designed to supplement the 1930 Convention. While in most cases, labour imposed on persons as a consequence of a conviction in a court of law will have no relevance to the application of the Abolition of Forced Labour Convention, compulsory labour in all its forms, including compulsory prison labour, is covered by the 1957 Convention in so far as it is exacted in the five cases specified by that Convention, including the case where a person is in any way forced to work because he has committed a breach of labour discipline.

Moreover, as the Committee pointed out in paragraph 110 of its 1979 general survey, forced or compulsory labour as a means of labour discipline may be of two kinds. It may consist of measures to ensure

the due performance by a worker of his service under compulsion of law (in the form of physical constraint or the menace of a penalty) or of a sanction for breaches of labour discipline with penalties involving an obligation to perform work. Both kinds are provided for in the 1894 Merchant Shipping Act, and in so far as seamen absent without leave may be forcibly conveyed on board ship, the legislation cannot be brought into conformity with the Convention through a change in the Prison Rules, but only through an amendment of the Merchant Shipping Act.

As the Committee noted in paragraphs 117 and 118 of its 1979 general survey, a considerable number of countries in which the 1894 Merchant Shipping Act had remained in force, including the United Kingdom itself, have repealed or amended this legislation, so that provisions permitting the forcible return of seamen to their ship were abolished, and penalties of imprisonment which could be imposed for desertion, absence without leave or disobedience were also repealed or, in certain cases, restricted to offences that endanger the safety of the ship or the life or health of persons. Since the relevant provisions of the 1894 Merchant Shipping Act have not, so far, been declared unconstitutional or otherwise abolished in Ireland, similar amendments are called for to bring the legislation into conformity with the Convention.

In view of the assurances to this effect again given by the Government to the Conference Committee in 1985, the Committee trusts that the Government will soon be in a position to indicate that the necessary amendments have been made.

Pending legislative action, the Government is requested to supply specimen copies of the crew agreements to which it has referred.

Kenya (ratification: 1964)

The Committee notes the information provided by the Government in its reports.

In previous comments, the Committee referred, *inter alia*, to various provisions of the Penal Code, the Public Order Act, the Prohibited Publications Order, 1968, the Merchant Shipping Act, 1967 and the Trade Disputes Act (Cap. 234) under which imprisonment (involving an obligation to perform labour) may be imposed as a punishment for the display of emblems or the distribution of publications signifying association with a political object or political organisation, for various breaches of discipline in the merchant marine and for participation in certain forms of strike.

The Committee notes the Government's reaffirmed intention to ensure that legislation will be enacted in respect of these provisions so that the Convention is observed. The Committee also notes that its comments together with the Government's proposals for solutions have been forwarded to the Law Reform Commission for action.

Pending the adoption of the legislative measures required, the Committee, noting the Government's brief indication as to the limited application in practice of a number of provisions which have a bearing on the Convention, would ask the Government to provide detailed information on the practical application of those provisions

(including particulars on the number of convictions, the criteria applied by courts and copies of specially relevant court decisions). A more detailed request is being addressed directly to the Government.

The Committee expresses once more the hope that the Government will make every effort to have the necessary action taken in the near future to ensure the observance of the Convention both in law and in practice.

Liberia (ratification: 1962)

The Committee notes that the draft Constitution approved by the Constitutional Advisory Assembly in October 1983 guarantees fundamental rights, in particular the right to freedom of expression (article 15), the right to assemble and to associate (article 17), and provides for the free establishment of political parties, subject to their being registered (articles 77 and 79). A Simplified Version of the Approved Revised Draft Constitution was submitted to a referendum in July 1984. Noting that elections were held in 1985 and that the President took office in January 1986, the Committee requests the Government to provide information on the definitive wording of the new Constitution and on the date of its entry into force.

Article 1(a) of the Convention

The Committee further notes that under article 95 of the draft Constitution, as approved by the Constitutional Advisory Assembly, any enactment or rule of law in existence immediately before the coming into force of the Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of the Constitution, continue in force as if enacted, issued or made under the authority of the Constitution.

The Committee refers to its previous comments in which it 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 or revive certain political parties). The Committee requests the Government to state whether the above provisions continue in force and, if so, to indicate the measures taken or contemplated with a view to their repeal. The Committee also requests the Government to provide a copy of the Decree No. 88A of 1985 relating to criticism of the Government.

Libyan Arab Jamahiriya (ratification: 1961)

The Committee notes the report of the Government.

Article 1(a) of the Convention. In comments that it has been making for some years, the Committee has noted that sections 28, 29, 37, 38 and 43 of the Publications Act of 1972, which concern the

publication, printing and dissemination of information, provide for the imposition of a sentence of imprisonment involving the obligation to work by virtue of section 24, subsection 1, of the Penal Code.

Referring to the explanations in paragraphs 133 and 138 of its General Survey of 1979 on the abolition of forced labour, the Committee asks the Government to indicate the measures taken to bring the above-mentioned sections of the Publications Act of 1972 into conformity with the Convention.

Article 1(c). The Committee has also referred to section 237 of the Penal Code, under which a sentence of imprisonment involving, by virtue of section 24, subsection 1, the obligation to work, can be imposed on public servants who do not carry out their duties or who carry them out with negligence or delay.

The Committee recalls that in paragraph 114 of its General Survey of 1979 on the abolition of forced labour it has pointed out that it is not incompatible with the Convention to impose penalties (even involving the obligation to perform labour) for certain breaches of discipline on persons occupying certain posts in services whose interruption would endanger the existence, health or personal safety of the whole or part of the population. Section 237 of the Penal Code is not limited to such cases and the Committee asks the Government to indicate the measures taken to bring these provisions into conformity with the Convention.

Article 1(d). The Committee has been referring for some years to section 238 of the Penal Code, under which a penalty of imprisonment, involving, by virtue of section 24, subsection 1, the obligation to work, may be imposed on public servants or employees of public institutions who, in groups of three or more, abandon their post or one of their duties or activities or carry out their duties irregularly, either together or with a common aim, and also on public servants who abandon their work or refuse to carry out one of their duties with the aim of bringing the work to a standstill. It has also referred to section 239 of the Penal Code, under which incitement to the above-mentioned acts can be punished with penalties involving compulsory labour. The Committee observes that sections 238 and 239 of the Penal Code can be applied in the event of strikes.

The Committee asks the Government to indicate the measures taken to bring the above-mentioned sections of the Penal Code into conformity with the Convention.

Malta (ratification: 1965)

Further to its previous comments the Committee notes with satisfaction that the Merchant Shipping (Amendment) Act, 1986, has repealed the imprisonment terms in sections 171 and 173(1)(b), (c) and (e) of the 1973 Merchant Shipping Act, which provided for certain disciplinary offences of seamen to be punished by imprisonment, involving the obligation to perform labour, and sections 172 and 183 of the same Act which permitted seamen to be forcibly returned on board ship to perform their duties, thus bringing the Merchant Shipping Act into conformity with the Convention.

Nicaragua (ratification: 1967)

In its previous comments the Committee asked the Government to indicate any penalty involving the obligation to work that could be imposed in case of a breach of the restrictions laid down by Decree No. 996 and successive extensions, which proclaimed the state of emergency throughout the country and suspended a number of basic rights and freedoms.

The Committee takes note of the promulgation of the political Constitution dated 19 November 1986, which confirms the basic rights and freedoms, including: the right to the free expression of thought (section 30), the right of association (section 49), the right of peaceful meeting (section 53), the right to assemble, to demonstrate and to mobilise the public (section 54), the right to organise or join political parties with a view to participating and exercising or standing for office (section 55), the right to give and receive information (section 67 and 68) and the right to strike (section 83). The Committee notes that the new Constitution (section 196) repeals the Charter of the Rights and Guarantees of the Nicaraguans (Decree No. 52 of 21 August 1979). The Committee also notes Decree No. 245 of 9 January 1987, which, for one year from that date, suspends the rights and guarantees set forth in Articles 30, 49, 53, 54, 67, 68 and 83 of the Constitution.

The Committee notes the statement by the Government in its report that if a citizen acts in contravention of the suspension of a right or guarantee, the authorities may put an end to his action, without necessarily applying a penal sanction, unless the act he has committed is described as an offence in the legislation in force. In this connection, the Committee refers to section 523 of the Penal Code and section 4 of Decree No. 1074, under which sentences involving the obligation to work can be imposed for offences connected with the expression of opinions contrary to the established political order and for participation in strikes. The Committee refers to the comments addressed to the Government on this matter in its direct request.

The Committee is aware of the situation prevailing in the country at present. The Committee recalls, however, the indications in paragraphs 126 and 133 to 135 of its General Survey of 1979 on the abolition of forced labour, that the suspension of the right to strike enforced by sanctions involving compulsory work is compatible with the Convention only so far as it is necessary to cope with cases of emergency in the strict sense of the term, namely when the existence, personal safety or health of the whole or part of the population is endangered, and provided that the duration of the prohibition is limited to the period of immediate necessity.

Since the suspension of rights and guarantees has now been extended for several years, the Committee asks the Government to take the necessary measures to ensure that, in conformity with the Convention, no forced or compulsory labour may be imposed as a punishment for holding or expressing certain political opinions or for having taken part in strikes.

The Committee asks the Government to supply information on any progress made to this end.

Nigeria (ratification: 1960)

The Committee notes the Government's report.

Article 1(a) of the Convention

1. In previous comments the Committee referred to the Newspaper (Prohibition of Circulation) Act, No. 17 of 1967 and to the Public Order Act, No. 33 of 1966 (prohibiting all bodies, societies or associations from pursuing any political cause or objective), both enforceable with prison sentences (involving an obligation to work). While noting with interest that the Newspaper Act was repealed by the Constitution (Certain consequential Repeals, etc.) Decree No. 105 of 1979, the Committee observes however that by virtue of the Constitution (Suspension and Modification) Decree 1984 and the Constitution (Suspension and Modification) (Amendment) Decree 1985 certain provisions of the 1979 Constitution, including provisions on fundamental rights relating to detention and the right of peaceful assembly and association were suspended or modified. The Committee notes in particular that political parties are prohibited and that under the State Security (Detention of Persons) Decree No. 2 of 1984 (as amended) persons may be detained for successive periods of three months, subject to a review every three months, the guarantees of the Constitution in this matter being suspended.

The Committee requests the Government to provide information on any sanctions provided for in case of non-compliance with the constitutional provisions relating to fundamental rights as suspended or amended and on any provisions adopted under the Constitution (as amended) and falling within the scope of the Convention - in particular with regard to the expression of views, political activities, freedom of association and assembly. It also requests the Government to provide any Act or regulation concerning the conditions of detention of persons detained under Decree No. 2 of 1984.

Noting further that the Public Order Act No. 33 of 1966 appears not to have been repealed by the above-mentioned Decree No. 105 of 1979, the Committee requests the Government to provide information on measures adopted or envisaged in this regard.

Article 1(c) and (d)

2. In previous comments, the Committee noted that under section 81(b) and (c) of the Labour Act, 1974, a court may direct fulfilment of a contract of employment and posting of security for the due performance of so much of the contract as remains unperformed, and a person failing to comply with such direction may be committed to prison.

The Committee notes the Government's statement that committal to prison in such circumstances does not usually involve an obligation to perform work. The Committee hopes that the necessary measures will be adopted to ensure that committal to prison under section 81(b) and (c) of the Labour Act, 1974, shall under no circumstances involve an obligation to perform work, and that the Government will indicate the action taken to this end.

3. In previous comments, the Committee referred to section 117(b), (c) and (e) of the Merchant Shipping Act, under which seamen are liable to imprisonment involving an obligation to work for breaches of labour discipline even in the absence of a danger to the safety of the ship or of persons. The Committee hopes once more that the Government will soon be able to indicate the measures taken to ensure the observance of the Convention on this point.

Article 1(d)

4. The Committee previously noted that under section 13(1) and (2) of the Trade Disputes Decree, No. 7 of 1976, participation in strikes may be punished with imprisonment involving an obligation to work in the following cases: (a) where the mediation and reporting procedure imposed by sections 3 and 4 of the Decree for all industrial disputes has not been complied with; (b) where arbitration procedures under sections 7 to 9 of the Decree, which shall be initiated by the Federal Commissioner whenever conciliation attempts have failed, have led to an award by the arbitration tribunal and that award has become binding; (c) when the Federal Commissioner has referred the dispute to the National Industrial Court; (d) when the National Industrial Court has issued an award on the reference.

The Committee noted the Government's statement that section 13 merely imposes on an employer or worker an obligation to observe and exhaust prescribed procedures before engaging in a strike or lock out. In this connection, the Committee referred to paragraph 130 of its 1979 General Survey on the abolition of forced labour, where it explained that the imposition of a temporary restriction on the right to strike until all facilities for negotiation and conciliation have been exhausted and while voluntary arbitration procedures are in progress, are to be distinguished from compulsory arbitration systems which result in binding awards allowing practically all strikes to be prohibited or rapidly stopped. When such systems provide for sanctions involving compulsory labour, they should be limited to sectors and types of employment where restrictions may be imposed on the right to strike itself, that is to essential services in the strict sense of the term (that is, services whose interruption would endanger the life, personal safety and health of the whole or part of the population). The Committee further notes that the list of essential services included in Schedule 1 to Decree No. 7 of 1976 and in section 8 of the Trade Disputes (Essential Services) Decree No. 23 of 1976 is wider and covers for example the Central Bank and banking business. The Committee once again expresses the hope that the Government will indicate measures taken or contemplated to ensure the observance of the Convention in this matter.

Pakistan (ratification: 1960)

Further to the discussion which took place at the Conference Committee in 1986, the Committee notes with regret that no report has been received from the Government for the period ending 30 June 1986.

Article 1(a) of the Convention

1. 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 gave 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.

The Committee notes that, in its statement to the Conference Committee in 1986, the Government once more expressed the view that conviction of offenders by courts of law for specific offences does not fall within the scope of the Convention, having regard also to the discretion of the courts in awarding "rigorous" imprisonment, which was very infrequent and was often used as a means of education for the prisoners. The Committee refers to the explanations provided in paragraphs 102 to 109 of its 1979 General Survey on the Abolition of Forced Labour, where it is indicated that 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 of the Convention and, in the case of persons convicted for expressing certain political views, an intention to educate them through labour would in itself be covered by the express terms of the Convention. The Committee again expresses the hope that the necessary measures will soon be taken to bring the above-mentioned provisions into conformity with the Convention.

Article 1(c)

2. In comments made for many years, the Committee has referred to sections 54 and 55 of the Industrial Relations Ordinance (No. XXIII of 1969) under which whoever commits any breach of any term of any settlement, award or decision or fails to implement any such term may be punished with imprisonment which may involve compulsory labour.

The Committee notes the statement by the Government to the Conference Committee in 1986 that nobody was punished in the recent past under the Industrial Relations Ordinance, that the penalties provided were to ensure that employers and workers respected the agreements they had concluded and that it depended upon the courts to decide whether the penalty would be a fine, simple imprisonment or rigorous imprisonment. The Committee observes that, under the provisions referred to, breaches of labour discipline such as non-compliance with obligations under a settlement, award or decision are punishable with sanctions involving compulsory labour, contrary to Article 1(c) of the Convention; the fact that these provisions are also applicable to employers does not remove them from the scope of the Convention. In view of the Government's indications concerning actual practice, the Committee again expresses the hope that the Government will take the necessary measures to bring the Industrial Relations Ordinance into conformity with the Convention, by repealing sections 54 and 55 of the Ordinance, by repealing the penalties which

may involve compulsory labour, or by limiting their scope to circumstances endangering the life or health of persons.

Article 1(c) and (d)

3. In comments made for many years the Committee asked the Government to review sections 100 to 103 of the Merchant Shipping Act, under which various offences against discipline by seamen may be punished with imprisonment which may involve liability to compulsory labour. In the absence of a reply by the Government to the previous observation, the Committee, referring again to the explanations provided in paragraphs 117 to 119 and 125 of its 1979 General Survey on the Abolition of Forced Labour, once more expresses the hope that the necessary measures will be taken to bring sections 100 to 103 of the Merchant Shipping Act into conformity with the Convention, either by repealing the penalties involving compulsory labour or by limiting their scope to circumstances endangering the safety of the ship or the life or health of persons.

Article 1(e)

4. In previous comments, the Committee has referred to sections 298B and C of the Penal Code, inserted by the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984. Under section 298B(1), "any person of the Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation - (a) refers to or addresses any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as 'Ameer-ul-Mumineen', 'Khalifa-tul-Mumineen', 'Khalifa-tul-Muslimeen', 'Sahaabi' or 'Razi Allah Anho'; (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as 'Umul-Mumineen'; (c) refers to, or addresses, any person, other than a member of the family ('Ahle-bait') of the Holy Prophet Muhammad (peace be upon him) as 'Ahle-bait'; or (d) refers to, or names, or calls his place of worship as 'Masjid' - shall be punished with imprisonment of either description for a term which may extend to three years".

Under section 298B(2), any person of the same groups "who by words, either spoken or written, or by visible representation, refers to the mode of form of call to prayers followed by his faith as 'Azan', or recites 'Azan' as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years".

Under section 298C, any person of the same groups "who, directly or indirectly, poses himself as a Muslim, or calls or refers to his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years".

In the absence of an explanation from the Government, the Committee hopes that these provisions will be reviewed in the light of

Article 1(e) of the Convention which obliges ratifying States to suppress and not to make use of any form of forced or compulsory labour as a means of religious discrimination and that the Government will indicate measures taken or contemplated in this regard to ensure the observance of the Convention.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Panama (ratification: 1966)

The Committee notes that no report of the Government has 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 report received in 1984, that the bill to repeal section 1120 of the Commercial Code has not been discussed by the National Legislative Council and is not on the list of bills for examination during the period 1982-83 but that the Government will take the necessary steps to ensure that it is included in the list for 1983-84. The Committee also notes that the discussion of the bill respecting the labour relations of seafarers will remain suspended until a committee submits a report on it.

The Committee hopes that measures will shortly be adopted to bring the legislation on the merchant marine into conformity with this provision of the Convention, and that the Government will indicate any progress made to this end.

Paraguay (ratification: 1968)

Article 1(a) of the Convention. In its earlier comments, the Committee has observed that, by virtue of section 67 of the Penal Code and section 39 of Act No. 210 of 1970, imprisonment involving the obligation to perform labour may be imposed for infringements of sections 4, 5 and 6 (prohibiting rallies or meetings, subscriptions to any publications or the display of any emblems disseminating communist doctrine) of Act No. 294 of 1955 on the defence of democracy, and sections 4 and 8 (prohibiting the public advocacy of the destruction of the social classes; the printing, distribution or sale of publications advocating the communist doctrine; membership of communist parties and assistance in corresponding activities) of Act

No. 209 of 1970 on the defence of public peace and the freedom of persons.

The Committee notes that the Bill to exempt from the obligation to perform labour those sentenced for political offences who have not been concerned in acts of violence, which the Government has been referring to for some years, has not yet been adopted.

The Committee hopes that the legislation will be brought rapidly into conformity with the Convention.

Peru (ratification: 1960)

In earlier comments, the Committee has referred to section 44 of the Penal Code, under which, where offences are committed by "savages", the judge may replace sentences of imprisonment by assignment to a penal agricultural colony for a period of up to 20 years, irrespective of the maximum duration of the sentence that the offence would entail under the law if it had been committed by a "civilised man". The Committee notes with interest that this provision does not appear in the draft Penal Code published in the Official Gazette of 19 August 1985.

The Committee also takes note with interest of section 21 of this Bill, under which the judge may declare a person legally incompetent or reduce the sentence below the legal minimum where this person, by reason of his culture or customs, commits a punishable act without being capable of a proper understanding of the illegal nature of his act or of deciding in accordance with such an understanding. The Committee asks the Government to furnish a copy of the new Penal Code as soon as it has been adopted.

Philippines (ratification: 1960)

Article 1(a) and (d) of the Convention

In previous comments the Committee had referred to various legislation under which penalties of imprisonment involving compulsory labour could be imposed for the expression of certain political views and the participation in strikes in a variety of circumstances. The Committee has taken note of the information supplied by the Government in its report for the period ending 30 June 1985 and in its statement to the Conference Committee in 1984. The Committee furthermore notes from the Government's report on the application of Convention No. 87 for the period ending 30 June 1986 that the Government undertakes to take comments and observations of the Committee of Experts into account in the forthcoming review and amendment of the Labour Code and other repressive legislation of the past regime. The Committee hopes that accordingly the necessary measures will be taken to bring the legislation, which is again referred to in detail in a direct request to the Government, into conformity with the Convention, and that the Government will soon indicate the measures taken or contemplated to this end.

Sudan (ratification: 1970)

The Committee notes with interest the adoption in October 1985 of a Transitional Constitution, pending the adoption of a Permanent Constitution by the Constituent Assembly which was elected in April 1986. The Committee notes in particular that the political system is based on the freedom of establishment of political parties, the law protecting those parties which abide by the democratic ideals and means set out in the Constitution (article 7) and that the Constitution guarantees fundamental rights and freedoms such as freedom of opinion and expression (article 19), freedom of association (article 20), and the right of meeting and peaceful manifestation (article 22). The Committee also notes that under article 3 the provisions of the Constitution shall prevail over all laws and any provision contained in such laws which is inconsistent with the Constitution shall be repealed; the Committee further notes that under section 133 all laws in force prior to the coming into force of the Constitution shall so continue unless repealed or amended. In this context the Committee notes the information provided by the Government in its report that commissions have been entrusted with the revision of the existing laws adopted under the former Constitution, including labour laws.

The Committee refers to its comments concerning a certain number of legislative provisions under which penalties involving compulsory labour may be imposed in circumstances falling within the scope of the Convention. The Committee expresses the hope that the Government will supply detailed information on the measures envisaged or adopted to bring those provisions into conformity with the Convention. It addresses a direct request to the Government in relation to these matters.

Syrian Arab Republic (ratification: 1958)

Article 1(a), (c) and (d) of the Convention. In its earlier comments, the Committee has referred to certain provisions of the Economic Penal Code, the Penal Code, the Agricultural Labour Code and the Press Act, under which sentences of imprisonment involving the obligation to work may be imposed for acts covered by Article 1(a), (c) and (d) of the Convention. It noted that a draft Legislative Decree to amend various sections of the Penal Code with a view to ensuring the abolition of all compulsion to perform prison labour had been approved by the Council of Ministers and submitted to the office of the President of the Republic.

The Committee notes the Government's statement in its report that the draft is still being examined by the legislative authorities.

The Committee hopes that the Government will be able very shortly to report the coming into force of the amendments to the legislation intended to ensure the observance of the Convention and that it will provide a copy of the provisions adopted.

United Republic of Tanzania (ratification: 1962)Tanganyika

1. The Committee notes that the Government's latest report for Tanganyika has indicated no change in the application of the Convention, and has not responded to the previous observations of the Committee that forced or compulsory labour may be imposed in circumstances falling within Article 1(a), (c) and (d) of the Convention, under the following legislative provisions:

Article 1(a) of the Convention. Under section 25 of the Newspaper Act, 1976 (replacing similar provisions in previous legislation), the President may, if he considers it necessary in the public interest or of peace and order, prohibit the further publication of any newspaper. Any person who prints, publishes, sells or distributes in a public place such a newspaper may be punished with imprisonment (involving, by virtue of Part XI of the Prison Act, 1977, an obligation to perform labour).

Article 1(c). Under section 284A of the Penal Code (added by Act No. 2 of 1970), any employee of a "specified authority" (i.e. the government, a local authority, a registered trade union, the Tanganyika African National Union or any body affiliated to it, any publicly owned company, etc.) who causes pecuniary loss to his employer or damage to his employer's property, by any wilful act or omission, negligence or misconduct, or failure to take reasonable care or to discharge his duties in a reasonable manner, may be punished with imprisonment for up to two years (involving an obligation to work).

Article 1(c) and (d). Under section 145(1)(b), (c) and (e) and section 147 of the Merchant Shipping Act, 1967, various breaches of discipline by seamen are punishable by imprisonment, involving an obligation to perform labour. Under section 151, any seaman who deserts from a foreign ship may be forcibly conveyed on board ship or delivered to the master, mate or owner of the ship or his agent.

Article 1(d). Sections 4, 8, 11 and 27 of the Permanent Labour Tribunal Act, 1967, which contain general provisions for compulsory arbitration in labour disputes, make it possible in practice to render all strikes illegal and punishable with imprisonment (including compulsory prison labour).

In previous reports, the Government has stated that consultations on proposals for the revision of these legislative provisions have been completed and a report submitted to the competent authority for decision. Recalling that these matters have been under consideration for a number of years, the Committee once again expresses the hope that measures will be adopted at an early date to ensure that no form of forced or compulsory labour may be adopted in circumstances falling within the scope of the Convention, and that the Government will indicate the action taken. In a direct request, the Committee is once again requesting the Government to furnish information on the practical application of a number of legislative provisions, which the Committee has been requesting for many years.

2. Article 1(c). The Committee notes that the Written Laws (Miscellaneous Amendments) (No. 2) Act, 1983, has amended section 176

of the Penal Code by inserting, inter alia, a new paragraph (9) under which "any person employed under lawful employment of any description who is, without lawful excuse, found engaged in a frolic of his own at a time he is supposed to be engaged in activities connected or relating to the business of his employment" may be punished with imprisonment (involving an obligation to work). In addition, under section 26 of the Human Resources Deployment Act, the Minister shall make such arrangements as will provide for a smooth and co-ordinated transfer or any other measure which will provide for the rehabilitation and full deployment of persons chargeable with or previously convicted under section 176 of the Penal Code. The Committee hopes that the necessary measures will soon be taken to bring these provisions into conformity with the Convention, which prohibits the use of any form of compulsory labour as a means of labour discipline.

Zanzibar

3. The Committee has taken note with interest of the information supplied by the Government concerning Zanzibar. In previous comments, the Committee had referred to the Afro-Shirazi Party Decree, 1965, by virtue of which the Afro-Shirazi Party was declared the sole political Party and all other political parties, organisations or societies were declared unlawful and membership thereof was made punishable with imprisonment (involving an obligation to perform labour). The Committee notes from the Government's report that the Afro-Shirazi Party Decree has been superseded and is no longer in force since the creation of the Revolutionary Party (Chama cha Mapinduzi) of Tanzania, that the United Republic of Tanzania is a one-party democratic State and Chama cha Mapinduzi is the ruling Party governed by its constitution. The Committee requests the Government to supply copies of the texts superseding the Afro-Shirazi Party Decree, including the full text of the constitution referred to by the Government.

4. The Committee had also sought information on the effect on the application of the Convention of the state of emergency which had been in force since 1961; on the measures taken to abolish both compulsory labour as a punishment for breach of labour discipline under section 110 of the Penal Decree and the Zanzibar Government Shipping Decree, and on the practical application of various statutory provisions. The Committee is taking up these matters again in a direct request to the Government.

Thailand (ratification: 1969)

The Committee notes the Government's indication in its report that the situation remains unchanged since the previous report. It regrets that since 1982 no new information was supplied on the questions raised in its previous comments. It hopes that the Government will soon provide full information on the following points:

1. Article 1(a) of the Convention. The Committee notes that penalties of imprisonment may be imposed under sections 4, 5, 6 and 8

of the Anti-Communist Activities Act B.E. 2495 (1952) on anyone who engages in communist activities, or who conducts propaganda or makes any preparation with a view to carrying on communist activities, who is a member of any communist organisation, or who attends any communist meeting unless he can prove that he did so in ignorance of its nature and object. Similarly, under sections 9, 12 and 13 to 17 of the same Act, inserted by the Anti-Communist Activities Act (No. 2) B.E. 2512 (1969), penalties of imprisonment may be imposed on whoever assists any communist organisation or member of such organisation in a variety of ways, who propagates communist ideology or principles leading to the approval of such ideology, or who contravenes restrictions imposed by the Government on movements, activities and liberties of persons in any area classified as a communist infiltration area.

The Committee notes that these provisions are not limited in scope to the punishment of violence or incitement to violence, but may be used as a means of political coercion or as a punishment for holding or expressing, even peacefully, certain political views or views ideologically opposed to the established political, social or economic system, and are accordingly incompatible with Article 1(a) of the Convention in so far as the penalties provided involve compulsory labour.

Referring to the explanations provided in paragraphs 102 to 109 and 133 to 140 of its 1979 General Survey on the abolition of forced labour, the Committee hopes that the necessary measures will be adopted in this regard to ensure the observance of the Convention.

2. Article 1(c). The Committee has noted that sections 5, 6 and 7 of the Act for the Prevention of Desertion or Undue Absence from Merchant Ships, B.E. 2466 (1923), provide for the forcible conveyance of seamen on board ship to perform their duties. It expresses the hope that action to repeal these provisions will soon be taken.

3. Article 1(c) and (d). The Committee had noted the Government's indication in its report supplied in February 1982 that Decree No. 3 of October 1976, adopted under sections 25 and 36 of the Labour Relations Act of 1975 and banning all strikes under the menace of penalties including imprisonment, was repealed by the Ministry of Interior Announcement for lifting the ban on strikes and lockouts dated 27 January 1981, and that no case had been reported in which a prison sentence involving compulsory labour had been imposed under section 141 of the Act. The Committee hopes that a copy of the repealing announcement will be forwarded, and that the Government will also supply information on measures taken to ensure the observance of Article 1(c) and (d) of the Convention with regard to a number of other provisions of the Labour Relations Act, which are considered in detail in a direct request to the Government.

Uganda (ratification: 1963)

1. The Committee notes that by Proclamation of 26 January 1986 all legislative powers referred to in the Constitution were vested in the National Resistance Council and several Chapters of the Constitution were suspended. According to paragraph 13 of the

Proclamation the provisions of the Constitution inconsistent with the Proclamation are void; the operation of the Constitution and the existing laws are not affected but they are construed with such modifications, qualifications and adaptations as are necessary to bring them into conformity with the Proclamation.

The Committee requests the Government to provide information on any measures adopted in relation to Chapter III of the Constitution (protection of fundamental rights and freedoms of the individual) in particular as regards Articles 17 and 18 (protection of freedom of expression, of assembly and association) as well as in relation to the suspension of activities of political parties and on any penalties involved.

2. In previous comments the Committee noted that the Public Order and Security Act, empowering the Executive to restrict, independently of the commission of any offence, an individual's association or communication with others, subject to penalties involving compulsory labour appeared to have been repealed. The Committee requests the Government to indicate whether this Act has actually been repealed and to supply a copy of any text adopted to this effect. The Committee had also referred to measures to be taken to repeal or amend section 21A of the Newspaper and Publications Act (inserted by decree No. 35 of 1972) under which the publication of any newspaper may be prohibited if the competent minister considers it to be in the public interest to do so and which is enforceable with imprisonment (involving an obligation to perform labour). The Committee hopes that the necessary measures will soon be taken and, pending their adoption, it would again ask the Government to supply details on all cases in which prohibitions are made or maintained in force under these provisions.

3. In its previous comments, the Committee noted that sections 54(2)(c), 55, 56 and 56A of the Penal Code empower the competent minister to declare any combination of two or more persons to be an unlawful society (a power exercised in respect of various political, religious and student organisations by Statutory Instruments Nos. 12 of 1968, 153 of 1972 and 63 of 1973) and thus render any speech, publication or activity on behalf of or in support of any such association illegal and punishable with imprisonment (involving an obligation to perform labour). The Committee also noted that a number of orders made under these provisions between 1975 and 1977 were revoked by the Penal Code (Unlawful Society) (Revocation) Order, 1979, but that sections 54(2)(c), 55, 56 and 56A of the Penal Code appeared to remain in force. The Committee requests the Government to supply details on any new cases of prohibition as well as on the measures adopted regarding these provisions to ensure the observance of the Convention on this point.

4. Article 1(c) and (d). In previous comments the Committee noted that, under section 16(a) of the Trade Disputes (Arbitration and Settlement) Act, 1964, workers employed in "essential services" may be prohibited from terminating their contract of service, even by notice, that, by virtue of sections 16, 17 and 20A of the same Act, strikes may be prohibited in various services which, while including those generally recognised as essential ones, also extend to other services, interruption of which would not necessarily endanger the life,

personal safety or health of the whole or part of the population and that contravention of these prohibitions may be punished with imprisonment (involving, as previously noted, an obligation to perform work). The Committee also noted that the process to review the law was under way. The Committee hopes that the Government will soon be able to indicate measures taken to bring sections 16, 17 and 20A of the Trade Dispute (Arbitration and Settlement) Act, 1964, into conformity with the Convention.

Uruguay (ratification: 1968)

In its previous comments, the Committee had referred to Decree No. 622 of 1973, sections 36 et seq. of which, read together with section 165 of the Penal Code, provided for restrictions on the exercise of the right to strike, under penalty of imprisonment involving the obligation to work. The Committee notes with satisfaction that Decree No. 622 has been repealed by Acts Nos. 15530 and 15137, which govern strikes.

The Committee also notes from the report on the application of Convention No. 87 covering the period until 30 June 1986, that Act No. 15738 of 6 March 1985 has declared the above-mentioned Acts to be null and void, and that, accordingly, the laws which previously regulated strikes again became applicable.

Zambia (ratification: 1965)

Article 1(a) of the Convention

1. In comments made for a number of years, the Committee referred to article 4 of the Constitution of Zambia which, read together with sections 8 and 9 of the Societies Act, provides that the pursuit of political activities by any group or association outside the constitutionally recognised party is prohibited. It noted furthermore that any expression of opinion, meeting or activity by any such group or association would be punishable under sections 24 and 25 of the Societies Act with imprisonment (involving, by virtue of section 75 of the Prisons Act, an obligation to perform labour). The Committee recalls furthermore that in its 1983 report the Government indicated that the question arising in connection with article 4 of the Constitution of Zambia, read with sections 8 and 9 of the Societies Act and section 75 of the Prisons Act, was still under study, with a view to bringing the provisions in line with the requirements of the Convention; and that the examination of the provisions required extensive consultation with many agencies of the Government.

In the absence of further information on these matters in the Government's latest report, the Committee refers once again to the explanations provided in paragraphs 102 to 109, 133 and 140 of its 1979 General Survey on the Abolition of Forced Labour; it hopes that as a result of the study made by the Government the necessary measures will be taken soon to bring the legislation concerned into conformity

with the Convention, and that the Government will furnish with its next report information on the measures taken or contemplated, including copies of any revising legislation.

2. The Committee recalls furthermore that for a number of years it has been requesting information concerning measures taken in relation to certain provisions of the Preservation of Public Security Regulations to ensure that no form of forced or compulsory labour (including labour required by virtue of section 75 of the Prisons Act) may be imposed in circumstances falling within Article 1(a) of the Convention. In its latest report, the Government states that no such information is available. The Committee recalls that under the Preservation of Public Security Regulations -

- (a) the police enjoy wide discretionary powers to prohibit meetings, whether held in public or in private premises, and may also prohibit any person or class of persons from addressing any meeting or any gathering of three or more people, whether in public or private (regulation 4);
- (b) the authorities may impose such terms or conditions as they consider expedient in connection with the relaxation of restriction orders (regulation 16(4));
- (c) restrictions may similarly be imposed in connection with conditional suspension of a detention order, for example, as regards association or communication with other persons (regulation 33(3) and (4));
- (d) persons contravening any of the above-mentioned prohibitions, conditions or restrictions are liable to be punished by imprisonment (regulation 47), involving, by virtue of the Prisons Act, an obligation to perform labour.

Referring to paragraphs 133 and 139 of the previously mentioned General Survey of forced labour of 1979, the Committee again expresses the hope that measures will be taken in relation to these regulations to ensure that no form of forced or compulsory labour (including penal labour) may be imposed in circumstances falling within Article 1(a) of the Convention, and that the Government will indicate the action taken to this end.

Article 1(c) and (d)

3. In its previous comments the Committee had expressed its hope that the Government would review a number of legislative provisions, by which imprisonment, including forced or compulsory labour, might be imposed either as a means of labour discipline, or as a punishment for having participated in strikes. These included: (i) section 124 of the Penal Code, under which employees in the public service who wilfully neglect any duty imposed on them by common law, statute or ordinance are liable to imprisonment involving an obligation to work, and (ii) sections 221 to 224 and 225(1)(b), (c) and (e) of the United Kingdom Merchant Shipping Act, 1894, as applied to Zambia by the Merchant Shipping (Temporary Provisions) Act, under which breaches of discipline not involving a danger to the ship or to the life or health of persons may be punished with sanctions involving compulsory labour and seafarers deserting their employment may be forcibly conveyed on board ship. The Committee notes from the

Government's latest report that measures are still under consideration to review these provisions. Recalling the Government's statement in its report for the period 1971-73 that section 124 of the Penal Code was under active review, and the fact that the provisions concerned of the 1894 United Kingdom Merchant Shipping Act have long been repealed in a number of countries where they were in force, including the United Kingdom, the Committee hopes that the necessary legislative changes will soon be made to ensure the observance of the Convention on these points, and that the Government will indicate the action taken.

4. In previous comments, the Committee noted that, under section 117 of the Industrial Relations Act, 1971, any person employed in an essential service who is guilty of any act or omission which is likely to hinder or interfere with the carrying on of that service or who takes part in a strike may be punished with imprisonment (involving, by virtue of the Prisons Act, an obligation to perform labour). The Committee observed that the definition of "essential services" in section 3 of the Act of 1971, in addition to services falling within this strict meaning of the expression, also covers services whose interruption would not necessarily endanger the existence or well-being of the population. The same applies to the provisions prohibiting strikes in "necessary services" contained in regulation 31 DD of the Preservation of Public Security Regulations (inserted by S.I. No. 239 of 1970). In its latest report, the Government indicates that the Industrial Relations Act is still under review to amend sections 117 to 119 to ensure the observance of the Convention, and that changes are still under consideration to confine the definition of "essential services" under this Act to services whose interruption would endanger the existence or well-being of the population. The Committee hopes that the measures contemplated will soon be taken, that similar amendments will be made in the Preservation of Public Security Regulations, and that the Government will supply copies of the provisions adopted.

Article 1(d)

5. The Committee previously noted that under section 95 of the Industrial Relations Act, 1971, any collective dispute not settled by conciliation shall be referred to the Industrial Relations Court which shall consider the issues involved and pronounce a decision thereon. Since the Court's decision shall be final and binding upon the parties to the dispute for such period as the Court may specify, this provision makes it possible in practice to render all strikes illegal and, under sections 116 and 122, punishable by imprisonment (involving compulsory prison labour). In the absence of any indication that these provisions are being reviewed, the Committee again refers to the explanations provided in paragraphs 130 and 132 of its 1979 General Survey on the Abolition of Forced Labour and expresses the hope that the necessary measures will be taken to ensure the observance of the Convention on this point, and that the Government will indicate the action taken.

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In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Angola, Bangladesh, Belize, Benin, Brazil, Cape Verde, Central African Republic, Colombia, Comoros, Cuba, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Guatemala, Guinea-Bissau, Iraq, Italy, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Nicaragua, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Saint Lucia, Sierra Leone, Somalia, Sudan, Suriname, United Republic of Tanzania (Tanganyika), Thailand, Trinidad and Tobago, Uruguay.

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Bolivia (ratification: 1973)

Article 8, paragraph 3, of the Convention. For several years the Committee has been drawing the Government's attention to the fact 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 Presidential Decree of 3 April 1954 (under which wages are tripled for workers working on Sunday) are not in conformity with the above provision of the Convention, which provides in the event of work on a weekly rest day, for compensatory rest irrespective of any supplementary payment.

The Committee notes from the Government's report that the national legislation shall be brought into conformity with the provisions of the Convention through the reform of the Labour Code and its regulations which are currently being examined by a national committee. The Committee expresses the hope that this reform will be introduced in the near future and requests the Government to supply with its next report information on any progress achieved in this respect.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Cyprus (ratification: 1966)

With reference to its previous comments, the Committee notes with satisfaction the adoption of Ordinance No. 247 of 1985 (amending section 4 of the Ordinance of 1961 respecting the hours of work of employees) which guarantees employees an uninterrupted weekly rest period, in accordance with Article 6 of the Convention.

The Committee hopes that the Government will complete the above-mentioned Order by a provision granting a compensatory rest period in cases where work has to be performed on the day of weekly rest, as required by Article 8, paragraph 3 of the Convention.

Egypt (ratification: 1958)

Article 8, paragraph 3, of the Convention. With reference to its previous comments, the Committee recalls that, under section 140 of the Labour Code, the wage is doubled for work carried out on the weekly rest day unless the worker takes another rest day during the following week. The Committee must stress that the Convention envisages in such cases the granting to the workers concerned of a day of compensatory rest regardless of any supplementary remuneration.

The Government states that the Committee's comments will be taken into account in the amendment of the Labour Code and that in the meantime the administration of the labour inspectorate will circulate to all the offices of the inspectorate instructions requesting inspectors to check that persons working on the weekly rest day benefit from a compensatory rest day.

The Committee notes this statement with interest and requests the Government to transmit copies of the circulars in question with its next report. Furthermore, it expresses the hope that appropriate measures will be taken in the near future to amend section 140 of the Labour Code in order to bring it into conformity with the present Article of the Convention.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Kuwait (ratification: 1961)

With reference to its previous comments, the Committee regrets to note that no progress has yet been made with regard to the adoption of measures guaranteeing a weekly rest period of 24 consecutive hours for workers covered by the Convention but excluded from the scope of the Labour Law (Private Sector) of 1964, namely temporary workers employed for a period of less than six months, and workers in enterprises employing less than five persons.

In its last report, the Government repeats its statement to the effect that the new draft Labour Code takes into account the Committee's comments with regard to this Convention. The Committee trusts that the draft will be adopted in the near future and that the Government will be able to supply information on any progress achieved in this respect.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Syrian Arab Republic (ratification: 1958)

Article 8, paragraph 3, of the Convention. The Committee has been drawing the Government's attention for many years now to the need to adopt measures in order to ensure compensatory rest to workers who, under the temporary exceptions provided for in section 120 of the Labour Code, work on the weekly rest day.

The Government has stated on several occasions that effect will be given to Article 8, paragraph 3, either within the framework of a

new Labour Code (first announced in 1966), or through an Act amending a number of sections of the Labour Code (announced to the Conference Committee in 1982). The Committee notes, however, that up to the present no text giving effect to this provision of the Convention has been adopted. While noting the information supplied by the Government in its last report, it expresses the hope that the Government will not delay in taking the necessary measures to ensure compensatory rest to workers who, under the temporary exceptions provided for in section 120 of the Labour Code, are required to work on the weekly rest day.

[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: Bangladesh, Colombia, Comoros, Djibouti, Haiti, Indonesia, Islamic Republic of Iran, Jordan, Morocco, Saudi Arabia, Sri Lanka.

Convention No. 107: Indigenous and Tribal Populations, 1957

Bangladesh (ratification: 1972)

The Committee refers to its previous comments and to the discussion which took place in the Conference Committee in 1986 on the application of this Convention. It notes that the Conference Committee expressed serious concern about the situation of the tribal populations in Bangladesh, and requested the Government to take concrete measures aiming at the full application of the Convention, and to make available additional information in due time in this connection.

The Committee notes comments received from the Bangladesh Employers' Association to the effect that reports of conflicts in the Chittagong Hill Tracts between tribal people and settlers are grossly exaggerated, that conflicts are rare and are mostly due to intertribal rivalries. These comments also refer to the settlement of people from other districts in the Hill Tracts, saying that they have brought vast tracts of fallow land under cultivation and have made a substantial contribution to the successful implementation of food production schemes. The Bangladesh Employers' Association also points to various forms of development programmes carried out in these areas, which have also been mentioned in information previously received from the Government.

No report having been received from the Government, the Committee notes the explanations provided to the Conference Committee in a statement by a Government representative, and in particular his request that the Committee of Experts consider the information provided in the report supplied in January 1986, as well as the information provided to the representative of the Director-General during his visit to the country in November 1985. It was also stated by the Government representative that some of the questions raised in

the previous observation were not within the competence of the Committee of Experts, as they were being examined in other fora of the United Nations system, and since no specific references to Articles of the Convention were given in the observation for some of the suggestions made.

The Committee wishes to stress that all the information gathered by the representative of the Director-General, and all the information contained in the Government's January 1986 report, was taken into account in its previous comments. It also refers in this connection to the request which it forwarded directly to the Government at its previous session, dealing with these questions in more detail, and which it is repeating this year.

The Committee considers that all the questions raised in its previous comments are within its competence, as they relate to the conditions of life and work of the tribal populations of the country, which are covered in a comprehensive manner by this Convention.

The Committee regrets that the Government has provided no further information following the discussions in the Conference Committee. Considerable information has, however, been received from a number of sources (including Bangladesh newspapers as well as such international non-governmental human rights organisations as Amnesty International and International Work Group for Indigenous Affairs), indicating that conflicts have continued between the tribal populations in the Chittagong Hill Tracts, and settlers from other population groups and the army. The Committee also understands that the planned repatriation to Bangladesh of tribal refugees by a neighbouring country has been postponed, and that considerable numbers of refugees continue to leave the tribal areas.

Under these circumstances, the Committee remains concerned by the situation of the tribal populations in the country. It refers to the suggestions it made in its previous comments as to steps which might be useful in clarifying and resolving the situation of the tribal populations. These suggestions related to the following points: (1) a re-evaluation by the Government of its policy toward these populations (Articles 2 and 27 of the Convention); (2) an analysis of population distribution and movement in the Hill Tracts (Article 1); (3) an analysis of landownership in the Hill Tracts (Articles 11 to 14); (4) an examination of whether the development activities in these areas take sufficient account of the specific characteristics of the tribal populations (Articles 2 to 6); (5) an investigation into the allegations of massacres and other abuses against the tribal populations; and (6) clarification of the situation as concerns tribal refugees.

The Government representative requested clarification during the discussion in the Conference of the reference to Article 1 in connection with the second question mentioned in the previous paragraph. It has been the Committee's practice to raise questions concerning the numbers and physical location of the populations covered by this Convention under Article 1 as being connected with how they are defined under national practice; other Articles (including in particular Articles 2 and 27 relating to the administrative responsibilities of governments) are also involved without the need arising to cite them in detail. The distribution of the tribal

populations, moreover, is of vital interest in relation to the provisions of the Convention concerning land rights (Articles 11 to 14). The same explanation may be given with regard to questions 5 and 6 above, concerning which the Government representative pointed out that no specific Articles had been cited. The Committee considers that these two questions, which concern the lives and safety of these populations, are inherent in the Convention's general requirements concerning the responsibility of the Government for action to protect the persons of these populations (Article 3, paragraph 1), action concerning which recourse to force or coercion shall be excluded (Article 2, paragraph 4).

The Committee hopes that the Government will take measures to clarify the situation of the tribal populations and to allay in the very near future the concerns aroused by numerous, persistent and detailed reports of conflicts and abuses in the Chittagong Hill Tracts.

[The Government is asked to supply full particulars to the Conference at its 73rd Session.]

Brazil (ratification: 1965)

The Committee notes the comments communicated by the National Confederation of Industrial Workers and the concern it expressed over the loss of lands which the Indians are suffering. These comments were communicated to the Government on 24 October 1986 for any observations it might wish to make, but no reply has been received. The Committee hopes that the Government will send any observations it may have with its next report. In addition, 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 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.

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

Ecuador (ratification: 1969)

Article 19 of the Convention. The Committee notes with interest the adoption of the Law for the Extension of Social Security, by the Legislative Decree of 12 May 1986 which extends the coverage of social security to salaried rural workers and their families, as well as members (and their families) of co-operative organisations, communes, committees or any other form of popular peasant organisation of a permanent nature.

The Committee is raising a number of questions in a direct request.

India (ratification: 1958)

The Committee recalls that in its previous observation it referred to comments on the application of the Convention received from the International Federation of Plantation, Agricultural and Allied Workers (IFPAAW), containing information received from the non-governmental organisation Survival International for the Rights of Threatened Tribal Peoples. This information concerned the planned displacement of tribal peoples from the lands they occupy, in connection with the Sardar Sarovar Dam and Power Project. This project is the first stage of a much larger project which it appears will displace some 60,000 tribal people from their traditional lands as a consequence of the present project, and some 1 million people at later stages.

In its previous comments the Committee raised a number of questions related particularly to whether different categories of displaced tribal persons were being compensated for the loss of their lands in a manner consistent with the Convention's requirements, particularly its Article 12. Problems connected with the maintenance of communities' cohesion following relocation were also discussed.

The Government provided information to the Conference at its 1986 Session on the measures which it was taking in this regard. Additional comments have been received from IFPAAW, transmitting further information from Survival International and expressing concern that the legal provisions associated with the resettlement programme do not ensure compliance with this Convention. This communication also stated that most oustees are not assured land in compensation for the lands they have lost, expressed concern over the kind and quality of compensation received by those who were landless, and stated that the resettlement component of the project is likely to cause the oustees major economic and social problems.

These comments were sent to the Government on 18 December 1986 for any observations it might wish to make, but no reply has yet been received. The Committee has, however, received very shortly before its session began, a detailed reply to the request which had previously been addressed to the Government on a number of other questions concerning the application of the Convention in India.

In these circumstances, the Committee will defer the detailed consideration of the situation to its next session. It recalls that the extremely large numbers of people affected by the Sardar Sarovar Dam and Power Project, and the complexity of these questions, makes it particularly important that solutions be found which will allow the Convention's protections to be provided to the tribal peoples concerned. It hopes that the Government will be able to communicate, in good time for consideration at the next session, a reply to the comments submitted by IFPAAW as well as any information it may wish to submit concerning other developments in relation to this Convention.

Pakistan (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:

Further to its observation made in 1983, the Committee notes with interest that in April-May 1984 an ILO official visited Pakistan in order to discuss with the responsible government officials the application of the present Convention. The extensive information which he was given, and the additional information communicated by the Government with its report, have enabled the Committee to form a better understanding of the situation in this respect. The Committee notes that many of the points raised in its previous comments have now been clarified, and it is raising some matters in a request addressed directly to the Government.

Panama (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:

The Committee notes that the Government is continuing to make serious efforts to apply the Convention's provisions for the protection and development of the indigenous populations. It notes in particular the communication to indigenous representatives of the Government's reports on the application of the Convention for their comments, and its request to the International Labour Office for advice on co-ordinating governmental action on reporting under this Convention. It also notes the efforts being made to delimit the areas to be included in comarcas, or reserved areas for the Indians of the country, to ensure the continued possession of lands by indigenous populations, the studies which have been undertaken in this connection, and the difficulties which remain in attempting to resolve this delicate question.

The Committee hopes that the Government will continue to provide information in its future reports on the measures being taken under this Convention.

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

Peru (ratification: 1960)

1. The Committee notes the report supplied by the Government which arrived too late to be analysed in detail at this session. Nevertheless, the Committee notes that the Government indicates in its report that it has asked for information to be prepared by the various Government departments concerned with regard to many points that were raised in the Committee's previous comments. The Committee accordingly hopes that the Government will be able to obtain the information that was requested and transmit a supplementary report so that the Committee can study it in detail at its next session.

2. The Committee notes in addition that a communication dated 11 November 1986 was sent to the Office by the Inter-Ethnic Development Association of the Peruvian Selva (AIDSESP), a rural workers' organisation, which stated that the lands of several Indian communities in the district of Raymondi, Atalaya Province, Ucayali Department, were being taken from them by a massive invasion of colonists. This communication stated that these lands were being taken by force, in violation of Articles 11 and 12 of the Convention, but that the Government had not intervened.

The Committee also notes the report on these incidents that was communicated to the Office on 17 February 1987 by the Peruvian Indian Institute. According to this report, the Institute carried out an investigation from 1-10 December 1986 following the receipt of a complaint from AIDSESP. This investigation confirms the facts reported by AIDSESP, and finds that there have been violations of the provisions of the Convention in question, as well as of national legislation. The report also makes various recommendations for action by the Government and requests the Office's technical assistance in correcting the situation.

The Committee hopes that the Government will take the necessary measures in the very near future to protect the land rights of the Indian communities, and that it will indicate in detail in the next report the measures taken. The Committee also hopes that the Office will undertake the necessary consultations with the Government in relation to the suggestions for technical assistance. The Committee raises other matters in the request it is addressing directly to the Government.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Angola, Bangladesh, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guinea-Bissau, Pakistan, Panama, Peru, Syrian Arab Republic.

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the following States: Angola, Cameroon, Djibouti, Guinea-Bissau, Liberia.

Convention No. 110: Plantations, 1958

Requests regarding certain points are being addressed directly to the following States: Cuba, Ecuador, Nicaragua, Panama.

Convention No. 111: Discrimination (Employment and Occupation), 1958

A member of the Committee, Mr. S. Ivanov, expressed his disagreement with the Committee's observation on the application of Convention No. 111 in socialist countries. In his view, in today's world, characterised by the existence of very different political and legal systems, it is important to take real account of the concrete socio-economic conditions of countries, the social factor.

These conditions in the end are the basis for the establishment of a certain type of right - capitalist or socialist - with its institutions and legal standards. It is important to take account of the actual socio-economic conditions in examining civil relations, penal concerns, etc., and above all in labour relations where the social factor has the greatest bearing.

This factor is decisive in the operation of the principle of equality of rights. In conformity with the Constitution of the USSR in force, Soviet citizens are equal before the law irrespective of their racial and national origin, the type and nature of their occupation and other circumstances.

As regards the observations based on the communication of the ICFTU of 24 July 1986 on the application in the USSR of Conventions Nos. 29, 111 and 122, Mr. S. Ivanov stated that these Conventions do not cover the questions of migration mentioned by the ICFTU and that the latter's communication does not contain legal proofs (documentation, copy of judicial decisions, etc.) which support its contention on the dismissal of citizens and their employment. Workers are granted guarantees under the Soviet legislation in respect of engagement and dismissal. For example, under the RSFSR Labour Code, refusal to engage a worker without legitimate cause is prohibited. Any direct or indirect limitation of rights, any establishment of direct or indirect advantages in engagement on the basis of sex, race, nationality or religious convictions are prohibited. The regulation of dismissal of workers at the initiative of management is also based on the above-mentioned constitutional principle of equality of citizens before the law.

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

Algeria (ratification: 1969)

1. The Committee notes with interest that a new national Charter has been adopted through Decree No. 86-22 of 9 February 1986, and that this Charter contains provisions recognising the right of women to educational and vocational training as well as the role that they can and should play in the productive activities of the country. The Committee asks the Government to supply information on any positive measure taken to give practical effect to these provisions and principles.

2. The Government mentions in its report the adoption of Decree No. 85-59 of 23 March 1985 respecting general conditions of employment in public institutions and administration. The Committee notes that under section 21 of this Decree workers are required to engage in the service of the Party and the State and that they must provide their competent and efficient co-operation for activities undertaken by the political leadership of the country. In earlier comments the Committee referred to section 33 of Act No. 78-12 of 5 August 1978 respecting the general conditions of employment of workers, under which in the performance of his duties a worker, in particular when he is in a managerial post or exercises responsibility otherwise, shall seek constant guidance, not only in the principles for action laid down in the national Charter, which is the source of ideological and political inspiration for the institutions of the Party and the State, but also in the guide-lines and directives issued by the political authorities of the country. It also noted that sections 8 and 25 of Act No. 82-06 of 27 February 1982 respecting individual employment relationships do not mention grounds of discrimination expressly covered by Article 1, paragraph 1(a), of the Convention, such as religion and political opinion. As the Government had stated in its previous report that in practice there was no discrimination in employment based on religion or political opinion and that all citizens have the same opportunities of obtaining any job, the

Committee had expressed the hope that measures would be taken to ensure, in conformity with the Convention and national practice, that religion and political opinion cannot give rise to any discrimination in employment or occupation.

In its latest report the Government states that there is no specific reference to such motives of discrimination as religion and political opinion in the legislation currently in force because the question is so obvious that it has not caught the attention of legislators, and that there exists in the country citizens of religion different from the dominant religion who occupy posts by the same right as all other citizens. The Government adds however that the comments of the Committee have been brought to the attention of all services concerned, and in particular of those with responsibility for the drafting of labour laws and regulations, and that it will not fail to indicate in its future reports the responses received in this matter.

The Committee notes this statement with interest and hopes that the Government will soon be able to indicate the measures taken or envisaged so that the principles of the Convention may be fully reflected in the various legislative texts in question and in national practice.

Australia (ratification: 1973)

The Committee notes with satisfaction, from the detailed information and documentation supplied by the Government with its report, that further progress has been achieved in the implementation of the Convention, both at the federal and state levels, by the adoption of a wide range of statutory and practical measures.

1. With regard to the federal jurisdiction, the Committee notes, in particular, the enactment of the Affirmative Action (Equal Employment Opportunities for Women) Act, 1986, which covers universities, advanced education institutes and all private sector employers with more than 100 employees. The Committee notes that under the provisions of the Act the universities, institutes and employers concerned are required to develop and implement affirmative action programmes ensuring that appropriate action is taken to eliminate discrimination and to promote equal opportunities for women in relation to employment; the above-mentioned bodies and employers are also required to report on the action taken to the Director of Affirmative Action appointed by the Governor-General.

The Committee also notes with satisfaction that a new section has been inserted in the Public Service Reform Act, 1984, to preclude discrimination on the grounds of political affiliation, race, colour, ethnic origin, social origin, religion, sex, sexual preference, marital status, pregnancy, age and physical or mental disability in respect of appointments, transfers and promotions. Australian Government Departments and authorities, covered by this Act, are required to develop programmes which include the examination of employment practices with a view to identifying those that unjustifiably discriminate against the target groups.

With regard to the state jurisdictions, the Committee notes the enactment in 1984 and 1985 of Equal Opportunity Acts in Victoria, in Western Australia and in South Australia to render discrimination unlawful on the grounds of sex, marital status, pregnancy, race, religious or political conviction and to promote equal opportunity at work; it also notes the amendments to the Industrial Conciliation and Arbitration Act and to the Factories and Shops Act enacted in Queensland to remove discriminatory provisions relating to wages and conditions of work of female workers.

The Committee hopes that the Government will continue to supply information on any further developments in this field, as well as with regard to affirmative action programmes covering enterprises with less than 100 employees. It also hopes that the next report will indicate whether equal employment opportunity legislation which - according to the report is being prepared specifically to cover Commonwealth statutory authorities - has been enacted.

2. The Committee notes with interest the establishment, in December 1986, of a new national Human Rights and Equal Opportunity Commission which will incorporate - amongst its other functions - responsibility for Australian obligations under the Convention and will have, in addition, a complaint handling function with regard to discrimination practices.

The Committee also notes with interest the information supplied by the Government, in reply to its previous comments, concerning the activities of the national and state tripartite Employment and Occupation Discrimination Committees, as well as the setting up, by the Government of Western Australia, of a Women's Advisory Council consisting of representatives from a wide variety of women's community groups.

The Committee requests the Government to continue to supply detailed information on the activities of the above-mentioned bodies and on any further measures taken or envisaged with a view to eliminating any form of discrimination and to promoting equality of opportunity and treatment in employment and occupation.

Barbados (ratification: 1974)

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

In earlier comments the Committee noted that the Government had declared a policy of non-discrimination against women and that it had the intention of implementing certain measures aimed at achieving this objective. These included, *inter alia*, the preparation of an Employment and Related Provisions Bill to prohibit discrimination on grounds of sex, as well as discrimination based on race, colour, creed, political opinion or social origin, and to provide to persons who consider themselves subjected to any discriminatory practice in employment a right of appeal to a tribunal. The Committee notes from the Government's latest report that there has been no further progress on the Bill and that it is highly unlikely that the Bill will be further

considered in its present form. The Committee hopes that the Government will supply detailed information on the further measures taken in application of its policy of non-discrimination, including any legislative provisions to prohibit discrimination in employment and occupation and to provide means of redress.

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

Burkina Faso (ratification: 1962)

In its previous comment, the Committee noted 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 requested the Government to indicate the measures taken or under consideration to end this administrative practice which is incompatible with a policy designed to promote equality of opportunity and treatment. The Committee notes the Government's statement in its report that the application form to re-enter the public service does not constitute a statement of political loyalty, but is intended to supply the administration with full relevant information on the person concerned.

The Committee notes that the form for "applications for the re-engagement of dismissed persons", transmitted by the Government in annex to its report, does not contain provisions concerning the qualifications that are required to fill specific jobs. The Committee also refers to the recommendations adopted by the Committee on Freedom of Association in Case No. 1266 (GB.234/10/14, paragraph 166), and trusts that the Government will take the appropriate measures, 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.

Recalling that under the terms of the circular from the Ministry of National Education dated 24 April 1984, the engagement of dismissed teachers has been forbidden in private teaching establishments, the Committee requests the Government to transmit full information concerning the number of persons who have expressed their wish to re-enter the public service and the number of those who have in fact been re-engaged.

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

Central African Republic (ratification: 1964)

The Committee takes note of the Government's reply to its previous comments and notes with satisfaction its statement to the effect that Decree No. 68/192 of 23 July 1968, which prohibits women

police officers from marrying and makes pregnancy grounds for terminating the employment relation, has been repealed by section 82 of Decree No. 81/020 of 17 January 1981 issuing the special conditions of service of the Central African Police Force.

The other points raised in the Committee's previous comments are dealt with in a request addressed directly to the Government.

Chile (ratification: 1971)

The Committee notes the information supplied by the Government in reply to its previous observation and the statements made by a governmental representative to the 1986 Conference Committee.

In its previous observation 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 1980 depriving persons assigned to their posts by the President, of any guarantee or security of employment.

The Committee notes with satisfaction that these texts, which gave rise to the possible adoption of arbitrary and discriminatory decisions without the possibility of defence for the persons affected, were repealed by the organic constitutional law for the general basis of state administration, No. 18575 of 12 November 1986.

Article 8 of the Constitution. In its 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. Similarly, 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 Governments statement that, as this is a constitutional provision, its amendment is subject to a national plebiscite, which gives it less flexibility than regulatory legal provisions. The Committee requests the Government that, with a view to assuring the observance of a policy of non-discrimination as foreseen in the Convention, it should provide information concerning any measures taken or envisaged in order to amend article 8 of the National Constitution, and to provide information concerning any progress made in this regard.

Finland (ratification: 1970)

The Committee notes with satisfaction the further progress made in the implementation of equality of opportunity and treatment of men and women in employment and occupation with the adoption of the following instruments:

- Act No. 609 of 8 August 1986 respecting equality between women and men, which entered into force on 1 January 1987.

The purpose of the Act is to prevent discrimination on the basis of sex and to promote equality between women and men and thus to improve the status of women, particularly at work. The Act calls on authorities to promote equality, to ensure equal opportunities for women and men in education and training and on employers to ensure balanced placement of women and men and to develop working conditions so that they suit both women and men. The Act prohibits discrimination on the basis of sex (section 7) which applies both to private and public sectors, either by attributing a different status to women and men or by an action through which in fact women and men acquire a different status; the Act deals also with discriminatory wage and working conditions: wages or other conditions applied to a worker less favourable than those applied to a worker of the opposite sex employed on the same work or work of equal value are in particular considered as discriminatory; the Act prohibits discriminatory advertisement (section 14). In case of discrimination, the employer has to prove that his action was dictated by a major and acceptable reason, having regard to the nature of the work or duties or that it was based on an acceptable factor being a factor other than sex. Two bodies are to monitor the Equality Act: the Equality Commissioner (Ombudsman) and the Equality Board, which are granted powers of advice, supervision, inspection, prohibition and sanction.

- Act No. 610 of 8 August 1986 respecting the Equality Commissioner (Ombudsman) and the Equality Board which provides details about the functioning of these bodies.
- Act No. 611 respecting Employment contracts and Act No. 612 respecting Seamen of 8 August 1986 which modify the Employment Contracts Act and the Seamen's Act by introducing a specific paragraph on the prohibition of discrimination between women and men by reference to Act No. 609.

The Committee further notes with interest from the Government's report that a new Act on civil servants adopted in 1986, includes an express prohibition of discrimination against civil servants on grounds of sex, age, political or trade union activities. The Committee notes that the new legislation will enter into force on 1 January 1988.

The Committee has also taken note of the comments made by employers' and workers' organisations.

The Committee notes that in the opinion of the Finnish Employers' Confederation (STK) and the Employers' Confederation of Service Industries (LTK) the preparation of the Act on Equality has not been carried out in collaboration with the central organisations of employers. The Committee recalls in this connection that in accordance with Article 3(a) of the Convention, a member for which the Convention is in force undertakes to seek the co-operation of

employers' and workers' organisations in promoting acceptance and observance of the national policy designed to promote equality of opportunity and treatment in respect of employment and occupation. The Committee expresses the hope that such co-operation will preside over future activities in this field.

The Committee also notes the comments of the Central Organisation of Finnish Trade Unions (SAK) which stresses that the Act on Equality, even applying to both the public and private sectors, relates only to discrimination on the basis of sex, that the legislation on civil servants implies mainly a change in principle in respect of non-discrimination and that formally the Convention has not been given effect to otherwise than in respect of discrimination on the basis of sex, either in municipal or state sectors. An amendment to the Labour Contracts Act in order to prohibit discrimination on the grounds referred to in the Convention would have been preferable.

The Committee further notes that according to the Confederation of Salaried Employees (TUK) discrimination in employment on grounds other than sex is not prohibited by means of legislation.

The Committee would like to stress the importance of legislation on non-discrimination between sexes as an important step in a policy of equality of opportunity and treatment in employment and occupation. The Committee also recalls that such policy should be designed to eliminate or prevent discrimination on all the grounds referred to in the Convention. The Committee requests the Government to provide information on the practical application of the legislation on equality between women and men as well as on any other measures adopted or contemplated in pursuance of a policy to promote equality of opportunity and treatment without discrimination. It addresses a direct request to the Government in relation to these matters.

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, the Examination Order approved by the directive of 3 January 1975, the Order of 29 December 1978 concerning research studies and the Order of 5 December 1981 concerning admission to the polytechnical secondary school.

In its report, the Government recalls its earlier statements that the conditions laid down in the rules for admission to higher education are based on the realisation of constitutional rights and obligations and neither impose any requirements as to ideological commitment, nor contain any provisions restricting the expression of political opinions. The Government further recalls that, in line with the nature of the socialist State, the practice of admission to higher

education is aimed at granting persons from all classes and social strata the same conditions of access, and thus has fully overcome the disadvantages at which workers' and working peasants' children were placed until 1945 in acquiring higher education. Referring to the conditions for admission to research studies, one of which is "high political consciousness and responsible partisan conduct", the Government states that this concerns categories of moral values linked to humanitarian goals, and is not identical with a conduct that conforms with one of the five parties existing in the country. Research students are required to commit themselves in siding with social progress, in being "partisans" of humanitarianism. In addition, the Government considers that the concept of the need for partisanship in science and education is also advocated by UNESCO, because it has stated that education has the task of preparing people for life in a changing world and making them ready for employment; it must stimulate creativity and initiative and also develop an indispensable critical awareness, especially for the purpose of sifting and interpreting the messages conveyed by the mass media. In the Government's view, "critical" awareness is to be identified with a "partisan" response.

The Committee notes these indications. It is not necessary for the purposes of Convention No. 111 to examine how an obligation to follow a partisan attitude affects the development of independent judgement, called for by UNESCO. As regards "high political consciousness" and "responsible, partisan conduct" as conditions for admission to research studies under section 3 of the Order of 29 December 1978, the text of the Order does not show these requirements to be linked to humanitarian goals rather than to those of one of the five political parties existing in the Republic. As the Committee pointed out in paragraph 91 of its 1963 General Survey on Discrimination in Employment and Occupation, legislative provisions are liable to lead in fact to discrimination based on political opinions, when the definitions used are too vague or equivocal and the guarantees inadequate. Concerning the guarantee of an impartial procedure, the Committee has noted that under section 5 of the Order of 29 December 1978, admission to research studies is granted by the rector in agreement with the directions of the Free German Youth Organisation (FDJ) and the High School Trade Union, and under the Statutes of the Free German Youth Organisation (FDJ) adopted in 1976, the programme and the decisions of the Socialist Unity Party (SED) are the basis for its entire activity and it is the duty of each member of the Organisation to help with the implementation of the programme of that party and its decisions.

Similarly, 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, which is to be made at the end of his first study year and to be supplemented at the end of his studies, 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 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.

As regards equal access of all classes and social strata to higher education, the Committee has noted that the Order of 5 December 1981 concerning admission to the polytechnical secondary school not only includes in the requirements for admission "political-moral and character maturity" and proof of the candidates' attachment to the GDR through their attitude and their social activities; it also requires eminent achievements of a candidate's parents in building socialism to be taken into account in arriving at a decision on admission or confirmation.

The Committee considers 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 again expresses the hope that the Government will re-examine the relevant legislation and that it will indicate measures taken or envisaged in this regard to ensure equality of opportunity and treatment under the Convention.

2. In its previous comments, the Committee noted 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 noted examples in section 13(1) of the Act of 1 March 1981 concerning collegial bodies of lawyers, section 7 of the Regulations of 12 January 1984 on the work, direction and organisation of the pharmaceutical sector, and the Statutes of the Academy of Sciences of the GDR, adopted by decision of the Council of Ministers of 28 June 1984.

The Committee also noted that under section 4(2) of the Driving School Regulations of 24 May 1982, 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 requested the Government to provide explanations regarding the relevance of the political qualifications in question to the inherent requirements of the job and the measures taken to ensure the observance of the Convention in this regard.

Referring to cadre policy, the Government indicates that the socialist State cannot be forbidden from implementing, on the basis of the Constitution, cadre policy principles that are appropriate to socialist society and differ from the practice of capitalist society, which cannot be used as an internationally binding yardstick. According to the Government, the political qualifications of workers, required under the legal provisions mentioned, concern the responsibility resulting from each particular job and not the ideological outlook of the person, or allegiance to a political party.

Thus, the requirement under section 4(2) of the Driving School Regulations of 24 May 1982, that the applicant for an instructor's licence possesses the political, pedagogic and professional qualifications for comprehensive education of the driving students, is explained by the Government as referring to the responsibility which a driving instructor has towards society for accident-free, optimal driving, appropriate to traffic conditions, by the driving students entrusted to him. Over and above pedagogical and technical qualifications, the legislation requires the instructor to be capable of making students aware of their responsibility in traffic. According to the Government, the political views professed by the instructor are of no importance here, and the existence of private driving schools shows that the political qualifications required of driving instructors have nothing to do with the party of the working class.

Similarly, with regard to the high requirements concerning the political and professional qualification of managers and staff members in the pharmaceutical field under section 7(1) of the Regulations of 12 January 1984 on the work, direction and organisation of the pharmaceutical sector, which indicates among other things that it is especially important to enforce the principle of socialist cadre politics, the Government states that the work involves considerable political responsibility towards society, in helping to enforce the Government's health policy effectively and for the welfare of people.

As regards section 13(1) of the Act of 1 March 1981, concerning collegial bodies of lawyers, which provides that 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, the Government states that raising the political responsibility of the members of such bodies in carrying out their duties ultimately serves the law policy concerns of society and the interests of their clients, and has nothing to do with a party political education. Similarly, concerning the Statutes of the Academy of Sciences of the GDR adopted by decision of the Council of Ministers on 28 June 1984, which 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 Government refers to section 4, under which 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. According to the Government, this task relates to the great

responsibility borne by the members of the highest scientific institution towards the other members of socialist society, a responsibility which a scientist is best able to discharge when given the opportunity to become familiar, beyond his own field, with national and international events.

The Committee takes due note of these explanations. Obviously, the practice of a given country or groups of countries cannot constitute a criterion for measuring the compliance by another country or group of countries with the Convention; but the Convention spells out its own criteria, which apply to all. Under Article 1 of the Convention, discrimination includes any distinction, exclusion or preference made on the basis of, *inter alia*, political opinion or social origin which has the effect of impairing equality of opportunity or treatment in employment or occupation with the exception of any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof. The Government has alleged that the requirements of a political nature laid down in the legislative provisions referred to relate in fact to inherent requirements of the various jobs and not to the ideological outlook of the person, or allegiance to a political party. The Committee notes that indeed, explanations provided by the Government relate to inherent requirements of the job, e.g. the responsibility of a driving instructor for accident-free driving of the students, the responsibility of pharmaceutical workers for the welfare of people, the responsibility of lawyers for defending the rule of law as well as the interests of their clients; however, the ability to meet such a responsibility, by its very nature as an inherent requirement of a particular job, is part of the professional qualifications required of the persons concerned, and leaves the additional qualifications sought by the political requirements mentioned in the legislation to be determined. As the Committee has recalled above, legislative provisions are liable to lead in fact to discrimination based on political opinions, when the definitions used are too vague or equivocal and the guarantees inadequate. Furthermore, realisation of the policy of the Socialist Unity Party is specifically required in certain legislative provisions, e.g. the Statutes of the Academy of Sciences adopted by decision of 28 June 1984, while other provisions already quoted call for the enforcement of socialist cadre politics, and section 2(3) of the Order of 19 February 1969, read together with the resolution of 7 June 1977, makes it a duty of the collaborators of state bodies to implement the decision of the Party calling for such political qualifications of cadres as "unconditional faithfulness to the working class and its Party".

The Committee also notes that under section 4(1) of the Order of 22 April 1986 concerning the promotion of teachers, excellent results in the communist education of youth, long-standing good and successful political and professional methodical work as well as active social activity are prerequisites for the granting of a title (involving a promotion), while under section 4(5), teachers working in state bodies and subordinate institutions, combines, enterprises, parties or social organisations may be granted a title and promotion if they have an important share in the realisation of the education policy of Party and Government.

The Committee refers to the explanations provided in paragraphs 42 and 91 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, for example, when conditions of a political nature are laid down for all kinds of public employment or for certain other professions, such a practice comes 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. The Committee again expresses the hope that the Government will re-examine the provisions of national law referred to and that it will indicate measures taken or envisaged to ensure equality of opportunity and treatment under the Convention.

3. The Committee notes that, in concluding its report, the Government has expressed surprise at the reference made in the Committee's comments to a decision by the Socialist Unity Party of Germany (SED) and the statutes of the Free German Youth Organisation (FDJ), since decisions and statutes of parties and social organisations should remain outside the discussion of state compliance with ILO Conventions. The Committee observes that, in examining the compliance of legislation and practice with the Convention, it has noted that national legislation has given the Free German Youth Organisation a role in granting access to higher education and professional qualifications, and decisions of the Socialist Unity Party are likewise referred to and made binding in national law. While it is not for the Committee to express a general opinion on the particular role given by national legislation to the decisions of a political party or to a youth organisation committed to their implementation, in the specific field of the Convention that role does not appear to the Committee to be in conformity with the provisions of that instrument.

Federal Republic of Germany (ratification: 1961)

In previous observations, the Committee had referred to measures affecting employment in the public service on the basis of the duty of faithfulness to the free democratic basic order. It notes the findings and recommendations contained in the report of the Commission of Inquiry appointed by the Governing Body under article 26 of the Constitution to examine the observance of Convention No. 111 by the Federal Republic of Germany in regard to this question.

The Committee hopes that the Government will provide detailed information on all measures taken or envisaged in response to the above-mentioned recommendations.

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

Ghana (ratification: 1961)

1. The Committee notes from the information provided by the Government to the Conference Committee and in its report that the National Labour Advisory Committee, a tripartite body competent to review labour legislation, reconstituted in July 1985, is examining the outstanding comments of the Committee. The Committee hopes that the Government will soon be able to report progress in this matter.

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, there shall be no appeal against a decision of this sort taken by the President. The Committee once more requests the Government to indicate the specific measures taken or under consideration to guarantee a right of appeal to civil servants and to indicate the channels of appeal available to state employees or wage earners discharged or dismissed for belonging to a political organisation. It also again requests the Government to provide the text of the Public Tribunals Law, No. 78 of 1984.

Greece (ratification: 1984)

1. With reference to its previous observation, the Committee takes note of the communications from the Pan-Hellenic Association of Telephone Operators, dated respectively 16 September 1985 and 16 September 1986. It also notes the comments by the Government on these communications dated 18 December 1985 and 1 December 1986.

The Committee notes that the telephone operators who are employed by the Greek Telecommunications Agency (OTE) benefited until recently by special conditions concerning their transfer, their promotion and the supervision of their work, but that following their incorporation with the administrative and technical staff of the agency their conditions of promotion and supervision will now be governed by the general regulations applying to the whole staff and by the internal regulations in force.

The Committee asks the Government to furnish the text of these regulations and also that of the special collective agreement concluded on 17 June 1986, which is referred to by the Government in its comments and in its report on the Convention, and seems to govern, among other things, the transfer of the women concerned.

The Committee also asks the Government to state whether promotions have occurred among these workers since their incorporation and to furnish the new wage scale applying to the whole staff of the above-mentioned agency, as soon as it is drawn up. The Committee would also like to be kept informed of the results of the work of the joint committee to be set up under clause 9 of the above-mentioned collective agreement, which will be responsible for the rules governing certain questions concerning the staff of the telecommunications agency as stated by the Government in its comments.

2. The Committee also notes with interest that section 18 of Act No. 1400 of 1983, to amend and complete a number of provisions of

the employment conditions for civil servants, repealed the provisions of the former legislation concerning the obligation for public administrations and public societies and organisations to keep individual files on each staff member containing information on their political opinions and activities and their loyalty to the established regime. The above Act provides for the destruction of such files and of any material making it possible to evaluate the political opinions of the persons concerned.

Guinea (ratification: 1960)

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

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 the discussion that was held on this case at the Conference Committee in 1986; it also notes the report of the Government for the period ending 30 June 1985, which arrived too late for examination in 1986. The Committee regrets that no report was received for the period ending 30 June 1986. It has also examined the report on the human rights situation in the Islamic Republic of Iran submitted by the special reporter to the Commission on Human Rights of the United Nations at its 43rd Session (E/CN.4/1987/23).

In its earlier comments, the Committee expressed its concern at the discrimination in employment and occupation practised against persons belonging either to the "misguided Baha'i group" or to freemasonry or again to organisations whose constitutions imply atheism and that have been banned. This discrimination applies not only to access to employment and occupation but also to conditions of employment and training.

The Government representatives at the Conference Committee in 1983, 1984 and 1985 supplied no information concerning the situation of persons belonging to freemasonry and organisations whose constitutions imply atheism. With regard to persons belonging to the "misguided Baha'i group", they stated that the measures of discrimination were due to the fact that Baha'ism is a political

organisation engaged in spying, and later an organisation of spies, and that if not all Baha'is are spies membership of such an organisation excludes them from the public sector unless they renounce their membership. The Committee requested the Government to observe the obligations inscribed in Article 3(c) and (d) of the Convention by repealing any legislative provision or administrative practice that is incompatible with the policy of non-discrimination that the Government is to pursue in respect of employment under the direct control of a national authority.

In the report for the period ending 30 June 1985 the indication is repeated that the Government of the Islamic Republic of Iran does not recognise Baha'ism as a religion or faith and that, in view of the indisputably bad records of this organisation, it is undoubtedly an espionage organisation at the service of colonial policies, the treacherous actions of which have been proved since the late nineteenth century. The Government also repeats that Baha'is have not been dismissed from the public service because of their religious belief but because of their membership in an espionage and treacherous organisation, the attempts and plots of which have been proved. The Government refers to section 14 of the Constitution, and states that many persons having the same beliefs or similar beliefs work in the public sector. Lastly, the Government, referring to Article 4 of the Convention, considers that the dismissal of members of this espionage organisation, whose activities are prejudicial to the security of the State, shall not be deemed to be discrimination.

The Committee observes that the decision to carry out a purge in public employment was adopted by the Revolutionary Council in August 1979. To give effect to this decision, a National Seminar on Purging from Government Employment was held from 2 to 4 June 1980. Point 5 of the final resolution adopted at the end of the seminar, states that it is necessary to purge from all governmental and government-related offices those employees who are not followers of one of the recognised religions of the country mentioned in the Constitution, and not to employ such individuals, and point 6 calls for an identical measure against freemasons, who may, moreover, be brought before the Revolutionary Court. Section 8, subsection 29, of the Act on the reconstruction of human power in all ministries and other governmental and government-related organisations, adopted on 27 September 1981 (5/7/1360) by the Islamic Parliament, provides that dismissal for life shall be the punishment of the followers of the "misguided Baha'i group", who are recognised as being outside Islam, and the members of organisations whose constitutions imply atheism. The Committee furthermore has noted documents concerning the practical application of this policy, also submitted to the special reporter of the Commission on Human Rights of the United Nations responsible for the report on the human rights situation in the Islamic Republic of Iran. In a letter of the Ministry of Agriculture justifying the dismissal of an official, it is stated that "in accordance with articles 12 and 13 of the Constitution of the Islamic Republic of Iran, the official religions of the country are Islam, Zoroastrianism, Christianity and Judaism. Considering that you are a follower of the Baha'i sect, your employment is therefore contrary to the Constitution and, in

accordance with section 14(c) of the National (Civil Servants) Employment Act, you have been dismissed".

The Committee also refers to the statement made to the Conference Committee in 1984 by a Government representative that all Baha'is might not be spies but due to their membership in such an organisation they could not work in the public sector unless they had renounced their membership. In the same sense, the Committee notes a notification dated 22 September 1982 (10/6/1360) from the Islamic Revolutionary Court of Kermanshah stating that "if the Baha'i employees are willing to repent and write in their personnel forms that they are Muslims and followers of the Shia sect of Islam, and publish this with their photographs in a widely circulated newspaper, then they can continue working for the company; otherwise they must be dismissed".

The Committee considers that it is clear from the general statutory provisions and also from the individual administrative measures implementing them that the exclusion of the Baha'is from the posts they occupied in the public service and in bodies depending on the State is based on their membership and the maintenance of their membership of a faith that is not recognised by sections 12 and 13 of the Constitution.

With regard to the statement by the Government in its report for the period ending 30 June 1985 that the measures of dismissal or exclusion taken against Baha'is must not be considered to be discrimination since they come within the exception provided for by Article 4 of the Convention, the Committee has carried out an examination of the elements available to it.

It observes that the dismissals, discharges and exclusions are pronounced in relation to membership of a group such as the "misguided Baha'i group", freemasonry or atheistic organisations, without any mention of the exercise of individual activities prejudicial to the security of the State and without any precise definition of the latter. The Committee recalls that in its observations over a number of years it has noted that, in the texts available to it a distinction is made in the grounds for dismissal, discharge or exclusion between persons belonging to the groups referred to above and persons alleged to have committed acts of espionage or acts prejudicial to the security of the State.

Furthermore, the Committee recalls the provisions of the Directive of the Ministry of Labour published on 8 December 1981 stating that the courts are bound to withhold the issuance of any judgement in favour of dismissed employees whose membership in the "misguided Baha'i group" or in organisations whose constitutions imply atheism has been ascertained and proved. A Government representative stated to the Conference Committee in 1983 that this Directive is based on legislation ratified by the Islamic Parliament.

The Committee observes that it does not follow from the elements available to it that the conditions of substance (measure affecting an individual who is justifiably suspected of being engaged in activities prejudicial to the security of the State) and of procedural guarantee (right of appeal to a competent body), are fulfilled which must be met to ensure that exceptional measures concerning the security of the

State do not result in discrimination on one of the grounds inscribed in Article 1, paragraph 1(a), of the Convention.

The Committee again expresses its great concern at this situation.

Taking fully into consideration the opening statement of the Government in its report that "the sublime teaching of Islam prohibits discrimination", the Committee trusts that the Government will accordingly observe the obligations inscribed in Article 3(c) and (d) of the Convention, by repealing any legislative provision and amending any administrative provision or practice incompatible with the policy of non-discrimination that the Government is to follow in respect of employment under the direct control of a national authority. It hopes that the Government will supply detailed information on the measures taken to ensure equality of opportunity and treatment in respect of employment and occupation with a view to eliminating all discrimination based in particular on sex, religion, political opinion, national extraction or social origin in all sectors of activity.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

Netherlands (ratification: 1973)

The Committee notes with interest that further progress has been made in the implementation of equality of opportunity and treatment in employment and occupation. It notes in particular, in relation with Article 1(b) of the Convention, the Act of 16 May 1986 respecting the employment of handicapped workers which, inter alia, calls for efforts by employers, employers' organisations and trade unions to promote equal opportunity in employment for handicapped workers.

The Committee requests the Government, in conformity with Article 3(f) of the Convention, to continue providing information on the action taken in pursuance of the policy of equality of opportunity and treatment. It addresses a direct request to the Government on certain legislative and practical measures taken in the field of the Convention.

Norway (ratification: 1959)

The Committee takes note of the information supplied by the Government to the Conference in 1985 and in its report. It also notes the comments by the Norwegian Federation of Trade Unions (LO) on the Government's report, which were transmitted by the Government.

In its earlier observations, the Committee has referred to the conclusions of the Governing Body (March 1983) concerning its examination of a representation submitted by the Norwegian Federation of Trade Unions (LO). The Governing Body considered that section 55 A of the Worker Protection and Working Environment Act No. 4, of 1977 (as amended by Act No. 22 of 1982), was drafted in such a way that employers could question job applicants about their political, religious or cultural views where such views were not relevant to the

inherent requirements of a given job. It has asked the Government to take measures to ensure that section 55 A is worded, interpreted and applied in conformity with Article 1, paragraph 2, of the Convention. The Committee has asked the Government to supply information on the way in which the observance of the Convention is ensured in the application of section 55 A of the Worker Protection and Working Environment Act.

The Committee takes note of the Order of the Supreme Court of 27 November 1986 criticising the order of the High Court of Eidsivating, which considered that the instructions on personnel policy of a religious institution for training social workers, requiring that all candidates for employment in the Department of Social Work be asked about their position with regard to the Christian faith, were contrary to section 55 A in its original wording. The Committee notes from the information given by the Government representative to the Conference Committee in 1985 that the parliamentary committee, set up to examine Proposal No. 49, 1983-84, which was intended to clarify the scope of section 55 A and defined the scope of the 1982 amendment, asked the Government to undertake a full analysis and assessment of the relations between section 55 A and the Convention, on the one hand, and the European and the United Nations Conventions, on the other hand. The parliamentary committee also expressed the wish that the question should again be submitted to Parliament (Storting). The Committee of Experts notes that the Government has consulted the ILO on the relations between section 55 A, the Convention and other international instruments and that the document concerning section 55 A of the above-mentioned Act intended for Parliament (Storting) is now ready.

The Committee asks the Government to supply information on the results of the procedure before Parliament (Storting) and, in the meantime, to furnish any information describing the way in which section 55 A of the Worker Protection and Working Environment Act, No. 4, is applied.

Pakistan (ratification: 1961)

The Committee notes that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Commission on Human Rights of the United Nations, in its resolution 1985/21, expressed its grave concern that persons charged with and arrested for violations of the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (Ordinance No. XX of 1984), and also the affected groups as a whole, had been subjected to discrimination in employment and education.

Referring also to its observation under Convention No. 105, the Committee hopes that the Government will review this matter and that it will supply full information on any measures taken in this connection to give effect to the Convention.

Poland (ratification: 1961)

In its earlier comments, the Committee referred to the protocol of agreement adopted on 31 August 1980, according to which cadre selection is to be based on the principle of qualifications and competence without any distinction between the members of the various parties and persons without party affiliations. The Committee also referred to various texts mentioning ideological and moral attitude or socio-political commitment among the qualifications required for a number of jobs or providing for the removal of a worker or student from his workplace or studies for offences whose appreciation does not come under the normal rules of labour law and disciplinary law.

The Committee notes the detailed indications supplied by the Government in its reports to the effect that the national legislation does not provide for the qualification of candidates for employment on the basis of their political opinions and that certain of the texts in question have been replaced by more recent standards. The Committee examines a number of questions in this connection in a direct request to the Government.

Portugal (ratification: 1959)

1. The Committee notes with satisfaction from the report of the Government that further progress has been made in giving effect to the principle of equality of opportunity and treatment between women in respect of employment and occupation, particularly the adoption of Legislative Decree No. 491/85 of 26 November 1985. This Legislative Decree, whose text is furnished with the report, down penalties for certain discriminatory practices, such as publication of notices of vacancies for posts intended for workers of one or the other sex and the institution of systematic description or appraisal containing inequalities based on sex.

The Committee requests the Government to continue to supply information on any other legislative measure taken under the national policy designed to eliminate discrimination in respect of employment and occupation.

2. The Committee also notes with interest from the report submitted by the Government in 1985 to the United Nations Committee on the Elimination of Racial Discrimination (document CERD/C/126, of 14 November 1986), that the Ministry of Education and the Committee on Women's Affairs signed an agreement on 28 February 1984, renewable every three years, with a view to undertaking joint action to revise programmes of studies and of primary and secondary education, and also teacher training methods. The purpose of this revision is to include factors to promote equality of the sexes and to detect the causes and effects of prejudices influencing the participation of women and men in the family, in the labour market and in society in general. The report states that the guarantee of equality of opportunity in respect of education to women and girls is included in all laws and regulations, but that in practice certain prejudices are still to be observed, which the above-mentioned joint action will eliminate.

Committee would be glad to receive details on this revision and on the results obtained as well as detailed information on the measures taken in practice to facilitate the access of women to legal guidance and training, which are of capital importance in achievement of the aims set out by the Convention.

Sierra Leone (ratification: 1966)

Committee takes note of the Government's statement that its commitments, especially those relating to constitutional provisions, have been noted and that necessary action is being taken to improve the situation in the very near future. The Committee recalls that its previous observation 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 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 previous comments the Committee observed that the Individual Labour Relations Act of 1981 and the Manpower Act of 1974 contain no express provision pertaining to equal opportunities or treatment in respect of access to employment and occupation and of terms or conditions of employment. It therefore requested the Government to indicate the specific measures taken or envisaged - including any regulations that might be adopted under section 24 of the Manpower Act - to prohibit any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion and ethnic or social origin having the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

The Government's report does not contain any information on the measures taken or envisaged in this respect but it only indicates that in general terms "the Manpower Act, General Employment Regulations and the general policy of the Government are against discrimination in respect of employment and occupation since persons are qualified for the post in question, whether the post is in developed or underdeveloped regions".

The Committee notes this statement. It also notes with interest the adoption in 1985 of a new Constitution which provides, under section 17, the right to equal opportunities in employment for all citizens and prohibits any discrimination made on the basis of origin, race, colour, sex, religion or political opinion. The Committee requests the Government to indicate the measures taken or envisaged to ensure the implementation of the above-mentioned constitutional provision in practice and the consequences that this implementation is deemed to have on the application of the Convention.

The Committee refers once again to this effect to paragraphs 25 and 51 of its 1971 General Survey on Discrimination in which it stressed the positive nature of the measures to be taken within the framework of national legislation and policy under Articles 2 and 3 of the Convention and the need for governments to provide detailed information on the various aspects of such action. The Committee therefore hopes that the next report will contain full information on all steps taken at the national, regional or local level to ensure effective promotion of equality of opportunity and treatment in employment or occupation, irrespective of race, colour, sex, religion, political opinion, ethnic or social origin and that it will indicate the results obtained particularly with regard to: (a) access to vocational training; (b) access to employment and to particular occupations; (c) conditions of employment.

Switzerland (ratification: 1961)

With reference to the provisions of Article 2 of the Convention, the Committee notes with interest the report on the legislative programme "Equality of rights for men and women" of 26 February 1986 which was submitted to the Federal Chambers and which is given the highest priority in the 1983-87 broad outlines of government policy. This programme gives an overview of the federal laws which give unequal treatment to men and women, makes proposals for revision, and indicates the time-frame in which these amendments might be made. It also gives a summary of the legal situation regarding equality in the cantons. The Committee notes from the above-mentioned report that in certain matters the cantons, without obligation but with good reason, have adapted their own law to federal legislation, thus showing the promotional role that can be played by federal legislation in implementing the principle of equality of opportunity and treatment.

The Committee requests the Government to continue to supply information on the measures adopted in applying this legislative programme.

Syrian Arab Republic (ratification: 1960)

The Committee notes the detailed information supplied by the Government in its report in reply to the Committee's comments; it notes with interest, in particular, the recent progress made in the field of literacy and vocational and technical training of women, and with regard to the access of women to employment.

The Committee also notes with interest the action taken by the Government in co-operation with trade union organisations to promote the vocational rehabilitation of the disabled.

The Committee requests the Government to continue supplying such information, including statistics, in its forthcoming reports.

A number of other points, particularly concerning certain provisions of the new legislation respecting the conditions of service of state employees (Act No. 1 of 2 January 1985), are dealt with in a request addressed directly to the Government.

Tunisia (ratification: 1959)

The Committee notes the information and documentation supplied by the Government in reply to its previous comments.

1. The Committee notes with interest the information concerning the objectives and action programmes of the various national institutions responsible for promoting women's rights and their integration into the social, economic and political life of the country (Ministry of the Family and the Advancement of Women, Women's Labour Committee, National Union of Women of Tunisia, etc.).

The Committee notes in particular that the Ministry of the Family and the Advancement of Women has directed its attention, among other questions, to the problem of the vocational training of women and the need to diversify the branches of training which are open to them in

order to ensure them greater chances of entering active live. The Committee also notes with interest that the mass media and national women's and vocational organisations participate in the process of informing and educating the public with regard to the national policy against discrimination; it also notes that seminars and meetings are regularly organised on the subject of the condition of women and their role in society, and that they emphasise education and training.

The Committee also notes from the Government's report, which contains the replies of Tunisia to the questionnaire drawn up by the United Nations to assess the achievements of the Decade for Women (1976-1985), that progress has been achieved in this area but that, in most cases, the vocational guidance and training programmes prepare young women for occupations and professions that are traditionally feminine. The Committee hopes that the Government will be able to intensify its efforts in order to promote a greater participation by women in its technical teaching and occupational training programmes for areas which are not traditionally reserved for women.

2. With regard to the access of women to employment, the Committee notes with interest from the information supplied by the Government and the replies to the above questionnaire for the Decade for Women, that a new reading of Islamic law emphasising the idea of progress has made it possible to overcome a number of obstacles to the adoption of legislative measures concerning the promotion of women's rights and that progress has been achieved with regard to the participation of women in the national labour force; moreover, this is confirmed by the statistics contained in the above replies. The Committee also notes with interest that in accordance with the administrative circulars issued recently, access has been opened to women to a number of occupations traditionally reserved for men, such as jobs in the police and the army, and as airline pilots.

The Committee requests the Government to continue supplying information (including statistics) on any progress achieved in this respect.

Turkey (ratification: 1967)

The Committee notes the information supplied by the Government in its report and the statements made by a Government representative to the Conference Committee in 1985.

1. In its previous comments, the Committee noted that section 2 of Martial Law No. 1402, as amended by Act No. 2301 of 19 September 1980, makes it mandatory for the competent authorities to execute immediately every request of the Martial Law Commanders to transfer or dismiss employees of the central Government and to suspend or dismiss officials in local administrations whose services are considered harmful from the point of view of general security, law and order or public safety, or whose work is not considered necessary. The Committee requested the Government to take measures to repeal or amend the provisions in question so as to ensure that civil servants can be transferred or dismissed only on the basis of clearly defined criteria and that such decisions concerning transferral or dismissal will follow procedures guaranteeing adequate protection against decisions

that fail to observe these criteria. It also requested the Government to supply detailed information on the application in practice of the above provisions in provinces in which Martial Law remains in force.

In its report, the Government states that by March 1986 Martial Law had been lifted in 62 provinces, and that the provisions in question of the Martial Law have not been employed for two years. The Government states once again that the authority given to the Martial Law Commanders is used only for those persons whose activities are deemed harmful or whose services are no longer required in respect of general security, law and order or public safety.

The Committee notes this information. It refers to the comments it made in its previous observation concerning section 2 of the Martial Law, in which it stressed that the measures designed to protect the security of the State, within the meaning of Article 4 of the Convention, must be clearly defined and so worded as not to form a basis for discrimination based solely on political opinion, which would be inconsistent with the standards of the 1958 instruments. The Committee once again trusts that the Government will take measures in the very near future to ensure that irrespective of the existence of Martial Law, civil servants can be transferred or dismissed only on the basis of clearly defined criteria and that they may have recourse to procedures guaranteeing adequate protection against decisions failing to observe these criteria. Pending the adoption of such measures, the Committee requests the Government to supply detailed information on the application of Martial Law No. 1402 in the five provinces in which it remains in force.

2. The Committee noted that under the temporary provision incorporated into Act No. 2766 of 28 December 1982, the cases of civil servants and other public employees dismissed in accordance with the provisions of section 2 of the Martial Law, will be re-examined by the Martial Law Commanders. It requested the Government to supply detailed information on the results of the review of cases of dismissal.

A Government representative at the Conference Committee in 1985 stated that 2,079 out of a total of 4,530 dismissed civil servants had been reinstated in their work. He also stated that, in accordance with the principles laid down in Act No. 2766, a re-examination committee had been set up in each Ministry, and that, for those persons not yet reinstated, a general amnesty Bill had already been submitted to Parliament. The Government also indicated in its report that the number of dismissed civil servants whose cases had been re-examined had risen from 880 to 3,999.

The Committee notes this information. It recalls that Act No. 2766 also lays down, in the same temporary provision, that civil servants and public employees regarded as being undesirable for the public service after their cases have been re-examined by the Martial Law Commanders shall never be employed again in the public service.

The Committee requests the Government to indicate the contents, the scope with regard to dismissed civil servants and public employees and the progress made towards the adoption of the general amnesty Bill to which the Government representative referred in the Conference Committee in June 1985. It also requests the Government to supply information on the number of persons regarded as being undesirable

elements in the public service, on the criteria employed as a basis for deciding upon the reinstatement of these persons, and on the committees that have been set up in each Ministry, according to the indications by the Government, including copies of the relevant legislation and regulations. It requests the Government to continue supplying information on the re-examination of cases of dismissal and on the number of persons reinstated to their former duties.

3. The Committee noted previously that under section 3(d) of Martial Law No. 1402, as amended by section 1 of Act No. 2836 of 3 June 1983, Martial Law Commanders may expel from the region under their control persons suspected of being a threat to public order or security or those previously convicted on similar grounds.

The Committee notes the Government's statement in its report that this provision of the Martial Law has not been employed for two years.

Recalling that measures designed to protect the security of the State must be clearly defined and so worded as not to lead in fact to discrimination based on political opinion, incompatible with the Convention, the Committee requests the Government to indicate the steps taken or contemplated to ensure that the measures of exclusion under the above provisions of the Martial Law cannot result in discrimination based on political opinion. It requests the Government to supply detailed information on the application in practice of these provisions in the five provinces where they remain in force.

USSR (ratification: 1961)

1. The Committee notes the Government's report on the Convention. The Government has, in particular, supplied detailed indications in reply to the Committee's previous comments concerning the requirements imposed by a number of legislative texts on employees and on candidates for employment in academic, teaching, managerial and specialist positions, and on candidates for academic degrees, and concerning the manner of evaluating the fulfilment of these requirements. The Committee is again addressing a direct request to the Government on these matters.

2. The Committee has also noted a communication of 24 July 1986 from the International Confederation of Free Trade Unions (ICFTU) supplementing earlier communications of 1 October and 20 December 1982 and alleging the non-observance of this Convention and Conventions Nos. 29 and 122 in the USSR, as well as the Government's reply dated 10 February 1987.

In its communication of 24 July 1986, the ICFTU supplies a further list of Soviet citizens who are said to have been dismissed from their employment after they or members of their families applied to emigrate at different times between 1970 and 1983. About one-third of these persons are stated to be presently without employment and almost all of the others are said to be working in posts which appear to be much below their former positions and professional qualifications. A second list appended to the ICFTU's communication concerns persons stated to have been sentenced to prison terms further to their application for exit visas from the USSR; in this regard, the Committee refers to its comments under Convention No. 29.

In reply to these allegations, the Government states that the communication of the ICFTU is based on a non-objective and politically tendentious choice of facts and on juridically inconsistent generalisations. Such a broadened interpretation of the ILO Conventions is an improper attempt to represent an application for permission to emigrate from the USSR as a ground for discrimination and use of forced labour. The Government underlines that an application for permission to leave the USSR has no consequences, either in law or in practice, which could lead to discriminatory limitation of opportunities or to unequal treatment in employment and occupation, still less to criminal prosecution. An absolute majority of persons of Jewish nationality who emigrated from the USSR kept on working at their workplace as long as they wished, and until the moment preceding their departure. Those who, due to the character of their work, have had access to information of national security interest, being aware of the fact that on this ground their application for permission to emigrate could be rejected in accordance with the law, more often request to be dismissed of their work on their own initiative before they apply to the competent authorities for such permission, i.e. the initiative for a voluntary termination of employment comes from them. Persons mentioned in the second list enclosed with the communication of the ICFTU were put on trial for concrete offences provided for in Soviet legislation, and this was in no way connected with their application for permission to emigrate.

The Government furthermore indicates that new legislation regulating the procedure of entry and departure from the USSR came into force on 1 January 1987. Its purpose is to facilitate the consideration of applications of Soviet citizens and foreigners concerning entry and departure from the USSR. It is based on the principle of equality of all citizens before the law without distinction as to their origin, social and property position, race and nationality, sex, education, language and attitude to religion. There is no link between the intention to leave the USSR and dismissal from work. In conclusion the Government indicates that consultations conducted with the All-Union Central Council of Trade Unions and with the managers of several Soviet enterprises revealed concurrence of opinions with the views expressed by the Government.

The Committee takes due note of these indications. It also notes the Government's statement in its report, with regard to the Committee's earlier conclusions on the similar documentation submitted by the ICFTU in 1982, that the documentation did not deserve serious attention and could not be considered detailed and precise. The recent list communicated by the ICFTU of persons stated to have been dismissed from their positions mentions, in addition to the full names and addresses and professions of the persons concerned, their present employment situation. In the light of the Government's indications concerning the general practice in this field, the Committee would appreciate it if the Government would review the concrete situation of the various persons mentioned by the ICFTU and supply information on any measures presently taken or contemplated in their regard that may have a bearing on the observance of the Convention.

In this connection, the Committee, while aware that questions of emigration are not as such within the purview of the Convention, notes

with interest the new legislation referred to by the Government and hopes that its entry into force will facilitate the elimination of any subject of controversy regarding the employment situation of those concerned.

Yugoslavia (ratification: 1961)

The Committee notes that no report of the Government has been received.

1. In an earlier observation the Committee had 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 has 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 noted 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, had 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 stated that these amendments had been made to most laws and regulations. The Committee had studied 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 noted the practical measures taken, particularly by the Social Attorney of Self-Management of the Socialist Republic of Slovenia, who had 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 stated that in accordance with the supervision of the observance of the procedure for competitions and public announcements, labour inspectors were 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 had 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 stated in its report that, in connection with the reform of the educational system of Serbia, the procedure had been instituted to amend the above-mentioned Law and that a public discussion on the proposed solutions was 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.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Afghanistan, Algeria, Angola, Australia, Austria, Bangladesh, Bardados, Benin, Brazil, Bulgaria, Burkina Faso, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, Egypt, Ethiopia, Finland, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Iceland, Islamic Republic of Iran, Iraq, Italy, Jordan, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malta, Morocco, Netherlands, Nicaragua, Niger, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Somalia, Spain, Sudan, Swaziland, Switzerland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian SSR, USSR, Venezuela, Yemen, Yugoslavia, Zambia.

Convention No. 114: Fishermen's Articles of Agreement, 1959

Cyprus (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:

The Committee notes from the Government's report that the competent authority in respect of the Convention is the Ministry of Agriculture and Natural Resources. It also notes that the formulation of legal provisions which will give effect to the Convention is at present under way, and that the Government hopes to be able to indicate real progress in its next report. The Committee requests the Government to provide information on the measures taken and to supply the texts of the provisions adopted.

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:

The Committee notes that the Government again refers 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 thereof.

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

Uruguay (ratification: 1973)

In its previous observation, the Committee took note of the communication transmitted through the World Confederation of Labour to the ILO by the APEEF (Association of Employees on Board Ships of the Fishing Refrigeration Firm of Uruguay), in which it was alleged, among other things, that the Fishing Refrigeration Firm of Uruguay (FRIPUR) "does not make labour contracts with its fishermen" and that it "deducts the cost of food from the wages of the crews". A copy of this communication was sent to the Government, with a request for comments. Since the Government does not mention this matter in its report, the Committee hopes that it will not fail to provide the comments in question at an early date.

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

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

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

Convention No. 115: Radiation Protection, 1960General observation

The Committee notes from the reports it has examined this year on the application of the Convention that a number of countries have revised or are in the process of revising their national legislation concerning the protection of workers against ionising radiations. It notes that special attention is being given to measures which should be taken in abnormal situations resulting in particular from accidents.

The Committee recalls that under Article 6 of the Convention States shall fix maximum permissible doses and amounts of radiation to which workers may be exposed, for different categories of workers. Such doses and amounts shall be kept under constant review in the light of current knowledge. Article 13 of the Convention provides that in circumstances to be specified, because of the nature or degree of the exposure, the employer should promptly take certain action; in particular, the employer should take any necessary remedial action on the basis of technical findings and medical advice.

The Committee would like to call attention to the recommendations of the International Commission on Radiological Protection (ICRP) and of the International Labour Office concerning the levels of exposure and the measures that should be taken in abnormal situations. Publication No. 26, 1977, of the ICRP, in paragraphs 188 to 194 deals with intervention in abnormal situations. Paragraph 191 contains recommendations on the measures to be taken during the immediate course of a serious incident; paragraph 192 contains recommendations to be followed once the initial event has been brought under control. The ILO Code of Practice on Radiation Protection (ionizing radiations), which was approved for publication by the Governing Body in November 1986, also makes a distinction between the first phase, where certain emergency measures should be taken to safeguard human life, to prevent injury, or to avoid a substantial increase in the scale of the incident and a second phase, where remedial measures should be taken to reduce or eliminate the effects of an incident. In regard to the level of exposure, the recommendations of the ICRP and the ILO Code of Practice do not fix a limit for the above mentioned first phase; however, they recommend that the workers called to intervene in such circumstances should be volunteers and should be fully informed of the risks and trained in advance. Once an accident is under control, the ICRP and the ILO recommend that the remedial measures should be taken while maintaining compliance with permissible dose limits (at present 50 mSv or 5 rems). However, in special circumstances which require that certain essential operations are carried out without maintaining compliance with these limits, the recommendations of the ICRP and the ILO Code of Practice provide that the workers involved in these operations should not be exposed to a dose greater than two times the annual limit in each case (i.e. 100 mSv or 10 rems) and five times this limit in a life time (i.e. 250 mSv or 25 rems). These workers should have accepted to intervene and should be well trained and informed of the risks and the protective measures to be taken (paragraph 6.3.2 and Section 5.8 of the Code of

Practice). The recommendations of the ICPR as well as those of the ILO place an emphasis on the necessity of planning in advance the measures to be taken in abnormal situations.

The Committee would be grateful if governments would indicate in their next reports whether special provisions exist or are envisaged concerning the measures to be taken in abnormal situations. If so, it requests the governments to indicate the limits of exposure which have been fixed for workers called to intervene in such situations and the criteria upon which such limits have been fixed in accordance with Article 6 of the Convention. It also requests that they indicate the measures which have been provided in regard to such situations in conformity with Article 13 of the Convention.

Ghana (ratification: 1961)

With reference to its previous comments, the Committee notes, from the Government's report that the Radiation Bill has not yet been adopted. The Committee recalls that protection against radiation is provided at present only by a non-binding code of practice, which, moreover does not give effect to Article 9, paragraph 2, Article 13(a), (b) and (d) and Article 14 of the Convention. The Committee trusts that the Bill, to which the Government has made reference for more than 15 years, will be adopted very soon and will ensure the full application of the Convention.

[The Government is asked to report in detail for the period ending 30 June 1988.]

Norway (ratification: 1981)

Further to its previous direct requests, the Committee notes with satisfaction that section 4 of the Regulations concerning work with ionising radiations of 14 June 1985 fixes maximum permissible doses of ionising radiation to which young persons between 16 and 18 years may be exposed, in accordance with Article 7, paragraph 1(b), of the Convention, and prohibits the employment of young persons under 16 years of age in work involving ionising radiations, in accordance with Article 7, paragraph 2, of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Barbados, Belize, Djibouti, Ecuador, Egypt, Federal Republic of Germany, Guinea, Guyana, Hungary, India, Nicaragua, Norway, Poland, Spain, Switzerland, USSR, United Kingdom.

Convention No. 117: Social Policy (Basic Aims and Standards), 1962Syrian Arab Republic (ratification: 1964)

The Committee notes with satisfaction the adoption of Act No. 1 of 1985 to issue the conditions of service of staff in the employment of the State, section 94 of which fixes the maximum amount of advances on wages paid in circumstances other than those of recruitment and so ensures the application of this part of the requirements of Article 12, paragraph 1, of the Convention in regard to public servants. The Committee would be grateful if the Government would furnish the information asked for in the request being addressed directly to the Government.

Convention No. 118: Equality of Treatment (Social Security), 1962Guinea (ratification: 1967)

With reference to its previous comments, the Committee notes with interest the Government's statement to the effect that an ILO expert is participating in the revision of the legislation respecting social security. It hopes that the new legislation will give more complete effect to the Convention. It would also be grateful if the Government would supply detailed information on the following points:

Article 5 of the Convention. In reply to the previous comments of the Committee, the Government states that the national legislation contains no restriction on the payment of old-age and survivors' benefits, death grants and periodical payments in respect of industrial accidents and occupational diseases, even in the event of residence abroad. It adds that the statement made with regard to the Organisation of Senegal River States was purely contextual and that this isolated case constitutes neither an exception nor a restriction in current practice in this respect. While taking due note of this statement, the Committee would be grateful if the Government would indicate the manner in which, and the provisions or arrangements under which, the provision of benefits is ensured in the event of residence abroad both to nationals of Guinea and to the citizens of any other State which has ratified the Convention in respect of the branches in question, even when no bilateral or multilateral agreement has been concluded.

Article 6. In reply to the previous comments of the Committee, the Government refers to the conclusion of bilateral agreements. It makes particular mention of a draft social security agreement with Mali (a State which, however, is not bound by Convention No. 118). Noting this information, the Committee points out that, under section 38 of the Social Security Code, family benefit shall be payable only in respect of children residing in Guinea, whereas Article 6 prescribes that each State which has accepted the obligations of this Convention in respect of family benefit shall guarantee the grant of family allowances both to its own nationals and to the nationals of any other State which has accepted the obligations of this Convention

for that branch, in respect of children who reside on the territory of any such State, under conditions and within limits to be agreed upon by the States concerned. The Committee therefore expresses the hope that the Government will make efforts to conclude agreements with States Members which have accepted the provisions of the Convention in respect of family benefit branch in so far as migrations of the type contemplated by Article 6 exist with these States.

* * *

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

Convention No. 120: Hygiene (Commerce and Offices), 1964

Algeria (ratification: 1969)

With reference to its previous observations, the Committee notes from the Government's report that the texts that were to give effect, inter alia, to the provisions of the present Convention have not yet been adopted due to the particularly heavy workload of the competent bodies. However, it takes due note of the assurance given by the Government that they will be examined in the next few months. The Committee once again expresses the hope that the texts in question will be adopted very shortly, that they will give full effect to the whole of the Convention and that the Government will supply copies as soon as they are adopted.

[The Government is asked to supply full particulars to the Conference at its 73rd Session, and to report in detail for the period ending 30 June 1987.]

Guinea (ratification: 1966)

With reference to its previous observations, the Committee notes from the Government's report that the revision of the Labour Code is still in progress and that the draft Labour Code contains provisions on safety and health which will largely give effect to the provisions of the Convention. The Committee hopes that the draft Labour Code will be adopted in the very near future, so that the Regulations which are to contain the specific provisions giving effect to the Convention can be issued. It recalls that there is for the moment no legislation applying Article 6, paragraph 2, Article 14 and Article 18 of the Convention.

Madagascar (ratification: 1964)

For many years, the Committee has been calling attention to the fact that there are no specific laws or regulations to ensure the full application of Articles 14 and 18 of the Convention, which provide

that seats shall be supplied to all workers without distinction of sex and that noise and vibrations likely to have harmful effects on workers shall be reduced as far as possible. Since 1975, the Government has stated in its reports that the Order provided for by the Labour Code of 1975 will give full effect to the above-mentioned provisions of the Convention. The Committee notes from the Government's report that no progress appears to have been made in the adoption of this Order. It trusts that this Order will be adopted in the near future and that it will give full effect to the provisions of the Convention.

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

Convention No. 121: Employment Injury Benefits, 1964

Guinea (ratification: 1967)

With reference to its earlier comments, the Committee notes the information supplied by the Government and in particular that concerning Article 23 of the Convention.

It also takes note of the statement by the Government to the effect that it has benefited by technical assistance from the ILO for the reorganisation of the National Social Security Fund and the revision of the Social Security Code, and that this opportunity will be taken to examine all the questions that have been raised by the Committee. The Committee therefore hopes that the necessary measures will be taken to settle the following questions, which are still pending.

Article 4 of the Convention. In reply to the earlier comments of the Committee, the Government states that Article 4 is brought into question by the new liberal orientation of the economy, which means that section 7 of the present Social Security Code remains in force. It adds that public servants enjoy a special scheme ensuring the maintenance of their salaries in full and free care in the event of employment injury. The Committee would be grateful if the Government would supply in its next report the text of the provisions in laws or regulations applying to public servants and also to employees of public establishments, who are excluded from the scope of the Social Security Code by virtue of section 7 in respect of compensation for employment injury.

Article 8. In accordance with the assurances given by the Government, the Committee hopes that the new Social Security Code will include a list of occupational diseases and corresponding work conforming to that provided for by the Convention and that account will be taken in particular of the following points:

- (a) items Nos. 2, 3, 4, 5, 6, 7, 9, 12, 13 and 14 of Schedule I to the Convention should also be included in the list of occupational diseases in the national legislation (these items

relate, respectively, to diseases caused by beryllium (glucinum), phosphorus, chrome, manganese, arsenic, mercury, carbon bisulphide and the toxic compounds of each of these substances, and also diseases caused by the nitro and amino toxic derivatives of benzene or its homologues, diseases caused by ionising radiation and primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances);

- (b) the list of occupational diseases in the national legislation should not refer only to silicosis (as does item 8 of section 136 of the Social Security Code at present in force), but should be completed so as to cover the other pneumoconioses caused by sclerogenetic mineral dust (anthraco-silicosis, asbestosis), and also silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death (see item 1 of Schedule I to the Convention);
- (c) the list of occupational diseases in the national legislation (item 5 of the above-mentioned section), which refers only to poisoning by carbon tetrachloride, should be drafted in general terms, like the Convention (at item 10 of Schedule I), so as to cover all diseases caused by the toxic halogen derivatives of hydrocarbons of the aliphatic series;
- (d) the list of occupational diseases in the national legislation (item 6 of the above-mentioned section), which concerns anthrax infection, should be completed so as to indicate the work creating the presumption of the occupational origin of this disease, as it appears in the right-hand column opposite item 15 of schedule I of the Convention.

Article 15, paragraph 1. The Committee takes note of the statement by the Government to the effect that the conversion of periodical payments into a lump sum is carried out at rates varying from 1 to 100 per cent in order to avoid increasing the volume of the files concerning very small periodical payments. It is, however, bound to point out that by virtue of this provision of the Convention the conversion of the periodical payment into a lump sum can be carried out only exceptionally and when the competent authority has reasons to believe that the lump sum will be utilised in a manner that is particularly advantageous for the injured person. The Committee therefore hopes that the new Social Security Code will contain a provision to this effect.

Articles 19 and 20. The Committee takes due note of the statement by the Government to the effect that the National Social Security Fund, which has recovered its autonomy by virtue of Ordinance No. 117 of 17 May 1985, will take all the necessary steps to provide the statistics concerning all the branches covered by social security. It therefore hopes that the Government will be able to furnish with its next report all the information called for by the report form, particularly statistics, so as to show that the amounts of the benefits paid in the event of temporary incapacity, permanent incapacity and death of the breadwinner provided for in Schedule II to the Convention are reached (taking into consideration the family allowances paid before and, where appropriate, during the contingency). The Government is also asked to state whether recourse

is had to Article 19 or Article 20 of the Convention when establishing that the required percentages are attained.

Article 21. In reply to the previous comments of the Committee, the Government states that with the coming of the Second Republic an increase of 10 per cent in the guaranteed inter-occupational minimum wage (SMIG) was granted in January 1985, with the consequence of an increase in periodical payments. The Committee notes this information with interest. It hopes that the Government will be able to supply with its next report information on the measures taken to ensure the adjustment of benefits and that it will also supply the statistics called for by the report form adopted by the Governing Body in respect of this Article of the Convention, paragraph 1 of which provides that the rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and paragraph 1 of Article 18 shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 22, paragraph 2. The Committee takes note of the statement by the Government to the effect that, in the event of the suspension of benefits, the Fund carries out a detailed inquiry to check whether benefits are in fact due for dependants, but hopes that the new Social Security Code will contain an express provision specifying the cases in which and limits within which part of the cash benefit otherwise due shall be paid to the dependants of the person concerned, in accordance with this provision of the Convention.

Article 25. The Committee again asks the Government to state what responsibility is assumed by the Government with a view to guaranteeing the payment of benefits in practice.

Lastly, with reference to point V of the report form, the Committee again asks the Government to furnish information on the way in which the Convention is applied in practice (for example, by furnishing a copy of the annual report of the National Social Security Fund).

Ireland (ratification: 1969)

With reference to its previous comments, the Committee notes with satisfaction that following the adoption of section 12 of the Social Welfare Act of 1986 and section 11 of the Social Welfare (Amendment of Miscellaneous Social Insurance Provisions) Regulations of 1986, the definition of a commuting accident has been broadened, thus ensuring a better application of Article 7, paragraph 1, of the Convention.

Zaire (ratification: 1967)

In reply to the earlier comments of the Committee, the Government refers in particular to the creation of a social security reform commission, which examined the various observations made by the Committee. The Government also states that it is convinced that following the reform work it will be possible for positive action to be taken with regard to the Committee's comments. The Committee notes this information with interest. It consequently hopes that following

the examination of the issue by the above reform commission, the Government will be in a position to indicate the measures taken or contemplated to give full effect to the Convention, and also requests the Government to supply detailed information on the points raised in a request addressed directly to the Government.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Ecuador, Libyan Arab Jamahiriya, Senegal, Uruguay, Yugoslavia, Zaire.

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

Convention No. 122: Employment Policy, 1964

As regards the observation based on the communication from the International Confederation of Free Trade Unions dated 24 July 1986 on the application of the Convention by the USSR, two members of the Committee, Mr. Gubinski and Mr. Ivanov refer to their observation under Convention No. 111.

Belgium (ratification: 1969)

The Committee has noted once again the considerable information and documentation provided by the Government following its previous observation. The Government details at length various aspects of its economic policy, and in particular measures of labour market policy. It enumerates various policies that have had some success. In the framework of the "5-3-3" programme (first agreed between the social partners and then enacted into law), involving the recommendation of a 5 per cent reduction in working time, 3 per cent moderation of wages and 3 per cent compensatory recruitment of labour, 41,000 jobs were created in 1983-84. The Government has also encouraged various forms of part-time work. The report refers in addition to public work programmes; the "Plus One" plan for the temporary reduction of employers' social security contributions linked to the engagement of workers; financial aid for unemployed people starting their own businesses; and measures to address the problems of systematic use of overtime and undisclosed work. The 1985 Social Recovery Act also aimed at eliminating other rigidities in labour law which were inhibiting the recruitment of workers.

The Government states that its policy had success in halting the destruction of jobs by 1983-84, and in creating new jobs from 1984-85: some 10,000 jobs are said to have been created in each of the past two years, almost all in the private sector. Whilst public finances do not permit more substantial job-creation to be paid for out of public finances the benefits of the specific employment programmes implemented are said to outweigh any negative effects of restructuring.

In this connection, the Committee notes that, according to standardised figures published by the OECD, unemployment has fallen to a level of 12.4 per cent in the second quarter of 1986. The Government's report indicates that youth unemployment has continued to fall, although the placement of young persons in employment has become more and more difficult, especially for those without adequate qualifications.

The Committee appreciates the figures provided by the Government, based on an OECD report, showing the effects that measures taken to contain unemployment have had on the supply of, and demand for manpower, and on unemployment. It also notes with interest the persistent and manifest efforts made by the Government, in co-operation with the social partners, to find appropriate legislative and other methods of dealing with various aspects of the unemployment problem, including macro-economic policy measures, labour market measures, and training policies. These efforts have apparently led to a certain improvement in the level of unemployment, although the problem remains a serious one, particularly as regards long-term unemployment and youth unemployment. The Committee is confident that the Government will continue to pursue the aims of the Convention, and it hopes that the next report will highlight developments in relation to the matters referred to above.

Brazil (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:

1. The Committee takes note of the Government's report, including the replies to certain questions raised in the previous direct request, and the comments made by occupational, industrial and commercial organisations on the application of the Convention.

2. The Committee notes the Government's indication that the most important concern of the country's political economy is overcoming the external balance of payments deficit. In this context it points to its policies of import substitution in energy, currency devaluation, public sector cost reduction, restriction of money supply, and limitation of wage adjustments. These have led to contraction of employment throughout the country and necessitated the consideration by the Ministry of Labour of measures to combat unemployment and underemployment, notably through the National Employment System (SINE) and the National Employment Policy Council (CNPE). The Government further indicates, among other things, a satisfactory development of agriculture and fishing in 1983; also in the first half of 1984 there appears to have been an export-led expansion of employment in the formal urban sector; the employment service of SINE has assisted by reducing frictional unemployment; and the Ministry of Labour has supported the constitution of co-operatives of mobile rural workers for regions where temporary agricultural labour is needed. As regards the supply of labour market information, technical assistance has been received from

the ILO and UNDP, and the Ministry of Labour is endeavouring to have this information used in the preparation of global and sectoral economic policies.

3. The National Confederation of Liberal Professions (CNPL) states that the Government's reactions to economic recession over a number of years have led to business failures, reductions of real wages, and loss of jobs, affecting the middle classes, the liberal professions and especially the young, women, older and disabled workers. The CNPL indicates that the National Congress has been considering adopting measures to deal with these particular problems so that the principles of the Convention are once more put into effect. It urges the need for up-to-date and complete statistical information on the employment situation.

4. The National Confederation of Industry (CNI) considers that the necessary attention has not been given by the Government to encouraging investment in order to create employment in conditions of rapid demographic growth in recent years. The realities of increasing unemployment do not, in the CNI's view, justify the Government's apparent optimism in this regard; the Government should supply all the information requested by the ILO in this connection.

5. The National Confederation of Workers in Credit Enterprises (CONTEC) expresses the opinion that no policy for full employment exists but that the Government's recessionary policy has worsened unemployment and underemployment; it cites particularly the freezing of civil construction works in this respect. The employment crisis springs from the Government's economic and financial policy, which leads to the replacement of productive investment by highly speculative capital market operations, in CONTEC's opinion to the detriment of the worker, who is deprived of employment.

6. The National Confederation of Commerce (CNC) considers that vocational training services are maintained in full operation, enabling many people to obtain a qualified occupation. Although commerce has felt the effects of the serious economic crisis, it is not affected by unemployment. The CNC states that the Government's measures to deal with rural as well as urban employment problems are most opportune.

7. While the Committee has noted above some specific prospects of favourable developments referred to by the Government, it continues to be greatly concerned with the high levels of unemployment and underemployment in the country. Certain statistical information supplied by the Government shows a continuation of high levels of unemployment in 1982-83, although several appendices to the report, apparently offering statistical and other practical information, have not been received. The Committee hopes that the Government will supply a more complete report, answering questions in the form approved by the Governing Body and dealing with the matters raised by the occupational, industrial and commercial organisations referred to above. It hopes SINE will redouble its efforts in respect of labour market information, and that the report will show the

employment effects of measures being taken. The Government may wish to make continued use of the competent advisory services of the ILO in connection with the development of its employment policies and programmes. The Committee would finally wish to see included in the next report more detailed information concerning formal and informal consultations taking place with workers and employers and other persons affected by employment policies, in conformity with Article 3 of the Convention.

The Committee hopes that the Government will supply with its next report detailed information on the above-mentioned points as well as on the comments made by the National Confederation of Industrial Workers (CNTI) concerning the impact on employment of the "Plan Cruzado" for economic recovery, a copy of which was communicated to the Government in a letter of 24 October 1986.

Chile (ratification: 1968)

Further to its previous comments and to the recommendations made in 1984 by the Committee set up by the Governing Body to examine the representation made by the National Trade Union Co-ordinating Council (CNS) of Chile, the Committee has taken note of the detailed information provided in the Government's report. It has also taken note of the comments made by the World Confederation of Organisations of the Teaching Profession (WCOTP) and of the Government's reply.

1. On overall policy measures, the Government refers in its report to Supreme Decree No. 539 of 25 April 1985, creating a National Employment Secretariat with responsibility for the planning of employment policy and programmes. The functions of this Secretariat include the study of the employment situation at the national and regional levels, the co-ordination of all state programmes to combat unemployment and improve the employment situation; employment creation measures; and the periodic evaluation of projects and programmes aimed at the generation or consolidation of employment. The Government refers also to the activities of the Economic and Social Council (CES) which, after a detailed study of employment, has made proposals leading to specific development programmes with a strong emphasis on employment creation, in such areas as export promotion, rural development, irrigation works, regionalisation, and public works and construction. It notes for example that 40,000 jobs are created every year through subsidies for small irrigation works, and that 85 per cent of the budget of the Ministry of Public Works for 1986 has been destined for projects in remote areas of the country.

The Government has further described a range of global and sectoral policy measures, including investment, fiscal and monetary policies; wage and pricing policies; and policies for balanced regional development and rural development, for infrastructural development and industrial development. Moreover, it refers to labour market policies, and to policies and programmes in the area of education and vocational training.

2. With respect to the results of its policies, the Government states that one of the principal difficulties in attaining the goal of full, productive and freely chosen employment has been the consequence

of the recession affecting Latin American as it has European countries. In the case of Chile, this has been aggravated by the terms of trade for international commerce, in particular the low price of copper. Despite this the Government states however that there has been a considerable decrease in overall unemployment levels. It states that the unemployment rate was 10.8 per cent for the May-July 1986 period, and 11 per cent for the April-June 1986 period, comparing favourably with rates of 12.9 per cent for April-June 1985 and 16.2 per cent for April-June 1984. In its recent communication of 9 March 1987 relating to the WCOTP comments (see below), the Government estimates the rate for December 1986-January 1987 at 8.4 per cent.

3. The Government states furthermore that there has been a sizeable increase in the creation of productive employment leading to a fall in the number of people registered within the Minimum Employment Programme (PEM) and the Employment Programme for the Heads of Household (POJH). It states that 1,212,227 jobs were created between 1984 and 1986, allowing 475,000 persons to find productive employment. The number registered in PEM was down from 250,600 in January 1984 to 83,468 in July 1986; and the number registered in POJH fell from 201,600 to 145,218 during the same period. The Government states once again that the PEM and POJH programmes are not sources of work as such, but rather that they provide training for registered persons and also provide an efficient incentive to seek an independent occupation. Persons engaged in these programmes participate on a voluntary basis. A further decline is indicated by the communication of 9 March 1987 referred to above (the total number of persons registered within the PEM and POJH programme would be 166,950 in February 1987, compared with 453,482 in 1983).

4. The Government describes furthermore its recent measures to increase opportunities for education and vocational training. It notes for example that 122,890 enterprise workers received training in 1984, and that a further 19,939 workers received training through scholarship programmes in the same year. With regard to continuous training, the Government outlines general policies for professional and technical education at the intermediary level, for qualified human resources training, and for adapting such training to the real needs of the economic and social development of the country.

5. The Committee has noted the comments received from the World Confederation of Organisations of the Teaching Profession (WCOTP). In its successive comments of 8 and 26 January and 3 and 25 February 1987, the WCOTP alleges the non-application of the Convention through measures taken to apply an instruction of the Ministry of the Interior, "Reservado" No. 1766 of 28 May 1986. This decision, of which the WCOTP has supplied a copy, would allow for the mass dismissal of teachers, potentially affecting a total of 28,317 teachers or 22 per cent of all teaching staff, by March 1987. With reference to the justifications put forward by the Government, namely the deficit in the municipal education budgets and the surplus of teachers, the WCOTP points out that the 1984 education budget is only 82 per cent of the 1972 figure, and that over 540,000 school-age young persons are not covered by the educational system. The WCOTP appends to its comments information and documents of the Chilean Educators' Guild (AGECH) and the Chilean Teachers' Association A.G. giving

details of the dismissals and the situation of the teaching profession. According to the latest information 7,812 teachers had been laid off in February 1987, in different regions of the country, including leaders of the AGECH and the Chilean Teachers' Association A.G. According to the AGECH, on the one hand, these dismissals have had the effect of increasing unemployment in the educational sector, and, on the other hand, they have had an inevitably bad effect on the educational system. The Chilean Teachers' Association AG denounces the lack of participatory consultation with the representatives of teachers' groups; it demands the reinstatement of dismissed teachers and the establishment of negotiation procedures through an ad hoc commission including representatives of teachers' organisations. The WCOTP points out that this demand is in accordance with the provisions of Article 3 of the Convention.

6. The Committee has noted the information supplied in response to the WCOTP allegations by the Government in its communications of 9 and 26 February, and 9 and 10 March 1987.

The Government refers to the prior situation that motivated the Ministry of the Interior's decision. Its aim is to provide for a gradual reduction of the teacher surplus responsible for the deficits in the municipal budgets. The shortage of teaching staff in the 1960s led to the recruitment of teachers without teacher training. In 1985 the number of unqualified teachers was 14,500, whereas there were jobseekers among teachers with the requisite qualifications. Moreover, the problems of job openings would become far more severe in the 1990s if the current rhythm of teacher training were to be maintained. The application of the 1986 instructions would not affect 28,000 persons, as alleged, but a total of 6,000. According to the criteria and stages envisaged, this concerns: (i) 2,500 unqualified teachers who have not taken advantage of the several opportunities to regularise their status over a 12-year period; (ii) 2,100 teachers who fulfil the conditions of the administration statute to seek retirement, and (iii) 1,400 persons whose jobs have been terminated in order to rationalise municipal administration; these measures have been compensated through job offers in other institutions, published in the press. Furthermore, the Government mentions the establishment of appeal commissions to examine disputed cases, and the re-engagement of 800 teachers.

With reference to the allegations concerning the number of young persons outside the educational system, the Government states that the statistics mentioned are not reliable, and provides statistics on the rate of school attendance (an overall percentage of 61 per cent in 1985, and 97 per cent for basic education).

In reply to the allegations concerning unemployment, the Government refers to the positive results of its employment policy and the overall reduction of unemployment. The Government states that the Ministry of Education has kept the Chilean Teachers' Association AG constantly informed of the adoption of the measures in question, in particular those concerning unqualified teachers, as shown by the successive extensions of qualification periods, as requested by the occupational organisations.

7. The Committee has noted the communication of 6 February 1987 of the National Association of Fiscal Employees, also concerning the

dismissals of teachers and trade union leaders of the teaching profession. This communication has been forwarded to the Government by letter of 4 March 1987.

8. With regard to the questions raised by the WCOTP, the Committee is concerned as to the implications of the actions taken by the Government for its ability to ensure both that the system of education and training is designed to meet the manpower needs of the national economy and that there is the fullest possible opportunity for individuals to qualify for and use their skills in jobs for which they are well suited, as required by Article 1 of the Convention. It would appreciate supplementary information from the Government on the total number of teachers who have lost their jobs through the application of the decisions of 28 May 1986, and on the opportunities given them to find suitable alternative employment. The Committee further requests the Government to provide information, as called for in the report form under Article 1, on the relation of education and training policies to prospective employment opportunities. It also requests the Government to indicate the manner in which the representatives of the persons affected are consulted on measures affecting the employment situation of teachers, with particular regard to the aims of Article 3 of the Convention.

9. With regard to its general comments on the application of the Convention, the Committee would be grateful if the Government could continue to supply information on the employment policies implemented, and on the evolving situation of employment and unemployment, in accordance with the requirements of the report form adopted by the Governing Body (see under Articles 1, 2 and 3 of the Convention). In this regard, it hopes that particular attention can be paid to information on the evolution of employment in the public and private sectors, on the role played by the informal sector in job creation, on the unemployment situation of educated young persons, and on productive employment and on that provided by such special programmes as the PEM and the POJH. With regard to these programmes, the Committee refers to its comments under Convention No. 29.

Costa Rica (ratification: 1966)

The Committee has taken note of the information supplied by the Government in response to its previous comments.

1. In its previous observation, the Committee requested the Government, in accordance with the recommendations made by the Governing Body Committee set up to examine the representation made by various Costa Rican trade union confederations (CTC, CATD, CUT, CCTD, CNT) under article 24 of the ILO Constitution, to transmit detailed information with regard to public sector employment, as well as on various other matters relating to employment policy in general, and in particular: (i) information on the various job creation subsidies; (ii) information on measures to deal with the economic situation or structural measures adopted to reduce unemployment.

2. The Committee has noted the detailed information supplied by the Government, with regard to various aspects of employment policy. With regard to economic and structural measures, the Government

mentions the provisions of the 1986-90 National Development Plan. It states that, although the 1982-86 National Development Plan does not provide for an increase in employment as a specific objective, the new National Development Plan will devote a specific chapter to this as one of the priorities for the new Government. Among the economic and social objectives formulated are elements which in the final analysis may lead to a reduction of unemployment. Moreover, as is stated in the report, the strategy formulated aims at economic stabilisation at the least possible social cost, in order to achieve economic recovery. The increased efficiency of productive sectors is another objective of the plan. The achievement of this will allow for an increase in employment levels, especially in rural employment, given the emphasis that the present Government is placing on the this sector. In the area of economic and social policies, the Government's report points to measures such as credit programmes, to support productive activities in the private sector.

3. The Government states that new infrastructural investment in the public sector will aim principally at stimulating direct or indirect employment creation in the most labour-intensive branches of agriculture, fishing, construction and transport; there will be support for traditional rural activities and informal urban sector activities. The report refers to specific employment policies, with regard to the labour market, vocational training and emergency plans. It also describes sectoral programmes, and strategic measures to contribute to the co-ordination of those sectoral activities which have an impact in the creation and improvement of employment activities through a National Employment Programme.

4. With regard to the various subsidies for job creation, the Government states that a fund of some 46 million colones will be devoted to employment-creation programmes, as a means of confronting unemployment and the economic crisis. The Government refers to the temporary subsidy programme for employment creation, which was designed as a fundamental part of the emergency plan in 1982, and which will continue in the 1986-90 period.

5. The Committee has noted with interest the numerous measures which are foreseen in the 1986-90 National Development Plan to reduce unemployment. The Committee hopes that the Government will supply all available information concerning the impact of the employment-generation policies established in the 1982-86 National Development Plan, and the extent to which the implementation of policies and measures of the 1986-90 National Development Plan has been assured.

In a direct request, the Committee has raised certain issues concerning rural development measures, the adjustment of manpower to structural change, vocational training, and consultations with the persons affected by employment policy measures.

Cuba (ratification: 1971)

The Committee has taken note of the information provided in the Government's report. In particular, it has noted with interest the detailed statistical information provided in the 1981 Population and

Housing Census (Censo de Poblacion y Viviendas, 1981) concerning the size and distribution of the labour force by age and sex, by professional category and economic activity, and by region. The Census indicates that, under UN definitions, there was an overall unemployment rate of 3.4 per cent in 1981 for the population aged 15 years and above. This comprises primarily those persons who have recently entered the labour market, and those persons who are in the process of transfer from one job to another. Moreover, the 1981 Census indicates an unemployment rate of 17.1 per cent for persons between 17 and 19 years, a lower unemployment rate of 2.9 per cent for those between 20 and 44 years, and a yet lower unemployment rate of only 0.7 per cent for those between 45 and 64 years. Furthermore, the statistics point to a very considerable increase in female participation in the labour force.

The Committee hopes that the Government will continue to supply statistical and other information of this kind, indicating in particular any new measures that may be taken, through apprenticeship and training schemes or any other means, to improve employment opportunities for youth that enters the labour market for the first time. Further points are being raised in a direct request.

Cyprus (ratification: 1966)

The Committee notes with interest the information as to the manner in which the aims of the Convention are pursued provided by the Government in reply to its previous comments. The Government indicates that, in spite of a relatively high rate of growth of labour supply, full employment conditions were maintained, as the unemployment rate did not exceed 3.6 per cent in 1986 (compared with 3.3 per cent in 1984), and that this was mainly due to the government policy of maintaining a high rate of growth and the provision of incentives through fiscal and monetary measures aimed at stimulating the private sector. GDP growth exceeded the target of 4 per cent per annum in 1984-86 - thanks in part to the tourist industry - and inflation fell further to 1.2 per cent in 1986 (it was 6 per cent in 1984), although the Government refers to problems in the field of investment, export markets for manufacturing, external debt and balance of payments. The Government also describes developments in vocational training and retraining for the benefit of university graduates (including assistance in the form of self-employment schemes, temporary employment abroad, and further training in business and management) and for women.

The Committee hopes the Government will continue to follow these aspects of the employment situation in future reports, and that wherever possible it will include statistics concerning workers placed in employment as a result of measures taken. Please describe any particular measures to find employment for repatriated migrant workers and young and female workers. Please also indicate any further steps taken or envisaged to encourage productivity in employment, in particular in the manufacturing sector where the Government indicates that productivity grew at a rate which is considered unsatisfactorily low (1.9 per cent annually in 1984-86).

Denmark (ratification: 1970)

The Committee notes the information provided by the Government, and in particular that the fall in unemployment has continued, so as to reach a rate of 9.3 per cent in 1985, compared with 10.5 per cent in 1983 (figures published by the ILO), and with a further fall to about 8.5 per cent expected in 1986. The report refers to the continued rise in the numbers of employed, particularly in the private sector and more particularly in manufacturing. This has taken place in the context of an extraordinary increase in labour market entry following the economic upswing in 1984-85. The Government states that the Economic Council expects unemployment to show a slight increase, however, in 1987.

In the Government's view, the interaction of labour market policy with general economic policy has become clearer: labour market policy alone cannot solve unemployment problems in isolation but should contribute by creating the best possible conditions for the general economic policy so that full employment can be achieved again. In this context, the balance of payments is identified as the biggest problem in the Danish economy. Production has continued to grow, and increases in wages and prices have continued to be relatively low and falling. In its endeavour to make labour market policies more efficient and updated, the Government lays stress on the role of job-skills matching, on vocational training, and on making active employment promotion measures more selective and more flexible. Thus, for example, the "job offer" scheme (guaranteeing a job in an ordinary place of work, plus retraining, for the long-term unemployed) has been revised to provide for further training rather than subsequent "job offers" where the first one has not lasted. The report describes the emphasis placed also on the young unemployed and women workers in trying to improve prospects in the labour market.

The Committee once again welcomes the efforts made to promote the application of the Convention, and notes the analysis of the way in which policies are adapted in the light both of the positive results achieved in terms of employment promotion and of the other less certain developments in the overall economy referred to in the report. It hopes the Government will pursue further its endeavours in this respect with the aims of the Convention as to full and productive employment as a major goal in mind.

Ecuador (ratification: 1972)

The Committee takes note of the Government's report. It refers to its previous comments in which it observed that the declining rates of growth in production had led to high levels of unemployment and underemployment. Available data published by the Inter-American Development Bank point to a continuing increase in unemployment in 1985. Moreover, the Committee has noted the fall in wages and the marked expansion of the informal sector (United Nations, Economic Survey of Latin America and the Caribbean, 1984).

The Government states in its report that through Executive Decree No. 2449 of 1984 it has created the National Employment Council, whose

function will be the co-ordination of a national employment programme. The Government adds in its report that the National Employment Council has not yet met because it does not possess the statistical information on employment, unemployment and underemployment required to carry out an adequate and planned national employment policy. The Government adds that through Executive Decree No. 942 of 1985 it has established the National Employment Institute attached to the Ministry of Labour, responsible for the organisation and administration of a permanent information system on the behaviour of the national labour market.

The Committee notes the creation of these agencies, and hopes that the Government will soon be able to compile and analyse the statistical information necessary to determine and review the measures that should be adopted as an integral part of a co-ordinated economic and social policy, to achieve the objectives outlined in Articles 1 and 2 of the Convention. Furthermore, the Committee is raising certain other issues in a direct request.

Finland (ratification: 1968)

Further to its previous observation, the Committee has noted the detailed information provided as to the employment situation and measures taken and proposed to deal with it. It notes also the comments of the Finnish Employers' Confederation (STK), the Employers' Confederation of Service Industries (LTK), the Central Organisation of Finnish Trade Unions (SAK) and the Confederation of Salaried Employees (TVK), that there has been insufficient tripartite consultation as regards certain aspects of employment policy, in particular in respect of the drafting of the Employment Act. SAK adds that it fears unemployment will rise in the coming year. TVK and the Confederation of Technical Employee Organisations in Finland (STTK) also express concern that employment training and the education system should meet the changing needs of labour policy.

The Government refers to the importance in its employment policy for the next few years of positive activity - in the form of encouraging training and independent employment - and placement assistance through the employment services for inexperienced jobseekers. It describes special measures in aid of the young and long-term unemployed (training and employment support, as well as subsidies for jobseekers becoming entrepreneurs). Although unemployment had started to grow towards the end of the reporting period, it remained at 6.3 per cent in 1985, which is, as indicated by the Government, about the same as for the last four years and a level comparing well with other OECD countries. Unemployment of young people and long-term unemployment had earlier decreased. Employment in manufacturing had decreased in 1985, while employment grew exclusively in the service industries. The Committee particularly welcomes the analysis in the Employment and Manpower Policy Measures in Finland Inventory, 1982-85, compiled as part of the follow-up of the OECD recommendation on a general employment and manpower policy, which describes the main provisions, costs and employment effects of all such main selective policy measures with employment implications.

The Committee hopes the Government will pursue further this kind of evaluation and that it will redouble its efforts to ensure that, in conformity with Article 3 of the Convention, effective consultations of, in particular, employers' and workers' representatives take place with a view to taking account of their views and securing their support in relation to employment policies.

France (ratification: 1971)

1. The Committee notes the detailed and substantial information on the employment situation and employment policy provided by the Government in its report for 1984-86.

2. The Government's report stresses the tendency for employment to continue to develop unfavourably, with an overall loss of 160,000 jobs, mainly jobs in industry which have not been balanced by newly created jobs in the service sector. Thus the tendency is for unemployment to increase slowly, with the numbers of those looking for work increasing by 5 per cent, compared with 15 per cent in the period 1982-84. The age structure of the unemployed shows a decrease in the proportion of under 25s, although this proportion remains large (one-third of all workseekers in 1986), and an increase of those 25-49 (half the total). Another significant trend is for unemployment to last longer on average (almost one year), while the difference between male and female unemployment in this respect has tended to diminish.

3. Secondly, the Committee notes that employment policy during the report period, is based mainly on the following:

- (i) measures for training and placement of the young, especially arrangements such as mixed training in enterprises, communal works for non-profit-making bodies, and relief from social charges for employers recruiting workers;
- (ii) measures to pursue and diversify industrial restructuring (financing early retirement, "conversion zones" combined with employment assistance, training and retraining);
- (iii) measures to reinforce employment protection, which have been supplemented by the amendment of the procedure for "economic dismissals" by Law of 3 July 1986;
- (iv) employment promotion measures, which have featured aid for unemployed people starting businesses, whilst measures aimed at rearranging and reducing working time are said to have had "very limited effect";
- (v) finally, changes in the way in which requests for employment are handled, in particular as regards the re-employment of long-term unemployed people.

4. The Committee appreciates the many efforts made by the Government, through specific measures of various kinds, in some cases with the participation of the social partners, in order to reduce the overall impact of unemployment and to minimise the effects on the categories affected. However, it notes that there has been little growth in employment creation and unemployment continues to affect a large proportion of the active population (over 10 per cent in 1985-86), while the active population is itself increasing because of demographic and socio-economic factors. At the same time, the

incidence of inequality and the forms of exceptional or insecure work (part-time work, temporary work or contracts for a limited period), seems to be increasing, as indicated for example in the annual OECD reports. In this connection and in relation to the policies described in the report of the Government, which seem to be concerned primarily with the functioning of the labour market and the social management of unemployment, the Committee hopes the Government will also be able to indicate more precisely how effect is given to the basic requirements of the Convention, Article 1 of which lays down the requirement "as a major goal" of an active policy designed to promote full, productive and freely chosen employment, and Article 2 of which requires measures adopted to this end to be decided on and kept under review "within the framework of a co-ordinated economic and social policy". A request for information on certain points is being addressed directly to the Government.

Madagascar (ratification: 1966)

The Committee notes with regret that for the third year in succession the Government's report has not been received. It hopes that a full report in the form approved by the Governing Body will be supplied for examination by the Committee at its next session, and that it will contain full information on the matters raised in a direct request.

Netherlands (ratification: 1967)

Further to its previous comments, the Committee has taken due note of the information in the Government's report as well as the discussion in the Conference Committee.

The Committee welcomes the detailed analysis of the labour market included in the report, according to which 1986 was marked by falling unemployment, growing manpower supply and demand, shifts in the occupations structure, redistribution and flexibilisation. According to adjusted figures published by the OECD, unemployment fell from a high of 14 per cent in 1984 to 12.4 per cent in the first half of 1986, and the fall was expected to continue. Unemployment has fallen in nearly all categories of occupation, and this has coincided with growing part-time employment and employment in construction and computer-based activities, as well as growing employment in manufacturing for the first time in many years. The Government has analysed job vacancies and found a shift from manufacturing to services in past decades; it indicates that small and medium-sized enterprises (especially new enterprises) take up more workers than do big businesses, including young people, women and part-timers, although length of service here is relatively short. The highest unemployment rates have been found among those with the lowest levels of training, and the Government points to mismatches of skills and lack of work experience as a major cause of bottlenecks in manpower supply. Youth unemployment is stated to have fallen appreciably, following the recommendations of the Labour Foundation (Joint Industrial Labour

Council) in July 1984 and subsequent collective agreements which aimed to double the intake of apprentices and create jobs-cum-training, "growth jobs" (jobs for less than full time for a maximum of 5 years in the government sector) and other part-time jobs; the Youth Development Jobs Plan (JOB) has, through the Government agency START, also given temporary jobs in many sectors, mostly in small and medium-sized businesses. START itself is said to have shown splendid growth, receiving no subsidy and refunding part of any profit made to client employers. The report also describes the particular employment problems of the over 55s and aliens and ethnic minorities, who remain disadvantaged in the labour market.

The Government indicates that growing numbers are being employed in recent years under occasional or "flexible" employment relationships (flexibele arbeidsrelaties), which includes certain types of temporary labour, call contracts or "minmax" contracts (under which workers have to keep themselves available until called on, or in which minimum and maximum limits are set for the performance required of them) and outwork: since the 1960s, most Dutch firms have sought to create a homogeneous enterprise culture with a reliable permanent workforce, while using "flexible" employment contracts for jobs outside this stable "nucleus". This sort of relationship - occurring chiefly in industries with irregular hours or large-scale part-time labour (such as hauliers, hotels and restaurants, health care and social services) - often puts the worker in a weak legal position as regards protection against dismissal, working hours, and national insurance, according to the Government.

As regards the reduction of working time under collective agreements, the Government states that in 1985 a total of 65,000 full-time jobs was yielded (45 per cent of them in government), while others were preserved which would have been lost otherwise. In 1986 the reduction will be smaller as most of the collective agreement goals have been reached already. Early retirements are also said to have had an impact on employment.

The Committee is grateful to the Government for the information on these and other aspects of labour market policy included in the report and for the efforts made to show the material effect on employment and unemployment. It hopes the Government will continue to provide this kind of information, with particular reference, inter alia, to the trends in long-term unemployment. The Committee refers to its previous observation and direct request and it recalls the concern expressed in the Conference Committee by representatives of workers' and employers' organisations at various aspects of the employment situation, and the conclusion of the Conference Committee inviting the Government to implement co-ordinated plans in the sphere of employment, together with the social partners, including measures such as the promotion of economic growth, investment, training, the allocation and distribution of available work and other alternative solutions.

The Committee hopes the Government will provide the information requested in the report form approved by the Governing Body on overall policy measures (including fiscal and monetary, trade, prices, incomes and wage policies) and on measures to co-ordinate education and training policies with prospective employment opportunities, together with an appreciation of its policies in terms of the Convention's aims

of full, productive and freely-chosen employment. It would be glad if the Government would in addition provide information on certain other specific points raised in the Conference Committee concerning, for example, the activities of employment offices in favour of the weaker job applicants, and the operation and efficiency of certain training facilities (for instance in respect of advanced technology). Finally, the Committee trusts that the Government will also further describe consultations held with representatives of employers' and workers' organisations and others affected by employment policy measures, in accordance with Article 3 of the Convention.

New Zealand (ratification: 1965)

The Committee notes the information provided by the Government in reply to its previous comments. It notes with interest that at the end of the reporting period (June 1986) the estimated number unemployed and seeking full or part-time work represented 4.3 per cent of the workforce. The Government also indicates that previous problems of a statistical undercount of numbers unemployed have been resolved by the development of a household labour force survey. The report goes on to describe the Government's continued move away from assistance to the unemployed people mainly through subsidised employment unlikely to have a significant net job creating effect, towards a more skills-oriented approach: this has involved improved targetting of the Job Opportunities Scheme, the level of subsidy accorded being related to the level of disadvantage of the worker; and further development of previous programmes into a new Training Assistance Programme (TAP) leading up to ACCESS, a "self-target" system to enhance jobseekers' long-term employment prospects and to lessen skills mis-match. The Committee particularly welcomes the statistics provided, showing the numbers who participated in the previous training assistance programmes and the numbers of those subsequently employed: 1985 figures for those in full-time employment following participation in the School-Leavers' Training and Employment Preparation Scheme (STEPS), the Young Persons Training Programme (YTP) and the Work Skill Development Programme (WSDP) were respectively 48 per cent, 88 per cent and 46 per cent.

The Committee notes that the Government expected unemployment to rise in the second half of 1986; and this forecast seems to be confirmed by the data and analysis of the last OECD report in Economic Outlook, December 1986; it also notes from the same sources a decreasing trend in employment growth between 1984 and 1986 and, from the Government's report, that there are no further plans for new major projects investment of the kind which had been a source of indirect as well as direct employment. The Committee hopes that in this light the Government will continue to provide information on these and other matters referred to in a direct request.

Norway (ratification: 1966)

Further to its previous comments, the Committee has noted with particular interest that, according to the Government, the number of

jobless has been almost halved in the reporting period, when it declined to a rate of 2.2 per cent (the OECD has estimated a figure of less than 2 per cent for 1986 as a whole). This is stated to be a reflection of the upturn in the economy since 1983, and it has been accompanied by continuing growth in employment - especially in the service sector - following a sharp increase in private consumption and a greater need for manpower in petroleum activities and throughout most of the business and industrial sectors (especially import-competing manufacturing), and public administration (especially the public health sector). The numbers of unemployed fell in all age groups (most strongly among the young), and the average duration of unemployment has fallen to 20 weeks. There has been a shift from part-time to full-time employment and, in the public sector, from temporary employment towards training programmes aimed at occupations where there is at present a shortage of qualified manpower. The Government also refers to the Nordic Council's plan of action for economic development and full employment.

The Committee congratulates the Government on the positive results achieved in terms of promoting full employment as required by the Convention, and it hopes it will continue to provide full information on the implementation of measures being taken.

Panama (ratification: 1970)

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

The Committee notes with interest the Government's 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.

Portugal (ratification: 1981)

1. Further to its previous observation, the Committee notes the Government's report and the comments made by the Confederation of Portuguese Industry (CIP). It also notes the discussion in the Conference Committee. The Government's report makes particular reference to a series of legislative and other measures, adopted in 1985 and 1986, among which the Committee notes those respecting the introduction of unemployment insurance and of employment programmes for particular categories of workers, such as young persons seeking their first employment, the long-term unemployed, women and the handicapped. The report also refers to action taken in relation to vocational training and guidance and the measures adopted to improve the co-ordinated compilation of statistics. The Committee takes note, among the instruments related to the overall employment policy, of Act No. 10/86, of 30 April 1986, respecting the main options of the 1986 Plan, whose objectives include the promotion of employment within the framework of an economic and social policy intended to create conditions in which the Portuguese economy can be competitive. The Government states in its report that once it has consolidated its achievements in its combat against inflation, the priority objective of its economic policy will be the gradual reduction of unemployment.

2. In its comments, the CIP considers that it is unrealistic to attach great importance to the target of full, productive and freely chosen employment, which has become Utopian in the context of the current international economic situation. With reference to the various legislative measures that have been adopted, the CIP believes

that they will not lead to significant changes in the present situation. The only decisive factor in this connection would be an economic revival; however, a number of the essential prerequisites for this to happen, particularly a relaxation of labour legislation (with special reference to provisions governing dismissal), are not met in Portugal. The Committee has noted the somewhat pessimistic tone of these comments, which contrasts with certain relatively pleasing information in the Government's report.

3. The Committee thus notes with interest the various measures that have been taken, a number of which came within the framework of technical co-operation with the ILO (and other organisations), and it hopes that the next report will contain an assessment of their employment impact. It notes that the unemployment rate was stabilised in 1984-85, although at a relatively high level (9 per cent according to official figures, 10 per cent according to the OECD), while there has been a decline in employment. It recalls the hopes expressed by the Conference Committee in June 1986 with regard to the adoption of a more complete plan in collaboration with the social partners and the supply of information concerning overall and sectoral development policies, including the employment aspects of agricultural policy. The Committee would be grateful if the Government would supply the information required on the various points raised above, with reference to the questions set out in the report form, and particularly under Articles 1 and 3 of the Convention.

Turkey (ratification: 1977)

The Committee notes the information provided by the Government in reply to its previous comments. The report refers to problems usually beyond the control of the Government, such as protectionism in international trade, repatriation of migrant workers, and the technology gap between developed and developing countries, all of which may affect the employment policies implemented. The Government refers also to technical assistance received from the ILO, UNDP, OECD and the World Bank relating to the improvement of labour market information and employment creation (especially through special public works projects). The Committee notes that while employment has increased, unemployment, especially among young persons, has remained a growing problem despite certain improvements in the rate of inflation and the foreign trade balance. It hopes the Government will be able in its next report to provide further details of the policies adopted and results achieved - including statistics - on the basis of the questions in the Report Form adopted by the Governing Body and the questions contained in a direct request. The Government might wish to refer in this connection to the suggestions contained in the Annex to the Employment Policy Recommendation, 1964 (No. 122).

USSR (ratification: 1967)

As regards a communication from the International Confederation of Free Trade Unions referring to this Convention among others, the

Committee refers to its observations under Conventions Nos. 29 and 111. The Committee is again making a direct request to the Government concerning certain other points.

United Kingdom (ratification: 1966)

The Committee has noted the detailed information communicated by the Government in reply to its last observation, as well as the statements made in the Conference Committee discussion in 1985. It has also taken note of the comments concerning the application of the Convention received from the Trade Union Congress (TUC) in a communication dated 11 February 1987.

1. In its report the Government states that, although the UK already has a higher proportion of people in work (that is to say both full and part-time work) than any other major European country, there was an increase of 329,000 in the number of employees (seasonally adjusted, Great Britain) in the two years to March 1986. According to the report, unemployment has since June 1986 begun to fall, although the level is a matter of most serious concern to the Government. There has been an increase in notified job vacancies in the reporting period to a total of 203,300. According to the latest figures appended to the report, the number of UK unemployed was 3,325,100 in April 1986 or 13.7 per cent; it is estimated that a change in the compilation in March/April 1986 reduces the total count by some 50,000. In Northern Ireland, the level of unemployment remains particularly high.

2. The Government restates the basis of its employment policy as referred to in previous reports: its main task is seen as that of creating a climate in which industry can be efficient. In this connection, the report refers to measures in 1986 to reduce income tax, despite a large loss of oil revenues due to the fall in prices of oil, to secure further privatisation, and encourage foreign investment, international trade and industrial development; it states again that these measures will take several years to achieve their full impact on the economy and, although their precise impact will always be difficult to measure, there are indications that UK industry, particularly in response to government encouragements, is beginning to adopt new technology more quickly and that industrial performance is improving. The report refers to the development policy for reducing regional disparities of employment opportunities. City Action Teams in five areas co-ordinate, inter alia, employment training and counselling programmes in the inner cities. New initiatives of labour market policy include "job clubs" - which improve job-hunting methods - and the "Restart" programme of counselling on the range of employment and training opportunities open. Greater emphasis has also been placed on helping the unemployed set up new businesses. In attempting to facilitate smooth adaptation to structural change, the Government has acted to make the labour market more flexible, e.g. by lowering young people's wages and reducing unemployment through the New Workers Scheme (whereby employers receive a subsidy for each eligible young person starting a suitable full-time job). The report describes vocational training

measures (dealt with further under Convention No. 142). Finally, legislative and other measures in favour of disadvantaged groups of the population such as the disabled, women, ethnic minorities (and religious minorities in Northern Ireland) are described. As regards Article 3 of the Convention, the Government refers to opportunities for employers' and workers' representatives to meet with the Government and discuss issues facing the economy, including employment, education and training, in the National Economic Development Council and the sectoral Economic Development Councils.

3. The Government points to 1 million jobs created in the past three years, a healthy and expanding small firms sector, and six years of uninterrupted economic growth as evidence of the effectiveness of its strategy. It is concerned, however, that achievements are being undermined by continued excessive growth in real wages, and considers it crucial that employers and workers should adopt a more responsible attitude to wage bargaining.

4. The TUC's comments were copied by the TUC directly to the Government and the Office also transmitted a copy on 25 February 1987. The comments express concern, *inter alia*, about the questions of unemployment levels, unemployment statistics, employment prospects, regional policies, wages and consultation. The Government has indicated that a reply will be sent in due course. The Committee trusts that full information will be provided by the Government so that it can examine the issues raised by the TUC at its next session.

5. The Committee recalls that the rate of unemployment has been the subject of its own observations as well as comments of the TUC for several years. It has particularly noted that the Conference Committee called on the Government to continue and increase its efforts to take measures which would permit employment to be increased, and also to consult the social partners in order to create a favourable climate.

6. The Committee shares the Government's serious concern at the continuing high level of unemployment. The policies pursued by the Government in order to promote the aims of the Convention appear in the light of the unemployment figures provided despite previous optimism still not to have had the expected impact on the problem. The Committee once more expresses the hope that the Government will, in accordance with Article 2 of the Convention, keep under review the measures and policies adopted for attaining the objectives specified in Article 1, and that in doing so, it will have full regard to the requirements of Article 3, by consulting the persons affected by the measures to be taken - especially employers' and workers' representatives - and taking their views and experience into account.

Zambia (ratification: 1979)

The Committee notes that the Government's report has not been received. In its previous observation, the Committee noted the Government's statement that, whereas its policy during the successive National Development Plans 1972/83 was geared towards the generation of more employment as a major objective of development, the trend since 1976 was unsatisfactory as a result of the global recession. While the country's population had been rising by 3.1 per cent annually,

employment opportunities had been on the decline. Employment targets envisaged in the National Development Plans had 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 had been delayed by the continued world recession. Some job opportunities had been created as a result of the introduction of small-scale Industries Development Organisations through legislation; and a policy of improving 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, had been embarked on. The Government's report had emphasised in general terms that global recession had caused severe difficulties for the employment situation in Zambia; but it had 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 had given no indication as to the number or kind of job opportunities created through the Industries Development Organisations or other employment creation initiatives.

The Committee, while fully aware of the difficult circumstances caused by global recession, low commodity prices and the requirements of international debt repayment, nevertheless, hoped that the Government could 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 recalled 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 and development". It hoped that the preparation of the Fourth National Development Plan, in which the ILO Southern African Team for Employment Promotion (SATEP) was involved, would permit the formulation of a development strategy giving recognition to the aims of the Convention.

The Committee also noted concerning Article 3 of the Convention that measures to promote individual participatory democracy were still in their initial stages and could only be fully implemented when the current crisis period is past. It hoped that those measures could be developed progressively in order to give effect to the key provisions of the Convention which specifically provide that representatives of employers and workers (as well as of other persons affected) should be consulted concerning the formulation and implementation of employment policies.

The Committee has now taken note of a study made by SATEP entitled "The impact of the recent world recession on the Zambian economy", and in particular the evidence presented as to the decline of employment in the formal sector and a certain increase in the informal sector, although in general the slowdown in economic activity has aggravated the already serious unemployment problem. It hopes the Government will communicate a report for examination at its next session dealing with these and other matters referred to again in a direct request.

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In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Barbados, Byelorussian SSR, Cameroon, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, France, German Democratic Republic, Hungary, Islamic Republic of Iran, Jamaica, Jordan, Libyan Arab Jamahiriya, Madagascar, Mongolia, New Zealand, Panama, Papua New Guinea, Philippines, Poland, Portugal, Romania, Sudan, Suriname, Thailand, Tunisia, Turkey, Ukrainian SSR, USSR, Uruguay, Venezuela, Yugoslavia, Zambia.

Convention No. 124: Medical Examination of Young Persons (Underground Work) 1965

Byelorussian SSR (ratification: 1970)

Further to its previous comments, the Committee notes with satisfaction the adoption of Order No. 700 of 19 June 1984 which provides for medical examination for fitness for employment and periodical annual examination of all workers engaged in underground work in mines.

Ukrainian SSR (ratification: 1970)

Further to its previous comments, the Committee notes with satisfaction the adoption of Order No. 700 of 19 June 1984 which provides for medical examination for fitness for employment and periodical annual examination of all workers engaged in underground work in mines.

USSR (ratification: 1969)

Further to its previous comments, the Committee notes with satisfaction the adoption of Order No. 700 of 19 June 1984 of the Ministry of Health of the USSR, which provides for medical examination for fitness for employment and periodical annual examination of all workers engaged in underground work in mines.

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In addition, requests regarding certain points are being addressed directly to the following States: Bolivia, Gabon, German Democratic Republic, Greece, Jordan, Madagascar, Tunisia.

Convention No. 125: Fishermen's Competency Certificates, 1966

Sierra Leone (ratification: 1967)

The Committee notes from the Government's reply to its previous observation that no information is available on the measures which may

have been taken to apply the Convention. It also notes the draft Fisheries Management and Development Act, which provides under section 57(n) that the Minister may prescribe qualifications for fishing vessel manning requirements. This provision of the Act may be used to draft regulations applying the Convention. The Committee trusts that the regulations that the Government has been mentioning for a number of years will be prepared and adopted in the very near future in order to give effect to the provisions of the Convention. The Committee requests the Government to indicate, in its next report, the progress made in this regard.

Trinidad and Tobago (ratification: 1972)

In reply to the Committee's observation, the Government states that it is holding consultations with IMO officials with a view to promptly updating the legislation concerning seafarers and instituting training courses for seafarers including fishermen. The Committee recalls that there is no legislation which gives full effect to Parts II (Certification), III (Examinations) and IV (Enforcement measures) of the Convention and that the Government has been referring to the drafting of legislation for a number of years. It trusts that the Government will very shortly take the necessary measures to apply the Convention and that it will indicate, in its next report, the progress made in this connection.

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

Convention No. 126: Accommodation of Crews (Fishermen), 1966

Panama (ratification: 1971)

Further to its previous comments, the Committee has noted the information concerning the new system of ships' inspection submitted by the Government in June 1986. As this information contains no new elements concerning the application of the Convention, the Committee hopes that the Government's next report will indicate the measures which have been taken to give full effect to all the provisions of the Convention (except 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.

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

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

Convention No. 127: Maximum Weight, 1967

Algeria (ratification: 1969)

Since 1973, the Committee has been pointing out that there is no legislation limiting the weight of loads which can be manually carried by adult males. Since 1976, it has been drawing attention to the fact that since the adoption of Ordinance No. 73-29 of 5 July 1973, which repealed earlier applicable legislation, there is also no legislative or regulatory provision limiting the weight of loads which can be carried by women and children. On many occasions, the Government has referred to works agreements and to circulars and service notes which regulate these questions at the level of the undertaking or the sector of activity, without however submitting the texts of these agreements or circulars. The Government has also mentioned, particularly to the Conference Committee in 1982, draft regulations for the application of the General Statute of Workers which would give effect to the Convention. In its report for 1984-85, it stated that a Bill and two draft decrees relating to occupational hygiene and safety were to be submitted to the Prime Minister in October 1985.

The Committee notes that, according to the last report received in October 1986, the drafts in question had not yet been examined by the Government and that they would be examined in the next few months before being sent to the People's National Assembly. Since at the present time there is no legislation giving effect to the Convention and the Government has not furnished any information indicating that the Convention is applied in practice, the Committee can only insist once again that the Government adopt, as quickly as possible, the legislative and other measures necessary to ensure the application of the Convention which has been ratified over 15 years ago.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

Italy (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 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 kg for port workers, and in the food industry additional pay for the transport of weights of 100 kg). 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.

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

Madagascar (ratification: 1971)

With reference to its earlier observations, the Committee notes from the Government's report that the weight of 50 kg for sacks

continues to be applied in practice. However, the report does not indicate any progress in the adoption of the legislation to limit the weight of loads that may be transported by adult men, to which the Government has made reference for a number of years. The Committee trusts the Government will make every effort to ensure the early adoption of the above mentioned legislation, in order to give full effect to Article 3 of the Convention.

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

Thailand (ratification: 1969)

The Committee notes from the Government's reply to its previous observation that the new legislation on labour protection is being finalised by the National Labour Advisory Council and that it will be submitted to the competent authorities for deliberations and promulgation. It hopes that this legislation will be adopted in the near future and will ensure the full application of Articles 3, 5 and 7 of the Convention in all branches of economic activity in respect of which there is a system of labour inspection, in accordance with Article 2, paragraph 2 of the Convention.

Tunisia (ratification: 1970)

With reference to its previous observations, the Committee recalls that for many years it has drawn the Government's attention to the fact that no legislative or other measures exist to apply the provisions of the Convention. Since 1979, the Government has replied that it is in the process of preparing a draft Order to fix the maximum weight to be carried by one worker. In this regard, the Committee had noted that this draft Order would give effect to Articles 1 to 4 and 7 of the Convention. The Committee notes from the Government's last report that the draft Order has not yet been adopted. The Government states that the draft has just been re-examined by a technical committee and that it will be submitted soon to the employers' and workers' central organisations for comment. The Committee trusts the Government will take all necessary steps to ensure that the draft Order will be adopted in the very near future.

Furthermore, the Committee notes that the Government's report does not contain the information requested in its previous observations on the 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. It again requests the Government to supply this information with the next report.

[The Government is asked to supply full particulars to the Conference at its 73rd Session and to report in detail for the period ending 30 June 1987.]

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

Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967Libyan Arab Jamahiriya (ratification: 1975)

The Committee notes with interest the information supplied by the Government, particularly in relation to Article 21 (in conjunction with Article 1(b)) and Article 25 of the Convention. It also notes the regulations issued under the Social Security Law No. 13 of 1980, namely the Registration, Contributions and Inspection Regulation of 1980, the Disability Assessment Regulation of 1981, the Social Security Pensions Regulation of 1981 and the Basic Pension Regulation of 1982. In addition, it notes from the information supplied by the Government in relation to Conventions Nos. 102 and 118, that a commission has been set up, by Order No. 72 of 1985, to examine International Labour Conventions and Recommendations, whose functions include responsibility to examine the observations of the Committee. The Committee consequently hopes that after the question has been examined by the above commission the Government will be able to supply in its next report full information on a number of points raised in a request addressed directly to the Government.

* * *

In addition, a request regarding certain points is being addressed directly to the Libyan Arab Jamahiriya.

Convention No. 129: Labour Inspection (Agriculture), 1969Finland (ratification: 1975)

See under Convention No. 81.

France (ratification: 1972)

The Committee notes that the report of the Government contains no reply to its comments. It is therefore obliged to repeat its previous observation, which was worded as follows:

Articles 26 and 27 of the Convention. 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.

The Committee hopes that the Government will do everything possible to take the necessary measures in the very near future.

Norway (ratification: 1971)

The Committee notes with satisfaction the information provided by the Government in reply to the Committee's earlier observation, according to which both the amendment to the Working Environment Act, so as to encompass agriculture, and regulations concerning the application of the Act to agricultural and forestry work, where there are no employed workers, entered into force in 1986.

Syrian Arab Republic (ratification: 1972)

The Committee takes note of the information furnished by the Government in its report concerning the application of Articles 16, paragraph 1(b), and 19, paragraph 2, of the Convention.

Article 16, paragraph 3. The Committee notes that by virtue of section 248 of Act No. 134 of 1958 as amended in 1963 the inspector has to notify the employer or his representative of his presence on the occasion of an inspection visit, unless he considers that such a notification may be prejudicial to the purpose of the visit. The Committee observes that Article 16, paragraph 3, provides that the inspector shall also notify "the workers or their representatives". It therefore asks the Government to indicate the measures taken or envisaged to give full effect to this provision of the Convention.

Articles 26 and 27. The Committee has noted the statistical table appended to the Government's communication of 26 May 1986. The Committee observes, however, that the last annual report on the work of the inspection services in agriculture to have been communicated was that relating to the year 1983. The Committee hopes that future annual reports of inspection will be published and transmitted to the ILO within the periods laid down by Article 26 and that they will contain information on all the matters listed in Article 27.

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In addition, requests regarding certain points are being addressed directly to the following States: Burkina Faso, Kenya, Madagascar.

Convention No. 130: Medical Care and Sickness Benefits, 1969Libyan Arab Jamahiriya (ratification: 1975)

The Committee notes the information supplied by the Government in its report as well as the regulations under Social Security Law No. 13 of 1980, namely the Registration, Contributions and Inspection Regulations of 1980, the Social Security Pensions Regulations of 1981 and the Regulations of 1982 concerning benefits in cash to self-employed contributors. It also notes that the commission set up by Order No. 72 of 1985 to examine the International Labour Conventions and Recommendations, is responsible for preparing a reply to the

comments of the Committee. It consequently hopes that following the examination of the question by the above commission, the Government will be able to supply in its next report full information on a 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: Bolivia, Czechoslovakia, Denmark, Ecuador, Federal Republic of Germany, Libyan Arab Jamahiriya, Luxembourg, Uruguay.

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

Convention No. 131: Minimum Wage Fixing, 1970

Sri Lanka (ratification: 1975)

The Committee recalls that in its earlier comments it has examined observations submitted by the United Plantations Workers' Union in 1984 stating that plantation workers were accorded cost-of-living increases in their minimum wages at a lower rate than those accorded to other workers; and stating that the Government was not taking the measures necessary to let the minimum wage-fixing machinery function normally by failing to reconvene a Wages Board, which would have been necessary for its previous decisions to take effect. The Government denied in its previous report that it was taking measures contrary to correct practice, and provided various clarifications. The Committee requested it to provide further information on measures to implement the decision adopted by the Wages Board, as well as information on the work of an ad hoc committee which had been established to examine the structure of wages in plantations. It also requested information on the application of Article 4 of the Convention concerning the adjustment from time to time of minimum wages for workers not represented by major trade union organisations, including some 25 per cent of workers in the plantations sector.

Further information was provided in communications from the Government in June 1985; and from the Democratic Workers' Congress in July 1985 stating that the work of the wage-fixing machinery in the plantations sector had been blocked for over two years. Additional information was provided by the Government in a letter received in March 1986, too late to be examined by the Committee at its last session, in which the Government stated that it was not obstructing the work of the Wages Board, but that the importance and complexity of the issue had made it necessary to extend its consideration to a special committee which includes the most representative employers' and workers' organisations concerned.

Attached to the Government's latest report on the application of the Convention are observations from the Lanka Jathika Estate Workers' Union and the Ceylon Workers' Congress stating that the Government's failure to convene the Wages Board for the Tea Growing and

Manufacturing Trade for more than two years, is a violation of Article 4 of the Convention since wages are not being adjusted in this sector from "time to time", and repeating earlier statements that workers in the plantations sector are receiving less favourable treatment than those in the urban sector.

In its report, the Government states that because of increased labour costs, low export prices for tea and rubber, and other financial burdens resulting from internal instability, it has been reluctantly constrained to defer consideration of any further wage increases. It states that until export conditions and internal conditions are stabilised, it will not be practicable for the ad hoc committee to reach any conclusive decisions with regard to the structure of wages in the plantations sector. It adds that the current wage levels for tea and rubber workers are the highest in the plantations sector and compare favourably with the wages paid to non-plantations sector workers. It states also that the 25 per cent of workers in the plantations sector who are not covered by the Wages Boards for the Tea and the Rubber Growing and Manufacturing Trades are covered by other Wages Boards set up specifically for their trades.

The Committee notes this statement by the Government. It recalls that Article 4 of the Convention lays down no specific intervals for the adjustment of minimum wages "from time to time". It notes in this connection the Government's decision that it is not appropriate to consider further increases in the minimum wages in the plantations sector for the moment.

While noting that there are no fixed intervals for the adjustment of minimum wages, and that the plantations sector is encountering financial difficulties, the Committee nevertheless expresses the hope that it will be possible in the near future to resume periodic adjustments of the minimum wages, taking into account all the elements laid down in Article 3 of the Convention. It refers in this connection to Paragraphs 11 and 12 of Recommendation No. 135, which supplements the present Convention; Paragraph 12 provides that governments should review the minimum wage "either at regular intervals or whenever such a review is considered appropriate in the light of variations in a cost-of-living index". The Committee requests the Government to keep it informed of further developments in this connection.

As regards the issue of comparative levels of wages in the various sectors, the Committee notes the Government's statement that wages in the tea and rubber-growing sector compare favourably to those in the non-plantations sector, and is unable on the basis of the information available to examine further any question of unequal treatment in this regard.

Lastly, the Committee notes the communication enclosed with the report from the Employers' Federation of Ceylon, according to which a large number of employers outside this Federation violate the requirements of paying minimum wages and that it is necessary to strengthen the inspection machinery to prevent such abuses. Please indicate whether instances of such abuses have come to light, and if so what action has been taken or is contemplated in this regard.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Brazil, Portugal, Swaziland, United Republic of Tanzania.

Information supplied by Kenya 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: Burkina Faso, Cameroon, Guinea, Iraq, Ireland, Italy, Kenya, Luxembourg, Madagascar, Portugal, Spain, Uruguay, Yemen, Yugoslavia.

Convention No. 134: Prevention of Accidents (Seafarers), 1970

France (ratification: 1978)

The Committee notes with regret that for the second year in succession the Government's report has not been received and, furthermore, that the last report that was transmitted did not contain a reply to the Committee's comments. In these conditions, the Committee can only repeat its comments in a new direct request and it trusts that a report replying to its comments will be supplied in time for its next session.

Nigeria (ratification: 1973)

The Committee notes with regret that for the fourth year in succession the Government's report has not been received and that consequently no information is available to it in reply to its previous direct requests. It is therefore bound to repeat the points raised previously in a new direct request and trusts that a report containing all the information called for will be transmitted for examination at its next session.

* * *

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

Convention No. 135: Workers' Representatives, 1971

Finland (ratification: 1976)

With reference to its earlier comment under Article 1 of the Convention concerning the different levels of protection against

dismissal and of job security between shop stewards and labour protection representatives, particularly as regards penalties in cases of wrongful dismissal, the Committee notes the Government's reply according to which the problem was discussed in a committee before submitting the "Bill concerning the reform of the Labour Protection Supervision Act" to the Parliament. In accordance with the Committee's proposal, the Ministry of Social Affairs and Health appointed a special working group to investigate the issue, which proposed unanimously in its report at the end of 1985 a change in the Labour Protection Supervision Act No. 131 of 1973 to the effect that the position of labour protection delegates in cases of illegal dismissal and regarding criminal liability would be similar to the position of shop stewards under the Employment Contracts Act. This proposal is being considered by the Parliament, and the amendment of the Act is expected during 1986.

The Committee requests the Government to keep it informed of the adoption of the amendment, and to send it a copy of the amended Act, which should secure uniform protection of workers' representatives in the undertaking.

Mexico (ratification: 1974)

The Committee notes the information supplied by the Government in reply to its previous comments, in particular the extracts from various collective agreements showing that workers' representatives enjoy, in practice, effective protection against acts which could be prejudicial to them.

Sri Lanka (ratification: 1976)

The Committee takes note of the Government's report in reply to the comments which the Committee has been making since 1979 under Article 1 of the Convention. These concerned, in particular, progress in the adoption of new labour relations legislation to provide effective protection to workers' representatives in the undertaking beyond the approval and appeals procedures available, respectively, under the Termination of Employment of Workmen (Special Provisions) Act, 1971 and the Industrial Disputes Act, 1967.

The Government now states that progress in the introduction of the required provisions to the Industrial Disputes Act is being pursued but that there are more pressing demands of national security and defence facing the Government. It gives the assurance that this matter will be pursued speedily once the situation in the country has returned to normal, and that a copy of the new provisions will be supplied once adopted.

Whilst sensitive to the current situation in Sri Lanka, the Committee must draw the Government's attention to the importance of effective protection of workers' representatives against any act prejudicial to them - including dismissal - based on their status or

activities as such. It urges the Government to remedy the legislative gap so as to ensure full compliance with the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Costa Rica, Jordan, Syrian Arab Republic, United Republic of Tanzania, Yemen.

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

Convention No. 136: Benzene, 1971

Côte d'Ivoire (ratification: 1972)

The Committee notes the information contained in the Government's report in reply to its previous observation. It notes with interest that the draft decree to amend Decree No. 67-321 of 21 July 1967 in respect of special safety and health measures applying to establishments whose staff is exposed to benzene poisoning has been revised, taking into account the Committee's comments. It would now give full effect to Articles 1 and 4 of the Convention, by defining and prohibiting products containing benzene on the basis of a benzene content of 1 per cent by volume and to Article 11, paragraph 2, by authorising the employment of young male workers under 18 years of age in work that may cause benzene poisoning only upon the condition that they have special medical authorisation and that they are undergoing education or training under adequate medical and technical supervision. The Committee recalls that the draft decree would also give effect to Article 2, Article 6, paragraph 2, and Article 8, paragraph 1, of the Convention. The Committee therefore hopes that the Government will be able in its next report to indicate that the draft decree has been adopted.

* * *

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

Convention No. 137: Dock Work, 1973

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Costa Rica, Guyana, Italy, Portugal, Uruguay.

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

Convention No. 138: Minimum Age, 1973

Requests regarding certain points are being addressed directly to the following States: Algeria, Antigua and Barbuda, Kenya, Niger, Togo, Zambia.

Convention No. 139: Occupational Cancer, 1974

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Egypt, Guyana, Iraq, Syrian Arab Republic.

Convention No. 140: Paid Educational Leave, 1974

Requests regarding certain points are being addressed directly to the following States: Afghanistan, Guinea, Guyana, Iraq, Kenya, Nicaragua, United Kingdom, Venezuela, Yugoslavia.

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

Convention No. 141: Rural Workers' Organisations, 1975

Requests regarding certain points are being addressed directly to the following States: Afghanistan, France, Nicaragua, Venezuela.

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

Convention No. 142: Human Resources Development, 1975United Kingdom (ratification: 1977)

The Committee notes the Government's detailed report in reply to the previous observation; it has also taken due note of the discussion in the Conference Committee in 1984, and of the indications concerning vocational guidance and training in the Government's report on Convention No. 122. The Government states that with the setting up of some 106 Non-Statutory Training Organisations (NSTOs) alongside the seven remaining Industrial Training Boards (ITBs) much greater reliance has been placed on employers to organise and fund training activities: the involvement of individual employers means training can be properly tailored to their needs. The Government states that in contrast to the impression given by the Trades Union Congress (TUC) in its comments, it intends to increase the amount of training being undertaken and make it more relevant: numbers being trained in 1986-87 were intended to be some 250,000, more than double the 1983-84

level. Most NSTOs have arrangements for consultations with trade unions, and the TUC were also consulted on recent White Papers concerning training. The Government provides copies of policy documents relating to education and training and careers services.

The Committee has noted with interest the information provided on policies and measures adopted in relation to various aspects of the Convention, especially as regards the extension of the Youth Training Scheme (YTS) and certain other activities of the Manpower Services Commission (MSC) aimed at both younger workers and adults; it has noted also the manner in which, in relation to Article 5 of the Convention, employers' and workers' organisations are involved. The Committee notes the statement that "internal labour market training" is the primary source of training in the UK and is almost entirely funded and largely provided by individual employers. It would be glad if the Government would give any available practical information, including statistics, showing the numbers undergoing training of the various kinds referred to in the report (both publicly and privately organised), the occupations involved, and the numbers subsequently entering employment (Part VI of the report form approved by the Governing Body).

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Austria, Egypt, Jordan, Kenya, Portugal, Spain, USSR, Yugoslavia.

Convention No. 143: Migrant Workers (Supplementary Provisions), 1975

Requests regarding certain points are being addressed directly to the following States: Benin, Burkina Faso, Cameroon, Cyprus, Kenya, Norway, Portugal, Togo, Uganda.

Convention No. 144: Tripartite Consultation (International Labour Standards) 1976

Bahamas (ratification: 1979)

The Committee takes note of the information furnished by the Government in its last reports. The Government mentions that consultations have taken place with the employers' and workers' organisations but does not provide any details in this connection.

The Committee has already pointed out that genuine consultations should be held frequently so that each of the questions listed in Article 5, paragraph 1, of the Convention may be examined when necessary, in accordance with the principle of "effective consultations" set forth in Article 2. Certain subjects (replies to questionnaires, submission to the competent authorities, reports to be made to the ILO under article 22 of the Constitution of the Organisation) imply annual consultations, whereas other subjects (for

example, proposals for the denunciation of ratified Conventions), arise less frequently.

In these circumstances, the Committee again requests the Government to describe the measures taken or under consideration to hold regular and frequent consultations on these matters. It requests the Government in particular to furnish detailed information concerning the consultations held (during the period covered by the next report) on the various matters listed in Article 5, paragraph 1, specifying the results that these consultations have led to.

It also requests the Government to provide information in reply to a direct request.

Netherlands (ratification: 1978)

With reference to its previous observation, the Committee takes note of the information concerning the application of Article 5, paragraph 1, of the Convention furnished by the Government in its last report. It also takes note of the comments made in this connection by the Netherlands Council of Employers' Federations (RCO).

Both the Government and the Netherlands Council of Employers' Federations refer again to the difficulties encountered in the consultations relating to the matters set forth in Article 5, paragraph 1(a) (questionnaires concerning items on the agenda of the International Labour Conference and proposed texts to be discussed by the Conference), when these matters are considered by the Commission of the European Communities to fall within its competence.

The Committee notes the information provided in this connection. It trusts that the Government will be able to discuss practical means of overcoming these difficulties with the employers' and workers' organisations. It requests the Government to continue to furnish information on any developments related thereto.

More generally, the Committee requests the Government to furnish detailed information on the consultations held, during the period covered by the next report, on each of the matters set forth in Article 5, paragraph 1, and on the frequency of these consultations. It also requests the Government to indicate the nature of any reports or recommendations made as a result of the consultations.

Lastly, the Committee takes note with interest of the intention of the Government to examine the possibility of informing employers' and workers' organisations of the technical co-operation activities it is participating in with the ILO.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Bahamas, Bangladesh, Barbados, Costa Rica, Ecuador, Finland, Greece, Guyana, Nicaragua, Portugal, Spain, Suriname, Swaziland, Togo, Venezuela, Zambia.

Convention No. 145: Continuity of Employment (Seafarers), 1976

Requests regarding certain points are being addressed directly to the following States: Costa Rica, Finland, Italy, Netherlands, Portugal.

Information supplied by Norway 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 refers to its previous observation which concerned the following questions:

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 judgement 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, paragraph 3, and Article 6 of the Convention.

The Committee recalls that the comments made by FEDERMAR were communicated to the Government on 10 October 1985 for any comments the

latter might wish to make. In the absence of a response of the Government, it urges the Government to 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.

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

* * *

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

Convention No. 147: Merchant Shipping (Minimum Standards), 1976

Spain (ratification: 1978)

The Committee has taken note of the observations submitted by the College of Merchant Navy Officers of Spain (COMME) of 29 January 1987, concerning the application of Conventions Nos. 53 and 147, which were forwarded to the Government for its comments. The Committee hopes that the Government will provide full particulars on the matter to enable it to examine the observations of COMME at its next session.

United Kingdom (ratification: 1980)

In its observation of 1986 the Committee noted that comments on the report of the Government had been submitted by the Trades Union Congress (TUC) and forwarded to the Government, which had stated its intention to provide a full reply as soon as possible. The Committee has deferred examination of the TUC's comments, pending the receipt of the Government's reply which has been received at the start of its present session. The matters raised are accordingly examined below.

Article 2(a)(i) of the Convention. In its report for 1983-85, the Government has stated, in reply to the Committee's previous requests, that the proposal to institute regulations to govern the hours of work of watchkeepers is still under consideration by one of the interested parties in the United Kingdom. The Committee notes the comments by the TUC that, at present, hours of work are subject to collective bargaining and that working excessive hours is widespread and can have a serious effect on the work performance of seafarers and at times affect the safety and operation of vessels. The TUC adds that it is not clear that action is contemplated by the Government in this regard. In reply to the TUC's comments, the Government indicates that it is considering its position with regard to hours of work and will provide further information in its next report.

The Committee recalls that this provision of the Convention requires laws or regulations laying down hours of work so as to ensure

the safety of life on board ship. It hopes that the Government will be able to take appropriate measures in the near future.

Article 2(c) and (f). In its comments, the TUC states that it is not satisfied that the Government is taking adequate steps to ensure that Conventions Nos. 87 and 98 are being complied with either on United Kingdom registered vessels or on foreign vessels visiting United Kingdom ports; that there is evidence that both Conventions are being breached on offshore safety standby vessels; and that inspections and enforcement by the Government are inadequate. In its reply, the Government states that most seafarers are protected to the same extent as are workers in general in the United Kingdom, by the legislation that applies Conventions Nos. 87 and 98. The Committee notes that both Conventions have been ratified by the United Kingdom. It recalls that, under Article 2(f) of Convention No. 147, each Member which ratifies this Convention undertakes to verify by inspection or other appropriate means that ships registered in its territory comply with applicable international labour Conventions in force which it has ratified. As regards foreign vessels visiting United Kingdom ports, the Committee refers to its comments under Article 4 below.

In its comments the TUC also expresses the maritime unions' concern about the number of inspectors available and the consistency of inspections, particularly regarding foreign flag vessels under Port State Control. In this connection, the Committee has noted the information concerning inspection arrangements supplied in the Government's report for 1983-85 and its annexes. It requests the Government to provide in its next report details of the functioning of these arrangements, such as size of inspection staff, numbers and results of inspections and investigations of complaints and penalties imposed, as called for in the report form. The TUC also refers to special problems regarding catering for seafarers on safety standby vessels for offshore installations and to the number of inspectors and inspections of ships' provisions. These matters are being dealt with in the Committee's observation under Convention No. 68, ratified by the United Kingdom. As regards inspection of foreign vessels, the Committee refers to its comments under Article 4 below.

Article 2(g). The TUC states that the Government does not hold an official inquiry into every serious maritime casualty involving ships registered in its territory, but rather applies certain criteria under which the Government has given itself a discretion which does not appear to be permitted by the Convention. The TUC also states that the Government has refused to hold inquiries on a number of occasions, notably the sinking of the Derbyshire in 1980 when 45 lives were lost and the Rainbow Warrior in 1985 with one life lost.

The Government states in its comments that the United Kingdom does hold an official inquiry into every serious maritime casualty involving ships registered within the United Kingdom. The criteria referred to in the TUC's submission relate only to a Court of Formal Investigation which is only one level of investigation, albeit one used in the most serious of casualties, and not unnaturally on average not more than one or two a year are ordered. In the case of the two ships particularly mentioned by the TUC, the United Kingdom in fact investigated the sinking of the Derbyshire and published a report of its preliminary findings. The Government has always maintained that a Formal

Investigation would be held if further evidence warranted it and developments recently have caused such an inquiry to be announced. A further report was published in March 1986. The Rainbow Warrior on the other hand was not engaged in trade or commercial activities, and, in accordance with Article 1, it does not appear to come within the ambit of this Convention. Furthermore, it has been established conclusively that the Rainbow Warrior sank as a result of criminal use of explosives external to the ship. In the view of the Government, a casualty investigation required by the International Convention for the Safety of Life at Sea (SOLAS) 1974, and the present Convention, which takes it fully into account, is to apply lessons for general application for marine safety, and the Rainbow Warrior is not such a case.

The Committee takes due note of the above comments and information regarding the application of this provision of the Convention.

Article 4. The comments by the TUC concern consistency of inspection in examining standards, and compliance with Conventions Nos. 87 and 98. The TUC states that there have been instances of vessels being inspected in the United Kingdom and being allowed to sail to ports in other States which are party to the Memorandum of Understanding on Port State Control, only to be detained on arrival for non-compliance with the present Convention. Stressing the need for inspections to be carried out with a high degree of consistency, the TUC states that there is a potential for ports of convenience to develop, as shipowners find that inspections in some countries or ports are less rigorous than others.

In its comments, the Government states that the United Kingdom carries out Port State Control inspections on a higher proportion of visiting foreign ships than nearly any other country subscribing to the Paris Memorandum of Understanding on Port State Control, and the Government contends that there is a sufficient number of inspectors available for this purpose. As regards consistency in examining standards, the Government states that inspectors all work to the same set of guide-lines and any departures from standards would be a rare exception. All foreign ships in United Kingdom ports are inspected in accordance with arrangements set out in the Paris Memorandum of Understanding on Port State Control. The Government further states that in any one year about 2,500 ships are inspected in the United Kingdom and it would be surprising if events such as those described in the TUC's submission did not happen. However, since 1982 only one instance is known to the Government when a ship inspected in the United Kingdom was detained on arrival in a continental port, and even here the circumstances were extenuating.

Concerning compliance with Conventions Nos. 87 and 98, the TUC states that the seafarers' unions are aware of many instances of vessels on which seafarers are denied the right to organise and to take part in free collective bargaining. The TUC suggests that inspection of foreign flag vessels should look into the application of Conventions Nos. 87 and 98. In its comments, the Government states that ships' inspections do not lend themselves to uncovering instances where seafarers have been denied the right to organise or take part in free collective bargaining, and that in fact this Article (see paragraph 3) appears to refer particularly to complaints received about health and safety hazards. The Government refers, in this connection, to

information contained in its first report on this Convention concerning the right to take the measures necessary in this respect; the Department of Trade exercises this right at its discretion.

The Committee observes that Convention No. 147 does not require a ratifying State to verify by inspection that foreign ships comply with the standards laid down in Conventions Nos. 87 or 98. Article 4, paragraph 1, of the Convention only provides that if the Port State receives a complaint or obtains evidence that a foreign ship does not conform to the standards of the Convention, it may prepare a report to the Government of the country in which the ship is registered and may take measures necessary to rectify those conditions on board which are clearly hazardous to safety and health. Paragraph 3 of Article 4 further specifies that for the purposes of this Article, a "complaint" means information submitted by a body or person as indicated therein, "with an interest in the safety of the ship, including an interest in safety or health hazards to its crew".

The Committee also refers to its comments made under point IV of the report form, which relate to the application of Article 4 of the Convention.

Point IV of the report form. The Committee notes the comments by the TUC stating the concern of British unions about a reluctance on the part of the authorities to publish details of the findings of inspections, which the TUC says makes it impossible to determine which flags are particularly deficient. In its comments, the Government considers that there appears to be no requirement in the present Convention for authorities to publish findings of inspections in such a way that particular flags are shown to be especially deficient. Nevertheless, the Government indicates that it is considering again the format in which statistics are published and will look to see if it is possible to provide a breakdown by flag.

The Committee notes with interest the Government's statement regarding this possibility of providing such a breakdown. In this connection, the Committee would recall that under Article 4, paragraph 1, of the Convention, in cases of ships that do not conform to the standards of the Convention, the ratifying Member, while having no obligation to do so, may prepare a report addressed to the Government of the country in which the ship is registered with a copy to the Director-General of the ILO.

The Committee is addressing a direct request to the Government concerning other points raised in the comments made by the TUC regarding this Convention.

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In addition, requests regarding certain points are being addressed directly to the following States: Belgium, Egypt, France, Liberia, Morocco, United Kingdom.

Information supplied by the Federal Republic of Germany and Sweden in answer to a direct request has been noted by the Committee.

Convention No. 149: Nursing Personnel, 1977Bangladesh (ratification: 1979)

Further to its previous direct requests, the Committee notes with satisfaction that the Bangladesh Nursing Council Ordinance, LXI of 1983 provides for the supervision of the education and training of nursing personnel (Article 3, paragraph 1 of the Convention) and that it specifies the requirements for the practice of nursing, and limits that practice to persons who meet such requirements (Article 4).

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In addition, requests regarding certain points are being addressed directly to the following States: Bangladesh, Denmark, Ecuador, Egypt, Guinea, Zambia.

Convention No. 150: Labour Administration, 1978Burkina Faso (ratification: 1980)

The Committee takes note with satisfaction of the great effort made by the Government - in connection with the earlier comments made by the Committee in a direct request - to meet the problem raised by the shortage of staff in the labour administration: the effort has led to the arrival of 28 inspectors and three labour supervisors near the end of their training, including 18 inspectors trained with the assistance of the ILO and three supervisors trained by the CRADAT (African Regional Centre for Labour Administration).

Cyprus (ratification: 1981)

Article 7 of the Convention. The Committee has noted with satisfaction the information provided, in reply to the Committee's earlier direct request, by the Government, stating that "large groups of workers who are not, in law, employed persons, are covered by the activities of the labour administration system". In this framework, the Committee has particularly noted the special schemes aimed at promoting the self-employment of specific groups (including financial subsidies, training or advisory services which also encompass in one way or the other self-employed persons in commerce and agriculture).

Article 10, paragraph 2. The Committee has noted with satisfaction that the actual expenses of the Department of Labour have risen from CE386,412 in 1981 to CE661,993 in 1985.

Norway (ratification: 1980)

Article 7 of the Convention. The Committee notes with satisfaction that, in response to its earlier direct request, the Government

supplies information to the effect that on 21 March 1986 new regulations were laid down concerning the application of the Working Environment Act to agricultural enterprises which do not employ workers. The regulations encompass in the first place one-man holdings and family holdings. They contain requirements as to the working environment, responsibility for the working environment, and rules on the duty to report the recording of accidents at work, etc. Also, on 10 January 1986, regulations were enacted regarding application of the Working Environment Act to work in one-man enterprises in building and construction. Their purpose is to improve the working environment, both for the individual one-man enterprise and for workers at the same workplace. In the Government's view, the regulations' requirements as to protective and safety measures could lead to a reduction in the number of accidents at work in this sector; and it will be easier to gain an overall view of, and to carry out, the work on safety and environment matters at a building or construction site inasmuch as the same requirements are imposed on all enterprises in this field.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Algeria, Burkina Faso, Costa Rica, Cyprus, Finland, Gabon, Federal Republic of Germany, Guyana, Iraq, Israel, Mexico, Netherlands, Norway, Portugal, Spain, Suriname, Venezuela, Zambia.

Information supplied by Cuba, Sweden, Switzerland and the United Kingdom 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 reply to its previous observations concerning Article 7 of the Convention and the possibility open to the Parliament of overturning freely concluded public service collective agreements through the use of budgetary powers.

The Government states that due account has been taken of the comments of the Committee of Experts and, with particular reference to the 1986 observation wishes to put on record that, as expected, consultations and discussions will take place between the interested parties. According to the Government, it is hoped that these consultations and discussions will result in the adoption of a commonly accepted procedure which will promote understanding and render possible agreements that will take into consideration the existing economic and social national reality and thus exclude or minimise the possibility of refusal or amendment by the Parliament of freely concluded public sector collective agreements.

The Committee asks the Government to keep it informed in future reports of any instances where the above-mentioned consultations led to the conclusion of agreements but where use was made by Parliament of budgetary powers to amend or cancel such agreements.

Denmark (ratification: 1981)

The Committee takes note of the information provided to the 1986 session of the Conference Committee and the detailed discussion which took place there concerning the extension by legislation of collective agreements in the public and private sectors contrary to Article 7 of the Convention and the legislative prohibition on industrial action. It also takes note of the Committee on Freedom of Association's conclusions on Case No. 1338 (see 246th Report, paras. 43 to 71, approved by the Governing Body in November 1986) concerning these points.

While noting that negotiations are due to recommence in the spring of 1987 with a view to concluding new collective agreements, the Committee would refer the Government to the comments it is making concurrently under Conventions Nos. 87 and 98.

Finland (ratification: 1980)

With reference to its previous observations requesting the Government to inform it of any plans to develop the legislation concerning collective bargaining in the public sector, the Committee notes the information in the Government's report that Bill No. 239/84 concerning revision of the legislation on collective bargaining for the public sector is still under consideration in the Parliament.

According to the Government, the proposal aims at harmonising the systems of collective bargaining for the private and public sectors and at widening the range of issues covered by collective bargaining in the public sector. The new legislation is expected to pass the parliamentary proceedings during spring 1987 so as to come into force at the beginning of 1988.

The Committee requests the Government, in future reports, to keep it informed of the adoption of the new legislation, and to supply a copy of the Act as amended.

United Kingdom (ratification: 1980)

The Committee takes note of a communication dated 18 December 1986 by which the Government provided replies to comments made by the Trade Union Congress (TUC) in letters of 30 January and 7 February 1986, prepared in consultation with the Council of Civil Service Unions, relating to alleged infringements of Articles 1, 4, 6, 8 and 9 of the Convention which were the subject of observations by the Committee in 1985.

Commenting on the situation as regards officials of the House of Commons to which the Committee had addressed itself in relation to Article 1, the TUC states that the trade unions directly concerned do not accept the Government's view that parliamentary staff are adequately protected: although it is official policy to treat them as if they are civil servants in relation to pay, conditions of work, etc., they do not enjoy the same legal protection. Reference is made to a procedure agreement dealing inter alia with conciliation and

arbitration which was being negotiated, but which in the TUC's view would not afford the same legal protection to parliamentary staff as to civil servants though it should in its opinion be conducive to good industrial relations. A memorandum accompanying the TUC's comments sets out the views of the Council of Civil Service Unions (CCSU), which cites judicial opinion and decisions in support of its view that there is no constitutional principle which renders the law inapplicable to either House of Parliament; it also refers to a resolution adopted by the House of Commons on 13 April 1976 stating that the Labour Relations Act 1974 should apply to its officials to the extent that applies to Crown employees.

In its reply, the Government states that the legal issues are still being explored and that it hopes to respond fully in due course. It also attaches a copy of the Disputes Procedure Agreement concluded on 10 March 1986, pointing out that this provides for unilateral access to arbitration and, subject to the House of Commons (Administration) Act 1978 and the overriding authority of Parliament, acceptance by both sides of the arbitrator's award.

The Committee takes note of this information. It trusts that in replying fully on the legal questions raised the Government will also provide a specific response to the Committee's observations concerning the absence of any foundation in this Article of the Convention for the restrictions on trade union rights of these civil servants and will also respond to the invitation to consider taking such measures as will enable the categories of workers concerned to enjoy the rights and protection that the Convention affords.

In relation to Article 4 of the Convention, the TUC refers to a number of restrictions which it claims have been placed on freedom of expression for trade unionists from the civil service. These include alleged threats of disciplinary action and dismissal over newspaper articles and the lobbying of Members of Parliament, and an allegation that the use of the Official Secrets Act 1911 to classify information as confidential whether or not it has security implications has diminished the capacity of the unions to put across their case even if national security is not involved. It goes on to cite as a notable instance of restriction of freedom of expression the ministerial instruction to trade union representatives not to give evidence to an all-party committee of the House of Commons concerned with the ban on trade unions at the Government Communications Headquarters (GCHQ). The TUC points out that the interest of the select committee had been in industrial relations aspects of the dispute, whereas the Minister's argument had been that it would be inappropriate for officials to give evidence on matters of security and intelligence (which were not, in its view, in question). It goes on to refer to an attempt by the Government to impede civil service trade unionists from lobbying MPs about the closure of Manpower Services Commission skills centres. A last issue raised in relation to Article 4 of the Convention relates to an announcement by the Prime Minister in April 1985 of new terms of reference for the three advisers who review and hear appeals against ministerial decisions to remove civil servants from work regarded as vital to the security of the State, and whose duties also include the expression of an opinion as to whether there is *prima facie* evidence for doubting an individual's reliability on security grounds. The TUC

states in this regard that the CCSU fully accepts the need for security but considers that the new terms of reference, particularly in respect of a definition of subversion, could be used to exclude trade union activists from some civil service jobs irrespective of their reliability on security grounds.

In its reply, the Government deals first with matters relating to freedom of expression. It states that questions concerning lobbying of Members of Parliament and articles in trade union journals have been replied to fully and that it has nothing to add to its comprehensive reply of 13 June 1984 on the specific allegations in the TUC's letter of 23 February 1984. On the subject of the refusal of permission to give evidence to the select committee of the House of Commons, the Government states that it has been the practice of successive governments that serving members of intelligence agencies such as GCHQ, who are subject to the Official Secrets Act, should not give evidence to select committees, and that this applies to all officials; it further points out that the refusal of permission to appear applied not only to the union representative (a member of GCHQ) but also to the Director of GCHQ.

On the matter of the terms of reference of the three advisers, the Government states in its reply that the definition of subversion used in the Prime Minister's statement was one which was first announced in 1975 and has been used by successive governments since then to guide the security authorities. The definition is: "... activities which threaten the safety or well-being of the State, and which are intended to undermine or overthrow parliamentary democracy by political, industrial or violent means". The Government adds that in correspondence with the head of the civil service, the civil service unions have contended that this definition departs radically from one referred to in the recommendations of the Commission which reported on security procedures and practices in the public service (Cmd. 8540), which read "... to overthrow democratic parliamentary Government in this country by violent or other unconstitutional means ..." and their concern has in particular been directed at the word "industrial" in the revised terms of reference. The Government points out that the Security Commission was not attempting a definition but merely describing the aims of new subversive groups. In its rebuttal of the allegations, the Government goes on to state that changes in the terms of reference served to clarify for the benefit of all concerned the groups of people who would have the right to appeal to the three advisers if they were removed from work vital to the security of the State. It furthermore states that both main elements of the definition - a threat to the safety or well-being of the State and an intention to undermine or overthrow parliamentary democracy - must be present to constitute subversion, and that no member of a trade union or any other individual need fear investigation for subversion unless his actions and intentions brought him within the strict criteria of the definition. The Government concludes this portion of its reply by denying the accuracy of claims that the new terms of reference give greater powers to the Minister, and by stating the allegations that the Minister has total powers fail to take account of the appeals procedure involving the three advisers.

The Committee has taken note of the comments by the TUC and the reply of the Government. It is of the view that nothing new has been added to the allegations concerning restrictions relating to publications, which were dealt with in the observations which it made in 1985. It notes, however, that the Government has not responded to the particular allegation concerning the impeding of trade unionists from lobbying Members of Parliament which does cover ground not dealt with by the Committee in its earlier observation: it trusts that further information will be forthcoming on this matter. On the subject of the use of the Official Secrets Act to restrict the activities of civil service unions, the Committee has noted that the allegations of the TUC are couched in very general terms, and that the only illustration given in this regard relates to a ministerial instruction not to provide evidence to the House of Commons select committee on the Government Communications Headquarters (GCHQ) which, according to the Government's reply, applied equally to the Director of the GCHQ. In this regard, the Committee draws attention to the fact that Article 4 of the Convention is directed specifically at ensuring adequate protection against anti-union discrimination, and refers in that context to acts that could cause prejudice because of participation in the normal activities of a public employees' organisation. In the view of the Committee such activities would include representation of the union's views to a body inquiring into the trade union rights of its members. The Committee further notes the absence in the Government's reply concerning this allegation of any reference to a possible threat to security if such evidence were permitted, though information is provided on the general application of the prohibition to all officials subject to the legislation on official secrets. The Committee does not regard an examination of the ambit of such legislation as appropriate in the context of Convention No. 151, but it expresses the hope that the Government will apply the legislation in a manner which will enable officials of trade union organisations of public employees to participate in the normal activities of such organisation as guaranteed by Article 4 of the Convention.

On the subject of the terms of reference of the three advisers, it does not appear to the Committee that the situation has materially altered to the prejudice of the unions of civil service employees since the system was first established. In particular, it would seem that there are suitable safeguards against anti-union discrimination of the kind envisaged in Article 4 of the Convention through the maintenance of the system of advisers, the retention of the definition of subversion as established some 12 years ago, and the fact that the definition itself is applied in a manner which requires both of its main elements - i.e. a threat to the safety or well-being of the State and an intention to undermine or overthrow parliamentary democracy - to be present before any action can be taken against an individual protected by the Convention.

Referring to Article 6 of the Convention, the TUC alleges that the Government is seeking to introduce new interpretations of the arrangements embodied in the Facilities Agreement of 1974 (and revised in 1982), especially as regards the limits on time off which it claims is being done arbitrarily and with little regard to the needs of trade union representatives. It believes that the reduction in the overall targets for such time off, even if not (as stated by the Treasury)

meant to apply rigidly to each department, should be considered along with restrictions on facility time of members of the national executive committees of unions and an examination currently being conducted in relation to those involved in annual conferences of the civil service unions.

The Government has replied, in considerable detail, on the number of full- and part-time officials who enjoy time off under the Facilities Agreement (216 and 316 respectively as at 1 June 1984). It indicates that it is not seeking new interpretations of the agreement but is seeking to define its terms more clearly to improve consistency of interpretation by departments, whose practice in this regard varies widely. In its view, regard is given to the needs of union representatives but these must also give regard to the needs of departments, and the time off provided is in the circumstances both reasonable and fully in accordance with the guide-lines of the Advisory Conciliation and Arbitration Service (ACAS) in terms of section 27 of the Employment Protection (Consolidation) Act 1978. It indicates that there has been a reduction in the overall target for facility costs from 0.225 per cent to 0.2 of the non-industrial civil service pay bill, but considers this reasonable in view of the consistent downward trend in numbers of the civil service combined with the greater control, accountability and consistency of interpretation introduced by individual departments. It adds that there is no rigid target for individual departments and that the overall level is more generous than that strictly required by legislation. Detail is also provided on the facilities provided in relation to attendance at national executive committees and conferences of the civil service unions, and the Government states that, following the announcement by the Treasury of its intention to review these matters, discussions with the CCSU and the constituent unions have been concluded satisfactorily.

The Committee has taken note of the information provided by the TUC and the Government on these questions, from which it would appear that the changes introduced do not reflect a contravention of the obligations arising out of Article 6 of the Convention as regards either the nature or the scope of the facilities provided to representatives of employees' organisations. The information provided by the TUC and the Government concerning overall targets does not enable a clear picture to emerge as to actual impact of the reduction in facility time on the functioning of union representatives, and the Committee notes that no specific allegations or examples were given indicating actual impairments in this regard. The Committee hopes that the latitude permitted to individual departments in their application of the overall targets will take account of the provisions of paragraph 3 of Article 6 as regards the methods by which such facilities may be determined, i.e. in accordance with the obligation established in Article 7 to encourage and promote, through measures appropriate to national conditions, the full development and utilisation of machinery for negotiation of terms and conditions of employment.

The TUC has also addressed comments to the Committee which relate to Articles 8 and 9 of the Convention. These refer to two matters: first, in relation to the alleged deterring of union members holding middle-management positions from taking part in industrial action,

additional information concerning the effect on promotion opportunities; and, secondly, concerning the alleged inadequacy of arbitration arrangements. On the former, the TUC cites a statement by a government minister to the effect that there is no general ban upon or bar to promotion of civil servants who take part in industrial action but that this may be taken into account by those concerned as one of the factors that will determine their decision. On the latter, the TUC states that trade unions have little confidence in arbitration arrangements proposed in November 1985 as part of an agreement on long-term pay, because this can only take place within narrow limits, i.e. the Government may refuse to go to arbitration provided it gives reasons in writing; implementation of an award is constrained by cost factors, namely interquartile movements of pay in the private sector; and the power of the Government to suspend the agreement to safeguard public expenditure or public policy.

In its reply, the Government indicates in relation to the first of these matters that, although letters had been sent by the Permanent Secretary of the Department of Health and Social Security to 12 middle managers who went on strike for a day in 1984 emphasising the responsibilities of management grades, no further action was taken and no record was kept on their personal files of subsequent interviews. It also quotes excerpts from letters by the Head of the Home Civil Service and the Permanent Secretary of the Inland Revenue in 1984 and 1985 indicating *inter alia* that the previous participation in industrial action could not be excluded from the factors to be taken into account in relation to promotion of managers. On the subject of the arbitration arrangements, the Government points out that the new arbitration proposals which were part of the long-term pay proposals have been rejected by all but two of the civil service unions; it recognises that arbitration has a role to play if disputes cannot be resolved in any other way, subject to the reservation which it has always maintained of a right to refuse arbitration on an issue which forms a major element of government policy even if the subject is arbitrable under the Civil Service Arbitration Agreement originally introduced in 1925 and supplemented between 1936 and 1964. The Government goes on to state its view that there is no conflict, nor indeed any connection, between the arbitration arrangements for civil servants and the need to ensure that, at times of industrial action, those in management are aware of their responsibilities (which include the expectation that managers subordinate their personal feelings about the merits of any industrial disputes to their obligations as managers. Such obligations include that of maintaining the work of the department where there is a threat to the normal functioning of the service for whatever reason). The Government believes that the restraints thus imposed are wholly compatible with the terms of Article 9, and states that civil servants are allowed to participate in activities so long as they are consistent with the need for political impartiality and avoid any conflict with official duties and responsibilities.

In taking note of the information made available to it, the Committee notes that the situation as regards middle management is substantially similar to that which it considered in 1985, and accordingly draws attention to the observation it made on that

occasion concerning the extent to which limitations may, in its view, be placed on the enjoyment of the guarantees afforded by the Article to those public servants covered by the Convention.

It further notes that arrangements concerning arbitration do not appear to establish an agreed procedure between the Government and the relevant trade unions which has the confidence of the parties involved. The system appears to fail to ensure, in order to lessen the impact of disputes, that issues are submitted to independent assessment, which need in no way derogate from the responsibility of the Government to enforce thereafter its economic policies as it deems necessary.

* * *

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

Convention No. 152: Occupational Safety and Health (Dock Work), 1979

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

Convention No. 153: Hours of Work and Rest Periods (Road Transport), 1979

(Road transport), 1979

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

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

Convention No. 155: Occupational Safety and Health, 1981

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

Convention No. 156: Workers with Family Responsibilities, 1981

Requests regarding certain points are being addressed directly to the following States: Finland, Sweden.

Convention No. 159: Vocational Rehabilitation and Employment (Disabled Persons), 1983

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

**Appendix I. Receipt of detailed reports on ratified Conventions (Member States)
as at 25 March 1987**

(Art. 22 of the Constitution)

Reports requested: 1,752

Reports received: 1,388

Reports not received: 364

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Afghanistan	0		9	14, 95, 105, 106, 111, 137, 139, 140, 141	9
Algeria	26	11, 13, 14, 24, 32, 44, 56, 62, 71, 77, 78, 87, 94, 95, 97, 98, 101, 105, 111, 119, 120, 122, 127, 138, 142, 150	0		26
Angola	0		7	14, 27, 81, 98, 106, 107, 111	7
Antigua and Barbuda	0		7	11, 14, 87, 94, 98, 101, 111	7
Argentina	16	8, 11, 14, 22, 23, 52, 68, 71, 77, 78, 87, 95, 98, 107, 111, 115	0		16
Australia	8	8, 11, 22, 87, 98, 111, 122, 144	0		8
Austria	9	11, 24, 25, 87, 94, 95, 98, 101, 124	3	111, 122, 144	12
Bahamas	9	11, 14, 22, 94, 95, 97, 98, 117, 144	0		9
Bahrain	2	14, 29	0		2
Bangladesh	10	11, 14, 22, 27, 87, 96, 98, 106, 111, 144	1	107	11
Barbados	0		12	11, 22, 87, 94, 95, 97, 98, 101, 111, 115, 122, 144	12
Belgium	20	8, 11, 14, 22, 23, 55, 56, 77, 87, 94, 95, 97, 98, 101, 111, 114, 115, 122, 124, 144	0		20
Belize	10	8, 11, 22, 87, 94, 95, 97, 98, 101, 115	0		10

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Benin	7	11, 14, 87, 95, 98, 111, 143	0		7
Bolivia	13	14, 77, 78, 87, 95, 98, 106, 107, 111, 117, 122, 124, 130	0		13
Brazil	9	11, 14, 22, 52, 91, 97, 101, 106, 111	8	94, 95, 98, 107, 115, 117, 122, 124	17
Bulgaria	21	8, 11, 14, 22, 23, 24, 25, 44, 52, 55, 56, 71, 77, 78, 87, 94, 95, 98, 106, 111, 124	0		21
Burkina Faso	13	11, 14, 29, 41, 87, 95, 97, 98, 111, 132, 135, 143, 150	0		13
Burma	5	11, 14, 22, 52, 87	0		5
Burundi	5	11, 14, 52, 94, 101	0		5
Byelorussian SSR	14	11, 14, 29, 52, 77, 78, 87, 95, 98, 106, 111, 115, 122, 124	0		14
Cameroon	13	11, 14, 77, 78, 87, 94, 95, 97, 98, 108, 122, 132, 143	0		13
Canada	6	8, 14, 22, 87, 111, 122	0		6
Cape Verde	0		4	17, 98, 105, 111	4
Central African Republic . .	9	11, 14, 52, 94, 95, 100, 101, 111, 117	3	18, 87, 98	12
Chad	0		7	11, 14, 52, 87, 95, 98, 111	7
Chile	11	1, 8, 9, 11, 14, 22, 24, 25, 30, 111, 122	0		11
China	4	11, 14, 22, 23	0		4
Colombia	18	3, 8, 9, 10, 11, 14, 22, 23, 24, 25, 52, 87, 95, 98, 101, 106, 107, 111	0		18
Comoros	13	11, 14, 17, 52, 77, 78, 87, 95, 98, 100, 101, 106, 122	0		13
Congo	5	11, 14, 87, 95, 119	0		5
Costa Rica	18	1, 11, 14, 87, 94, 95, 98, 101, 106, 107, 111, 114, 117, 122, 130, 144, 145, 150	0		18

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Côte d'Ivoire	8	11, 14, 52, 87, 95, 98, 105, 111	0		8
Cuba	22	8, 11, 14, 22, 23, 52, 77, 78, 87, 94, 95, 97, 98, 101, 106, 107, 111, 122, 140, 145, 150, 152	0		22
Cyprus	14	11, 44, 87, 94, 95, 97, 98, 106, 111, 122, 124, 143, 144, 150	1	114	15
Czechoslovakia	13	11, 14, 52, 77, 78, 87, 98, 111, 115, 122, 124, 130, 140	0		13
Democratic Yemen	3	29, 98, 105	2	94, 95	5
Denmark	11	8, 11, 52, 87, 94, 98, 111, 122, 130, 144, 150	3	14, 106, 115	14
Djibouti	36	6, 11, 12, 14, 17, 18, 22, 23, 24, 29, 35, 37, 38, 44, 45, 52, 55, 56, 71, 77, 78, 81, 87, 88, 89, 94, 95, 98, 100, 101, 105, 106, 108, 115, 122, 124	0		36
Dominica	8	8, 11, 12, 26, 29, 81, 87, 105	10	14, 22, 94, 95, 97, 98, 100, 108, 111, 138	18
Dominican Republic	0		9	52, 77, 87, 95, 98, 105, 106, 107, 111	9
Ecuador	19	11, 77, 78, 87, 95, 97, 98, 101, 103, 106, 107, 111, 114, 115, 117, 122, 124, 130, 144	0		19
Egypt	25	9, 11, 14, 22, 23, 52, 55, 56, 62, 68, 71, 87, 92, 94, 95, 98, 101, 106, 107, 111, 115, 139, 142, 144, 145	1	137	26
El Salvador	2	105, 107	0		2
Equatorial Guinea	2	1, 14	0		2
Ethiopia	4	11, 87, 98, 111	0		4
Fiji	0		4	8, 11, 84, 98	4
Finland	16	8, 11, 14, 22, 52, 87, 94, 98, 111, 115, 122, 124, 130, 144, 145, 150	0		16

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
France	30	8, 11, 14, 22, 23, 44, 45, 52, 55, 56, 71, 82, 87, 88, 94, 95, 98, 101, 106, 111, 114, 115, 122, 124, 129, 141, 142, 144, 145, 147	10	24, 77, 78, 81, 97, 105, 127, 134, 140, 149	40
Gabon	11	11, 14, 52, 87, 95, 98, 101, 106, 111, 124, 150	0		11
German Democratic Republic	12	11, 23, 77, 78, 87, 95, 98, 111, 115, 122, 124, 140	0		12
Germany, Federal Republic of	18	8, 11, 22, 23, 29, 56, 87, 97, 98, 111, 114, 115, 122, 130, 132, 140, 144, 150	0		18
Ghana	13	8, 11, 14, 22, 23, 87, 94, 98, 106, 107, 111, 115, 117	0		13
Greece	16	8, 11, 14, 23, 52, 55, 62, 68, 77, 78, 87, 95, 98, 106, 111, 124	3	115, 122, 144	19
Grenada	1	11	7	8, 14, 94, 95, 97, 98, 105	8
Guatemala	11	77, 78, 87, 94, 95, 97, 98, 101, 106, 111, 114	0		11
Guinea	20	11, 14, 26, 87, 94, 95, 98, 111, 114, 115, 117, 119, 120, 122, 132, 140, 143, 149, 150, 152	0		20
Guinea-Bissau	0		5	14, 98, 106, 107, 111	5
Guyana	12	11, 82, 87, 94, 95, 97, 98, 111, 115, 140, 144, 150	0		12
Haiti	0		12	14, 24, 25, 42, 77, 78, 87, 98, 105, 106, 107, 111	12
Honduras	9	14, 78, 87, 95, 98, 100, 106, 111, 122	0		9
Hungary	16	14, 24, 52, 77, 78, 87, 95, 98, 101, 111, 115, 122, 124, 140, 145, 159	0		16
Iceland	5	11, 87, 98, 111, 144	1	102	6
India	8	11, 14, 22, 26, 107, 111, 115, 144	0		8

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Indonesia	3	45, 98, 106	0		3
Iran, Islamic Republic of . . .	2	14, 29	6	95, 105, 106, 108, 111, 122	8
Iraq	19	8, 11, 14, 22, 23, 77, 78, 95, 98, 105, 106, 111, 115, 122, 132, 140, 144, 145, 149	2	139, 150	21
Ireland	10	11, 14, 22, 23, 44, 87, 98, 122, 132, 144	1	8	11
Israel	16	14, 52, 77, 78, 87, 92, 94, 95, 97, 98, 101, 106, 111, 117, 122, 150	0		16
Italy	8	11, 32, 87, 98, 122, 142, 143, 144	26	8, 14, 22, 23, 29, 44, 55, 71, 77, 78, 92, 94, 95, 97, 105, 106, 111, 114, 115, 117, 124, 127, 132, 137, 145, 146	34
Jamaica	5	11, 29, 94, 97, 111	11	8, 16, 58, 81, 87, 98, 100, 117, 122, 149, 150	16
Japan	5	8, 22, 87, 98, 115	0		5
Jordan	5	98, 106, 111, 117, 122	1	124	6
Democratic Kampuchea . . .	0		5	4, 6, 13, 29, 122	5
Kenya	10	11, 14, 94, 97, 98, 131, 132, 137, 140, 143	0		10
Kuwait	5	52, 87, 106, 111, 117	0		5
Lao People's Democratic Republic . . .	3	4, 6, 29	0		3
Lebanon	0		26	1, 14, 15, 17, 29, 30, 45, 52, 59, 77, 78, 81, 88, 89, 90, 95, 98, 100, 105, 106, 111, 115, 120, 122, 127, 131	26
Lesotho	4	11, 14, 87, 98	0		4
Liberia	0		7	22, 23, 55, 87, 98, 111, 114	7
Libyan Arab Jamahiriya . . .	0		7	14, 52, 95, 98, 111, 122, 130	7

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Luxembourg	11	8, 11, 14, 22, 23, 28, 77, 78, 87, 98, 132	1	130	12
Madagascar	17	6, 11, 12, 14, 29, 41, 81, 87, 95, 100, 117, 119, 120, 124, 127, 129, 132	2	111, 122	19
Malawi	7	11, 26, 81, 97, 98, 107, 111	0		7
Malaysia	3	29, 95, 98	0		3
Peninsular Malaysia	1	11	0		1
Sabah	2	94, 97	0		2
Sarawak	3	11, 14, 94	0		3
Mali	7	11, 14, 52, 87, 95, 98, 111	0		7
Malta	7	8, 11, 22, 87, 95, 98, 111	0		7
Mauritania	6	22, 84, 87, 94, 102, 122	8	11, 14, 23, 52, 95, 101, 111, 114	14
Mauritius	6	11, 32, 94, 95, 97, 98	3	8, 14, 84	9
Mexico	21	8, 9, 11, 14, 22, 23, 52, 55, 87, 95, 106, 107, 111, 115, 124, 140, 144, 150, 152, 153, 155	1	56	22
Mongolia	0		4	87, 98, 111, 122	4
Morocco	14	11, 14, 22, 30, 52, 55, 94, 98, 101, 106, 111, 122, 145, 146	0		14
Mozambique	4	11, 14, 18, 111	0		4
Nepal	1	111	0		1
Netherlands	26	8, 11, 14, 22, 23, 24, 25, 44, 71, 87, 94, 95, 97, 101, 103, 106, 111, 114, 115, 122, 124, 140, 144, 145, 146, 150	0		26
New Zealand	13	8, 11, 14, 22, 23, 44, 52, 82, 97, 101, 111, 122, 145	0		13
Nicaragua	23	1, 8, 11, 14, 22, 23, 24, 25, 30, 77, 78, 87, 95, 98, 111, 115, 117, 119, 122, 137, 140, 144, 146	0		23
Niger	12	14, 18, 29, 87, 95, 98, 100, 105, 111, 117, 131, 135	3	6, 11, 41	15

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Nigeria	8	11, 29, 87, 94, 95, 97, 98, 105	2	8, 134	10
Norway	21	8, 11, 14, 22, 44, 56, 71, 87, 95, 97, 98, 111, 115, 122, 130, 132, 143, 144, 145, 150, 159	0		21
Pakistan	0		16	11, 14, 18, 22, 29, 45, 81, 87, 89, 90, 96, 98, 105, 106, 107, 111	16
Panama	17	8, 11, 22, 23, 53, 56, 68, 71, 77, 78, 87, 94, 95, 98, 111, 117, 124	6	52, 55, 105, 107, 114, 122	23
Papua New Guinea	5	2, 11, 22, 85, 122	4	8, 27, 29, 98	9
Paraguay	16	11, 14, 52, 77, 78, 87, 95, 98, 101, 106, 107, 111, 115, 117, 122, 124	0		16
Peru	26	1, 8, 11, 12, 14, 22, 23, 24, 25, 44, 52, 55, 56, 67, 68, 71, 77, 78, 87, 90, 98, 101, 107, 111, 114, 122	0		26
Philippines	8	23, 77, 87, 94, 95, 98, 111, 122	0		8
Poland	20	8, 11, 14, 22, 23, 24, 25, 77, 78, 87, 95, 98, 101, 111, 113, 115, 122, 124, 140, 145	0		20
Portugal	23	8, 11, 14, 22, 23, 77, 78, 87, 95, 97, 98, 106, 107, 111, 117, 122, 132, 137, 143, 144, 145, 146, 150	0		23
Qatar	0		1	111	1
Romania	12	8, 11, 14, 24, 29, 87, 89, 95, 98, 111, 117, 122	0		12
Rwanda	4	11, 14, 94, 111	0		4
Saint Lucia	0		16	8, 11, 12, 14, 17, 29, 87, 94, 95, 97, 98, 100, 101, 105, 108, 111	16
Sao Tome and Principe	0		2	18, 111	2
Saudi Arabia	3	14, 106, 111	0		3

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Senegal	14	11, 12, 14, 52, 87, 89, 95, 98, 101, 111, 117, 120, 122, 135	0		14
Seychelles	3	8, 11, 87	0		3
Sierra Leone	0		13	8, 22, 45, 59, 81, 87, 94, 95, 98, 101, 105, 111, 119	13
Singapore	0		6	5, 8, 11, 22, 94, 98	6
Solomon Islands	0		6	8, 11, 14, 84, 94, 95	6
Somalia	5	22, 45, 94, 95, 111	3	17, 23, 85	8
Spain	31	8, 11, 14, 22, 23, 24, 25, 44, 55, 56, 77, 78, 87, 94, 95, 97, 98, 106, 111, 114, 115, 117, 122, 124, 132, 140, 144, 145, 150, 151, 152	0		31
Sri Lanka	5	11, 95, 98, 106, 131	1	8	6
Sudan	5	95, 98, 111, 117, 122	0		5
Suriname	10	11, 14, 87, 94, 95, 101, 106, 122, 144, 150	0		10
Swaziland	12	11, 14, 29, 87, 94, 95, 98, 100, 101, 111, 131, 144	0		12
Sweden	18	8, 11, 14, 47, 87, 98, 111, 115, 122, 130, 132, 140, 144, 145, 146, 150, 158, 159	0		18
Switzerland	10	8, 11, 14, 23, 44, 87, 111, 115, 150, 153	0		10
Syrian Arab Republic	15	1, 11, 14, 30, 52, 94, 95, 98, 101, 106, 107, 111, 115, 117, 124	1	87	16
Tanzania, United Republic of	0		11	11, 94, 95, 98, 134, 137, 140, 142, 144, 149, 152	11
Tanganyika	0		1	101	1
Zanzibar	1	97	0		1
Thailand	0		2	14, 122	2

REPORT OF THE COMMITTEE OF EXPERTS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Togo	9	11, 14, 87, 95, 98, 111, 138, 143, 144	0		9
Trinidad and Tobago	0		4	87, 97, 98, 111	4
Tunisia	21	8, 11, 14, 22, 23, 52, 55, 73, 77, 87, 95, 98, 106, 107, 111, 114, 117, 119, 122, 124, 127	0		21
Turkey	10	11, 14, 42, 77, 94, 95, 98, 111, 115, 122	0		10
Uganda	8	11, 17, 94, 95, 98, 122, 124, 143	0		8
Ukrainian SSR	14	11, 14, 23, 52, 77, 78, 87, 95, 98, 106, 111, 115, 122, 124	0		14
USSR	14	11, 14, 23, 52, 77, 78, 87, 95, 98, 106, 111, 115, 122, 124	0		14
United Arab Emirates	2	1, 81	0		2
United Kingdom	20	8, 11, 22, 23, 24, 25, 44, 56, 82, 87, 97, 98, 101, 114, 115, 122, 124, 140, 144, 150	0		20
United States	1	55	0		1
Uruguay	18	8, 11, 14, 22, 23, 77, 78, 87, 94, 95, 97, 98, 106, 114, 122, 130, 132, 137	0		18
Venezuela	22	11, 14, 22, 95, 97, 98, 111, 117, 122, 127, 128, 130, 139, 140, 141, 142, 143, 144, 149, 150, 153, 156	3	29, 87, 155	25
Yemen	4	14, 87, 98, 111	1	132	5
Yugoslavia	0		19	8, 11, 14, 22, 23, 24, 25, 56, 87, 97, 98, 106, 111, 114, 122, 132, 140, 143, 158	19
Zaire	7	11, 14, 84, 94, 95, 98, 117	0		7
Zambia	9	11, 29, 95, 97, 111, 117, 124, 144, 150	2	122, 149	11

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

State Member	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Other States</i>					
Albania ¹	0		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
Samoa	0		2	14, 29	2
South Africa ¹	1	26	0		1

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 25 March 1987

(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	1 471	88.2
-1986	1 752	207	11.8	1 388	79.2	—	—

¹ First year for which this figure is available.

² As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions.

³ As a result of a decision by the Governing Body (November 1976), detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

Denmark

The Committee notes that the reports due in respect of the application of the Conventions in Greenland 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.

Netherlands

The Committee notes that the reports due in respect of the application of Conventions in Aruba and the Netherlands Antilles 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.

New Zealand

The Committee notes with regret that the reports due for the sixth year in succession in respect of the application of Conventions in the Cook Islands and those due for the second year in succession in respect of the Niue Island have not been received. It trusts that the reports in question will be available for examination by the Committee at its next session.

* * *

In addition, requests regarding certain points are being addressed directly to France (New Caledonia, St. Pierre and Miquelon).

B. INDIVIDUAL OBSERVATIONS

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

Article 2 of the Convention. In its previous comments the Committee had noted that the Danish text of sections 41 and 81 of the Faroese Seamen's Act, No. 57 of 1967, limits the provisions of unemployment indemnity in case of shipwreck to seafarers of the Faeroe Islands, Greenland and Denmark, while the Convention recognises no distinction based on nationality. The Committee notes with interest from the Government's report that the Faroese text, which does not contain such distinction, is the authentic text of the law, and that a proposal will soon be put before the Faroese Parliament with a view, inter alia, to bringing the Danish text of section 41(3) into conformity with the Faroese text and the Convention.

The Committee requests the Government to indicate in its next report any progress made in this respect.

United KingdomBritish Virgin Islands

With reference to its previous comments, the Committee notes the Government's statement that no action can be taken locally until United Kingdom law has been amended, and so far this has not been done. The Committee draws the Government's attention to the fact that, with effect from 1 August 1979, the United Kingdom has amended section 15 of the 1970 Act so as to abolish, in accordance with Article 2 of the Convention, the restrictions regarding the unemployment indemnity of seamen who did not make reasonable efforts to save the ship, persons and property carried in it.

The Committee therefore hopes that the draft Order on the merchant marine, announced by the Government of the United Kingdom, that would extend to the British Virgin Islands certain provisions of the United Kingdom Merchant Shipping Act of 1970, as amended in 1979, which repealed section 157 of the corresponding Act of 1894, will soon be adopted so as to abolish, in accordance with Article 2 of the Convention, the restrictions regarding the unemployment indemnity of seamen who have not exerted themselves "to the utmost to save the ship, persons and property carried in it".

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

Falkland Islands (Malvinas)

Article 2 of the Convention. The Committee notes with interest the Government's reply to its previous comments indicating that the Government of the Falkland Islands has given notice of its agreement to the extension to the Territory of the United Kingdom Merchant Shipping Acts 1970 and 1979 (which would have the effect of repealing section 157 of the corresponding Act of 1894 in its application here). Local law on the subject would then be similar to that of the United Kingdom and would be in accordance with the Convention. The Order in Council has not yet been made. In the application of the Convention, the Territory would follow the lead given by the United Kingdom and cognizance would be taken of any rulings and decisions handed down by UK Courts relevant to the provisions of the Convention.

The Committee therefore hopes that the Order in Council will soon be made so as to give full effect to the Convention.

Hong Kong

The Committee notes the statement by the Government that the extension to Hong Kong of the application of certain provisions of the United Kingdom Merchant Shipping Act, as amended in 1979, is not now being proceeded with because a proposed Hong Kong Seafarers' Bill, which supersedes the previously proposed Hong Kong Merchant Shipping (Employment of Seamen) Bill and will, among other matters, make provision for the requirement under Article 2 of the Convention, is now in the drafting and consultation stage and is expected to be finalised in about two years' time. It adds that, as far as the record can be ascertained, provisions on restrictions regarding the unemployment indemnity of seamen who did not make reasonable efforts to save the ship and the persons and property carried in it have never been invoked.

The Committee hopes that the Government will do everything possible to finalise the proposed Hong Kong Seafarers' Bill in the near future in order to give effect to this Article of the Convention. It requests the Government to supply information on any further progress made in this connection.

Montserrat

With reference to its previous comments concerning the application of Article 2 of the Convention, the Committee notes with interest from the information supplied by the United Kingdom in its report that the Foreign and Commonwealth Office has written to the Governors of the Non-Metropolitan Territories regarding the repeal of Part II of the 1894 Act, and, where appropriate, the extension to Montserrat of the relevant provisions of the 1970 United Kingdom Merchant Shipping Act. To this effect the Non-Metropolitan Territories have been consulted and the respective draft Orders are being prepared. The Committee hopes that the draft Orders will be adopted in the near future.

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), 1921DenmarkFaeroe Islands

Article 3 of the Convention. Further to its previous observations, the Committee notes with interest from the Government's report that a draft amendment to the Seamen's Act, intended to ensure the annual repetition of the medical examination of seafarers under the age of 18 years, was submitted to Parliament in the autumn of 1986. The Committee hopes that the next report of the Government will indicate the measures adopted.

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

The Committee notes the information provided in the Government's reports as well as the information given to the Conference Committee in 1986. According to this information the Minister is to appoint a day for the commencement of Employment Injury and Disablement Benefits under the Social Security Scheme which already provides funeral grants and death benefits to surviving dependants. The Committee hopes that this will be done soon and that effect will be given to the following provisions of the Convention:

1. Article 2, paragraph 1, of the Convention. The legislation excludes from its scope manual workers whose earnings exceed a certain limit (Workmen's Compensation Ordinance No. 21 of 1955, as amended, section 2(1)(a)), whereas the Convention provides not for the exclusion of manual workers but only for that of non-manual workers (Article 2, paragraph 2(d)).

2. Article 5. In the event of death or permanent incapacity, the legislation provides only for the payment of a lump sum (Workmen's Compensation Ordinance, section 8(a), (b) and (c)), whereas Article 5 of the Convention provides that compensation payable to the injured workman or his dependants in case of permanent incapacity or death, 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.

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

British Virgin Islands

With reference to its earlier comments, the Committee notes with interest the Government's statement that a first draft of the regulations incorporating the points raised by the Committee has been prepared. The Committee therefore 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 should 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 thus considers 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 requests the Government to indicate any progress made in this respect.

* * *

In addition, a request regarding certain points is being addressed directly to the United Kingdom (St. Helena).

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

A request regarding certain points is being addressed directly to France (New Caledonia).

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

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion); French Polynesia, New Caledonia, St. Pierre and Miquelon

Article 9, paragraph 1, of the Convention. See under Convention No. 22, France.

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

A request regarding certain points is being addressed directly to the United Kingdom (Guernsey).

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

A request regarding certain points is being addressed directly to the United Kingdom (Guernsey).

Convention No. 29: Forced Labour, 1930FranceFrench Polynesia

Article 2, paragraph 2(c), of the Convention. The Committee previously referred to section 81 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 the statement by the Government in its report that the territorial Government has been reminded that it is essential to amend Decision No. 76-184 of 30 November 1976 respecting the organisation and regulation of prison labour, particularly in respect of sections 60 and 81, with a view to bringing

it 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.

The Committee hopes that the Government will shortly be able to indicate the measures taken to bring the provisions of sections 60 and 81 of Decision No. 76-184 of 30 November 1976 into conformity with the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: Australia (Norfolk Island), France (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion), United Kingdom (Hong Kong).

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

Netherlands

Netherlands Antilles

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

Article 5 of the Convention. 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 Committee hopes that the Government will make every effort to take the necessary action in the very near future.

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

France

New Caledonia

Article 12, paragraph 5, of the Convention. The Committee notes with interest the information supplied by the Government in reply to its previous comments to the effect that a draft resolution will be submitted as soon as possible to the Congress of the Territory in order to harmonise the legislation of the Territory with the provisions of the Convention. The Committee therefore hopes that the draft resolution will be adopted in the near future in order to bring

the national legislation into conformity with this provision of the Convention, under which the nationals of States which have ratified the Convention shall be provided with old-age benefits when they reside on the territory of any of the above States, without it being necessary to conclude a bilateral agreement in this respect.

The Committee requests the Government to indicate in its next report any progress achieved in this connection.

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

France

New Caledonia

See under Convention No. 35. The comments appearing under that Convention apply also to Convention No. 36 (Article 12, paragraph 5, of the Convention).

Convention No. 44: Unemployment Provision, 1934

Requests regarding certain points are being addressed directly to France (New Caledonia, St. Pierre and Miquelon).

Information supplied by the United Kingdom (Guernsey) in answer to a direct request has been noted by the Committee.

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to Denmark (Faeroe Islands).

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

A request regarding certain points is being addressed directly to the United Kingdom (Guernsey).

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. 77: Medical Examination of Young Persons (Industry), 1946

A request regarding certain points is being addressed directly to France (St. Pierre and Miquelon).

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

Requests regarding certain points are being addressed directly to France (New Caledonia, St. Pierre and Miquelon).

Convention No. 81: Labour Inspection, 1947NetherlandsNetherlands Antilles

Articles 20 and 21 of the Convention. The Committee has taken note of the annual labour inspection report for 1984 covering Curaçao. It has noted that this report contains no information on the following subjects: staff of the labour inspection service; statistics of workplaces liable to inspection and statistics of occupational diseases (points (b), (c) and (g) of Article 21).

The Committee expresses the hope that, in future, reports covering all the islands and containing information on all the subjects listed in Article 21 will be published and communicated to the ILO within the time-limits laid down in Article 20.

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In addition, a request regarding certain points is being addressed directly to France (French Polynesia).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to the United Kingdom (Bermuda).

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to the United Kingdom (Anguilla).

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

Requests regarding certain points are being addressed directly to the United Kingdom (Hong Kong, Montserrat).

Convention No. 94: Labour Clauses (Public Contracts), 1949

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia), Netherlands (Netherlands Antilles), United Kingdom (Anguilla, Bermuda, British Virgin Islands).

Information supplied by France (New Caledonia) in answer to a direct request has been noted by the Committee.

Convention No. 95: Protection of Wages, 1949

Requests regarding certain points are being addressed directly to the following States: France (New Caledonia), United Kingdom (Jersey, Montserrat).

Convention No. 98: Right to Organise and Collective Bargaining, 1949FranceNew Caledonia

The Committee takes note of the report of the Government and of the information contained in it.

In its previous comments, the Committee has pointed out that the prohibition in the territory of wage-indexation related to changes in the cost of living and in the guaranteed inter-occupational minimum wage (SMIG), contained in section 30 of Ordinance No. 82-1114 of 23 December 1982, could restrict the scope of collective bargaining on wages available to workers. The Committee takes note of the new legislation applying in the territory, namely Ordinance No. 85-1181 of 13 November 1985, section 26 of which repeats the prohibition contained in section 30 of Ordinance No. 82-1114, now repealed, in the same wording.

The Committee takes note of the explanations provided by the Government in its report to the effect that the application of the prohibition on indexation is in effect ruled out by the virtual absence of variations in the official cost of living index and the fact that there has been a slowing down of the inflationary tendency in the territory. The Committee observes, moreover, that certain provisions of the Ordinance are intended to promote collective bargaining and that, according to the report, four collective agreements were negotiated by the social partners during a period of one year, without counting works agreements. It seems to the Committee that the system of collective bargaining is working in the territory in a way which conforms to Article 4 of the Convention. The Committee requests the Government, however, to provide more detailed information on the opportunities of wage bargaining by the social partners.

* * *

In addition, requests regarding certain points are being addressed directly to the United Kingdom (Falkland Islands (Malvinas), Isle of Man).

Information supplied by the United Kingdom (Guernsey) in answer to a direct request has been noted by the Committee.

Convention No. 105: Abolition of Forced Labour, 1957

Requests regarding certain points are being addressed directly to the following States: Denmark (Faeroe Islands), New Zealand (Niue Island), United Kingdom (Anguilla).

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

A request regarding certain points is being addressed directly to the Netherlands (Netherlands Antilles).

Convention No. 108: Seafarers' Identity Documents, 1958

A request regarding certain points is being addressed directly to the United Kingdom (Anguilla).

Convention No. 115: Radiation Protection, 1960FranceFrench Polynesia

With reference to its earlier comments, the Committee notes with satisfaction the adoption on 13 December 1985 of Order No. 1238/cm which gives effect to the Convention to a large extent, with respect to external exposure to ionising radiations. The Committee recalls however, that Article 2, the Convention applies to all activities involving exposure of workers to ionising radiations and this would include internal exposure as well as external exposure. The Committee hopes that the Government will be able to take steps in the future to ensure effective protection of workers against internal exposure to ionising radiations, in accordance with the Articles of the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: France (French Polynesia), United Kingdom (Bermuda).

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: France (French Polynesia, New Caledonia, St. Pierre and Miquelon), Netherlands (Netherlands Antilles), United Kingdom (Isle of Man).

Convention No. 124: Medical Examination of Young Persons (Underground Work) 1965

A request regarding certain points is being addressed directly to France (New Caledonia).

Convention No. 126: Accommodation of Crews (Fishermen), 1966

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

Convention No. 140: Paid Educational Leave, 1974

Requests regarding certain points are being addressed directly to the United Kingdom (Anguilla, Jersey).

**Appendix. Receipt of detailed reports on ratified Conventions
(non-metropolitan territories) as at 25 March 1987**

(Articles 22 and 35 of the Constitution)

Reports requested: 354 Reports received: 232 Reports not received: 122

Countries and Territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Total	Conventions Nos.	Total	Conventions Nos.	
<i>Australia</i>	2		4		
Norfolk Island	2	29, 105	4	11, 87, 98, 122	2.1
<i>Denmark</i>	13		0		
Faeroe Islands	7	8, 11, 14, 52, 87, 98, 106	0	—	41.9
Greenland	6	7, 11, 14, 87, 106, 122	0	—	49.6
<i>France</i>	97		74		
<i>Overseas Departments:</i>					
French Guiana	12	8, 22, 23, 45, 55, 56, 71, 94, 101, 106, 124, 144	12	14, 24, 29, 32, 52, 81, 87, 95, 98, 105, 114, 115	73.0
Guadeloupe	13	8, 11, 22, 23, 45, 55, 56, 71, 94, 101, 106, 124, 144	12	14, 24, 29, 32, 52, 81, 87, 95, 98, 105, 114, 115	327.0
Martinique	13	8, 11, 22, 23, 45, 55, 56, 71, 94, 101, 106, 124, 144	12	14, 24, 29, 32, 52, 81, 87, 95, 98, 105, 114, 115	326.7
Réunion	13	8, 11, 22, 23, 45, 55, 56, 71, 94, 101, 106, 124, 144	12	14, 24, 29, 32, 52, 81, 87, 95, 98, 105, 114, 115	515.7
Territorial Community of St. Pierre and Miquelon . .	2	44, 88	26	11, 14, 22, 23, 24, 45, 52, 55, 56, 63, 71, 77, 78, 81, 82, 87, 94, 95, 98, 101, 105, 106, 115, 122, 124, 144	6.0
<i>Overseas Territories:</i>					
French Polynesia	22	11, 14, 22, 23, 24, 44, 52, 55, 56, 71, 77, 78, 82, 87, 94, 95, 98, 101, 106, 115, 122, 124	0	—	166.7

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Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
New Caledonia	22	11, 14, 22, 23, 24, 44, 52, 55, 56, 71, 77, 78, 82, 87, 94, 95, 98, 101, 106, 115, 122, 124	0	—	145.3
Netherlands	0		26		
Aruba	0	—	12	8, 11, 14, 22, 23, 25, 87, 94, 95, 101, 106, 122	53.1
Netherlands Antilles	0	—	14	8, 11, 14, 22, 23, 25, 33, 81, 87, 94, 95, 101, 106, 122	218.3
New Zealand	1		15		
Cook Islands	0	—	7	11, 14, 29, 82, 84, 99, 105	17.7
Niue Island	0	—	7	11, 14, 29, 82, 84, 99, 105	3.8
Tokelau	1	82	1	111	1.5
United Kingdom	115		3		
Anguilla	13	8, 11, 14, 17, 22, 82, 87, 94, 97, 98, 101, 108, 140	0	—	6.5
Bermuda	7	11, 22, 82, 87, 94, 98, 115	0	—	67.7
British Virgin Islands. . . .	8	8, 11, 14, 82, 87, 94, 97, 98	0	—	12.0
Falkland Islands (Malvinas)	7	8, 11, 14, 22, 82, 87, 98	0	—	1.8
Gibraltar	11	8, 11, 22, 44, 82, 87, 88, 94, 95, 98, 150	0	—	26.4
Guernsey	14	8, 11, 22, 24, 25, 44, 56, 87, 97, 98, 114, 115, 122, 150	0	—	53.3
Hong Kong	15	3, 8, 11, 14, 22, 82, 87, 97, 98, 101, 115, 122, 124, 144, 150	0	—	4 986.5
Isle of Man	14	8, 11, 22, 24, 25, 44, 56, 87, 95, 97, 98, 101, 122, 150	0	—	64.6

NON-METROPOLITAN TERRITORIES

Countries and Territories	Reports received		Reports not received		Population ¹ (thousands)
	Total	Conventions Nos.	Total	Conventions Nos.	
Jersey	10	11, 22, 24, 25, 44, 56, 87, 97, 98, 115	3	8, 95, 140	76.0
Montserrat	9	8, 11, 14, 59, 82, 87, 95, 97, 98	0	—	11.6
St. Helena	7	8, 11, 14, 82, 87, 98, 150	0	—	5.1
<i>United States</i>	4		0		
American Samoa	1	55	0	—	32.3
Guam	1	55	0	—	105.9
Puerto Rico	1	55	0	—	3 196.5
Pacific Islands (Trust Territory)	0	—	0	—	132.9
United States Virgin Islands	1	55	0	—	96.5

¹ Source: United Nations: *Demographic Year Book*, 1985.

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

Further to its previous comments concerning the Conventions and Recommendations adopted from the 52nd to the 56th and at the 68th and 69th Sessions of the Conference, the Committee notes with interest, from the information supplied by the Government, that the remaining instruments have been submitted to the Revolutionary Council, which is the supreme legislative body of the country. It notes that a decision with regard to them will be taken in the near future and that it will be rapidly transmitted to the ILO. The Committee hopes that this communication will include a copy of the document whereby the above instruments were submitted.

The Committee also notes the decision taken with regard to Recommendation No. 169 (70th Session) and would be grateful if the Government would specify the authority to which it was submitted. It hopes that the Government will also indicate whether the instruments adopted at the 71st Session have been submitted.

With regard to the instruments adopted from the 61st to the 67th Sessions which, according to the information previously supplied by the Government, have already been submitted to the competent authority, the Committee hopes that the Government will also transmit in the near future the decisions taken with regard to them and the relevant submission documents.

Angola

The Committee notes that the Government has not replied to its previous observation. It hopes that the Government will indicate soon that the remaining instruments from the 67th Session (Convention No. 155 and Recommendation No. 164) and the instruments adopted at the 68th, 69th and 70th Sessions have been submitted to the competent authorities. Furthermore, the Committee would be grateful if the Government would indicate whether the instrument adopted at the 71st Session have been submitted.

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Bolivia

Further to its previous observation, the Committee notes with interest the information supplied by the Government to the Conference Committee in 1986 to the effect that the instruments adopted from the 63rd to the 69th Sessions of the Conference have been submitted to Congress. The Committee would be grateful if the Government would supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body (points II(b) and (c), and III of the questionnaire).

The Committee also notes that Recommendation No. 151 (60th Session) is expected to be submitted to Congress during the course of the summer of 1987, and that the instruments adopted at the 71st Session have been transmitted to the President of the Republic so that he can submit them to the Senate. The Committee hopes that the Government will be in a position to indicate in its next report that these various instruments and also Recommendation No. 169 (70th Session) have been submitted.

Botswana

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 71st Sessions of the Conference have been submitted to the National Assembly.

Brazil

Further to its previous observation, the Committee notes the information supplied by the Government to the Conference Committee in 1986 to the effect that Convention No. 147, adopted at the 62nd Session of the Conference, and Convention No. 152 (65th Session) were submitted to Congress after having been examined and approved by tripartite committees. The Committee also notes that other tripartite committees are on the point of concluding their work. It therefore trusts that it will be possible for the numerous remaining instruments to be submitted to Congress in the near future and that the Government will supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Central African Republic

The Committee notes that the Government has not replied to its previous comments. It hopes that the Government will indicate in the near future that the instruments adopted at the 65th, 69th and 70th Sessions of the Conference have been submitted to the competent authorities. Furthermore, it would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have been submitted.

Chad

Further to its previous comments, the Committee notes with satisfaction from the information and documents supplied by the Government that the instruments adopted from the 50th to the 70th Sessions of the Conference have been submitted to the competent authorities.

Congo

The Committee notes that the Government has not replied to its previous observation. It hopes that it will soon be in a position to indicate that the instruments adopted at the 60th, 61st, 62nd, 68th, 69th, 70th and 71st 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 notes that the Government has not replied to its previous observation. It trusts that the Government will supply information in the near future concerning the decisions taken with regard to the instruments adopted from the 62nd to the 68th Sessions of the Conference, and that it will indicate whether the instruments adopted at the 69th, 70th and 71st Sessions have been submitted to the competent authorities.

Djibouti

The Committee notes that the Government has not replied to its previous observation. It trusts that the Government will indicate in the near future that the instruments adopted at the 66th, 68th, 69th and 70th Sessions of the Conference have been submitted to the competent authorities. Furthermore, it would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have been submitted.

Dominican Republic

The Committee notes that the Government has not replied to its previous observation. It trusts that the Government will indicate in the near future that the instruments adopted at the 63rd, 65th, 66th, 67th, 69th and 70th 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, which have already been

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submitted, 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 instruments adopted at the 71st Session of the Conference have also been submitted.

El Salvador

With reference to its previous observation, the Committee notes the submission to the competent authorities of Convention No. 159 and Recommendation No. 168, adopted at the 69th Session of the Conference, and of Convention No. 160 (71st Session). With regard to Convention No. 160, the Committee requests the Government to supply the information and documents called for in the Memorandum adopted by the Governing Body (points II(a), (b) and (c), and III of the questionnaire). It also notes the measures taken to give effect to Recommendation No. 169 (70th Session). The Committee would be grateful if the Government would specify in this connection whether this instrument has been duly submitted to the competent authorities. It also hopes that the Government will indicate in the near future that the instruments adopted at the 62nd, 65th, 66th, 67th and 68th Sessions of the Conference, and the remaining instruments from the 63rd, 69th and 71st Sessions, have been submitted to the competent authorities, and that it will supply in this respect the documents and information mentioned above.

Ghana

The Committee notes that the Government has not replied to its previous observations. It trusts that the Government will indicate in the near future that the instruments adopted at the 66th, 67th, 68th, 69th and 70th Sessions of the Conference have been submitted and that it will supply in this respect the information and documents called for in the Memorandum adopted by the Governing Body. Furthermore, it would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have been submitted to the competent authorities.

Grenada

Further to its previous observation, the Committee notes from the information supplied by the Government that a number of Conventions were to be submitted to the Cabinet in 1986. In the absence of further information, it hopes that the Government will indicate in the near future that Recommendation No. 162 (66th Session of the Conference) and the instruments adopted at the 67th, 68th, 69th and 70th Sessions have been submitted to the competent authorities. Furthermore, it would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have been submitted. It recalls in this respect 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 with regard to the nature of the competent authority and the Government's proposals or comments on the effect to be given to 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 the application of the instrument under consideration. Governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities.

Guinea

The Committee notes that the Government has not replied to its previous direct requests. It hopes that the Government will indicate in the near future that the instruments adopted at the 68th, 69th and 70th Sessions of the Conference have been submitted to the competent authorities. Furthermore, the Committee would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have been submitted.

Haiti

Further to its previous comments, the Committee notes the explanations provided by the Government concerning the delay that has occurred in the submission of Conventions and Recommendations to the competent authorities. It notes that the remaining instruments (those adopted from the 67th to the 71st Sessions of the Conference) should be submitted to the new Legislative Assembly during the course of 1987. The Committee hopes that the Government will indicate in its next report that these instruments have been submitted and that it will also report, in accordance with points II(b) and (c) and III of the questionnaire at the end of the Memorandum adopted by the Governing Body, whether, when the instruments adopted at the 64th and 65th Sessions of the Conference were submitted, proposals were made concerning the above instruments and whether decisions were taken in their connection.

Indonesia

The Committee notes that the Government has not replied to its previous direct requests. It hopes that the Government will state in the near future that the instruments adopted at the 66th, 67th, 68th, 69th and 70th Sessions of the Conference have been submitted to Parliament, and that it will supply in this connection, as it has in the past, a copy of the document whereby they were submitted. Furthermore, the Committee would be grateful if the Government would indicate whether the instruments adopted at the 71st Session of the Conference have been submitted.

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Islamic Republic of Iran

Further to its previous observation, the Committee notes the statement by a Government representative to the Conference Committee in 1986 in which he recalled the difficulties which continue to delay the submission procedure and stated that the Government hoped to be in a position to transmit to the ILO as soon as possible the results of the examination of the remaining instruments. The Committee also notes the discussion which followed this statement. The Committee hopes that the Government will state in the near future that the instruments adopted at the 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th and 71st Sessions of the Conference have been submitted to Parliament.

Ireland

Further to its previous observation, the Committee notes with satisfaction from the information and documents supplied by the Government that the instruments adopted from the 66th to the 71st Sessions of the Conference have been submitted to Parliament.

Jamaica

The Committee notes that the Government has not replied to its previous direct requests. There it noted the statement by a Government representative to the Conference Committee in 1984 to the effect that Convention No. 132, Recommendation No. 136 and the instruments adopted from the 61st to the 69th Sessions of the Conference had been submitted to Parliament. It expressed the hope that the Government would communicate the other information and documents called for in the Memorandum adopted by the Governing Body (points I and II of the questionnaire) - except as concerns Conventions Nos. 149 and 150, which have been ratified, and Recommendations Nos. 157 and 158, which are complementary to these Conventions. It also hoped the Government would provide information on the proposals made and the decisions taken in respect of the 45 instruments submitted to Parliament by a communication of the Minister of Labour and Employment on 22 November 1976. It also requested the Government to indicate whether the instrument adopted at the 70th Session had been submitted. The Committee hopes that the Government will soon supply the information and documents in question. It would also be grateful if the Government would indicate whether the instruments adopted at the 71st Session of the Conference have been submitted.

Democratic Kampuchea

The Committee notes the absence of information with regard to the submission to the competent authorities of the instruments adopted by the Conference.

Kenya

Further to its previous observation, the Committee notes the information supplied by the Government to the effect that the submission of the instrument adopted at the 70th Session of the Conference to Parliament is imminent, as is the submission of the proposals concerning the instruments previously submitted. The Committee also notes that the instruments adopted at the 71st Session are about to be referred to the Tripartite Labour Advisory Board for examination before being submitted to Parliament. The Committee hopes that the Government will indicate in the near future that all the above instruments, and also those adopted at the 69th Session, have been submitted and that it will supply in this connection the information and documents called for in point II of the questionnaire at the end of the Memorandum adopted by the Governing Body.

Lao People's Democratic Republic

With reference to its previous observations, the Committee notes with interest the information supplied by the Government to the effect that steps have been taken with a view to submitting the Conventions and Recommendations adopted by the Conference since 1964 to the competent authorities in stages. It hopes that the Government will be able to report in the near future that a first group of instruments has been submitted.

Lebanon

The Committee hopes that the Government will be in a position in the near future to indicate that the remaining instruments adopted from the 31st to the 71st Sessions of the Conference have been submitted to the competent authorities.

Lesotho

The Committee notes, from the information supplied by the Government, that Recommendations Nos. 170 and 171, adopted at the 71st Session of the Conference, have been submitted to the competent authority. 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 with regard to the nature of the competent authority (point I of the questionnaire at the end of the Memorandum) and that it will state whether Conventions Nos. 160 and 161, which were adopted at the same session, have also been submitted.

The Committee notes that the Government has not replied to its previous observations. It hopes that it will indicate in the near future 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)

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of the ILO Constitution. It recalls in this respect 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 to ratify the Conventions or accept the Recommendations.

Malawi

Further to its previous comments, the Committee notes with interest that the instruments adopted at the 61st Session of the Conference and various other instruments adopted at the 63rd, 68th and 69th Sessions have been submitted to the competent authorities. It hopes that the Government will be able to state shortly that the remaining instruments, adopted at various sessions from the 55th to the 70th Sessions have also been submitted. In addition, the Committee would be grateful if the Government would indicate whether the instruments adopted at the 71st Session of the Conference have been submitted.

Mauritania

The Committee notes that the Government has not replied to its previous direct requests. It hopes that the Government will state shortly that the instruments adopted at the 68th, 69th and 70th Sessions of the Conference, and the instruments adopted at the 71st Session, have been submitted to the competent authorities and that it will transmit in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Mauritius

The Committee notes that the Government has not replied to its previous observation. It hopes that the Government will soon be able to indicate that the difficulties referred to by a Government representative in the Conference Committee in 1985 have been overcome and that the instruments adopted at the 60th Session and from the 63rd to the 71st Sessions of the Conference, and also Convention No. 140 and Recommendation No. 148 (59th Session) have been submitted to Parliament and that it will transmit in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Nepal

The Committee notes that the Government has not replied to its previous observation. It wishes to recall its previous comments in this respect, 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 trusts that the Government will be able to review the situation in the light of the above and that it will submit to the National Parliament the instruments adopted from the 51st to the 61st Sessions and from the 66th to the 71st 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.

Nicaragua

Further to its previous comments, the Committee notes with satisfaction that the instruments adopted at the 71st Session of the Conference have been submitted both to the President of the Republic and to the Legislative Assembly.

Nigeria

The Committee notes that the instruments adopted at the 71st Session of the Conference have been submitted to the competent authorities. It hopes that the proposals and decisions concerning the instruments adopted from the 45th to the 59th Sessions and from the 65th to the 70th Sessions will shortly be transmitted to the ILO.

Papua New Guinea

The Committee notes the absence of any reply to its previous direct request. It hopes that the Government will be able to indicate in the near future that the instruments adopted at the 66th and 70th Sessions of the Conference, for the submission of which the preparatory work had begun, and those adopted at the 67th, 68th, 69th and 71st Sessions, have been submitted to the competent authorities.

Paraguay

The Committee notes that the Government has not replied to its previous observation. It trusts that the Government will transmit in the near future a copy of the letter whereby 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, 69th and 70th Sessions have been submitted to the competent authorities. Furthermore, the Committee would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have also been submitted.

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Qatar

The Committee notes the information supplied by the Government with regard to the decisions taken concerning some instruments adopted at the 64th Session of the Conference. It also notes that the Government is taking steps for the instruments adopted at the 65th, 66th, 69th and 70th Sessions of the Conference to be submitted to the competent authorities before the 73rd Session of the Conference. The Committee hopes that it will be possible also to submit the instruments adopted at the 71st Session in the near future.

Saint Lucia

The Committee notes that the Government has not replied to its previous observation. It hopes that it will indicate in the near future that the instruments adopted at the 66th, 67th, 68th, 69th and 70th Sessions of the Conference have been submitted to the competent authorities. Furthermore, it would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have been submitted. It recalls in this respect 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 connection in the Memorandum adopted by the Governing Body, particularly with regard to the nature of the competent authority and the proposals or comments made by the Government on the effect to be given to 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.

Sao Tome and Principe

The Committee notes that the Government has not replied to its previous direct requests. It hopes that the Government will indicate in the near future that the instruments adopted at the 68th, 69th and 70th Sessions of the Conference have been submitted to the competent authorities. The Committee points out in this connection that under article 19, paragraphs 5(b) and 6 of the Constitution of the ILO, the authorities to which these instruments must be submitted are those empowered to legislate. It hopes that the Government will soon take the necessary measures and that it will supply in respect of the above instruments the information and documents called for in the Memorandum adopted by the Governing Body, particularly as concerns the nature of the competent authority and the proposals or comments made by the Government as to the action to be taken on the instruments in question (points I(a) and 2(b) of the questionnaire). The Committee wishes to point out that the obligation to submit does not imply that governments must propose the ratification of the Convention or the

application of the Recommendation 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. All the instruments adopted by the Conference must accordingly be submitted to the competent authorities, irrespective of the action the Government intends to take on them.

Furthermore, the Committee would be grateful if the Government would indicate whether the instruments adopted at the 71st Session of the Conference have been submitted.

Senegal

The Committee notes that the Government has not replied to its previous direct requests. It hopes that the Government will indicate in the near future that the instruments adopted at the 68th, 69th and 70th Sessions of the Conference have been submitted to the competent authorities. In addition, it would be grateful if the Government would indicate whether the instruments adopted at the 71st Session have been submitted.

Seychelles

The Committee regrets to note that once again this year the Government has not replied to its previous observation. It trusts that the Government will soon report that the instruments adopted at the 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th and 71st Sessions of the Conference have been submitted to the competent authorities, in accordance with article 19, paragraphs 5(b) and 6(b) of the Constitution of the ILO. It points out 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 regarding the proposals or comments made by 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 to submit does not imply that governments must propose the ratification of the Conventions or the application of the Recommendations submitted. Governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities.

Sierra Leone

With reference to its previous observations, the Committee notes the information supplied by the Government to the Conference Committee in 1986 regarding the administrative constraints which have delayed the submission of the instruments. It trusts that the Government will be able to indicate shortly that Convention No. 146 and Recommendation No. 154, adopted at the 62nd Session of the Conference, and that the

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instruments adopted at the 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th and 71st Sessions have been submitted to Parliament.

The Committee also trusts that the Government will shortly supply information concerning the proposals made to Parliament and the decisions of the latter with regard to 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 previous comments, the Committee notes with interest from the information supplied by the Government that a number of the instruments adopted at the 65th and from the 69th to the 71st Sessions of the Conference (Convention No. 160 and Recommendations Nos. 160, 161 and 167 to 170) have been transmitted with proposals to the Chairman of the Council of Ministers with a view to their submission to the People's Assembly, which is also empowered to legislate. The Committee hopes that the Government will be able to indicate shortly that this submission has also taken place. In addition, it hopes that it will be possible for the other instruments (Convention No. 161 and Recommendations Nos. 162 and 171) to be submitted in the near future.

United Republic of Tanzania

Further to its previous comments, the Committee notes the information supplied by the Government concerning the procedures with regard to submission, from which it appears, in particular, that the President is the competent authority for the ratification of treaties and that the National Assembly only intervenes when legislation becomes necessary to apply a Convention that has already been ratified. The Committee wishes to point out in this respect that a clear distinction should be established between the concepts of "submission" and "ratification". The former is an obligation of a general nature which applies to both Conventions and Recommendations. It does not, however, imply for governments the obligation to ratify the Convention or apply the Recommendation under consideration. The competent authority for the purpose of submission is not therefore the authority empowered to ratify but the authority vested with the power to legislate or to take other types of measures to give effect to Conventions and Recommendations. It is, however, desirable that, even when instruments do not call for measures of a legislative nature, they should also be submitted to the legislative body in order to achieve the second objective of submission which is to make public opinion aware of Conventions and Recommendations.

The Committee therefore hopes that the Government will indicate in the near future that the instruments adopted from the 54th to the 65th Sessions of the Conference, which have already been submitted to the Cabinet, have also been submitted to the National Assembly, and will indicate the proposals made as to the effect to be given to them. It also hopes that the Government will report in the near

future that all the instruments adopted from the 66th to the 71st Sessions have been submitted to the National Assembly and that it will supply with regard to them, and with regard to the instruments adopted from the 47th to the 53rd Sessions, which have already been submitted, the information and documents called for in the Memorandum adopted by the Governing Body.

Thailand

The Committee notes that the Government has not replied to its previous direct requests. It hopes that it will supply in the near future, regarding the instruments adopted at the 67th and 68th Sessions of the Conference, which were submitted in 1984, and the instruments adopted from the 61st to the 66th Sessions, which were submitted in 1981, the information and documents called for in the Memorandum adopted by the Governing Body, particularly concerning points II (b) and (c) and III of the questionnaire. Furthermore, it would be grateful if the Government would indicate whether the instruments adopted at the 69th, 70th and 71st Sessions have been submitted.

Trinidad and Tobago

The Committee notes that the Government has not replied to its previous direct request. It hopes that the Government will supply a copy of the document whereby the instruments adopted at the 65th Session of the Conference were submitted to Parliament. It also hopes that the Government will indicate in the near future that the remaining instruments (from the 66th to the 71st Sessions) have also been submitted to the competent authorities.

Tunisia

Further to its previous observation, the Committee notes the information supplied by a Government representative to the Conference Committee in 1986, 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 various sessions of the Conference have been examined in the various departments concerned and that the Government is making efforts for their rapid submission to the Chamber of Deputies. The Committee therefore hopes that the Government will indicate shortly that the instruments adopted at the 62nd, 64th, 65th, 66th, 67th, 68th, 69th and 70th 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 transmit the documents whereby the instruments adopted at the 61st Session were submitted and will indicate whether proposals were made and decisions taken regarding the instruments adopted from the 54th to the 60th Sessions, which were

SUBMISSION OF COMPETENT AUTHORITIES

still under study by the Ministry of Social Affairs. In addition, the Committee would be grateful if the Government would indicate whether the instruments adopted at the 71st Session of the Conference have been submitted.

Uganda

Further to its previous observation, the Committee notes the information supplied by the Government to the effect that the submission to the competent authorities of the instruments adopted from the 66th to the 71st Sessions of the Conference is under way. It hopes that the Government will indicate in the near future that these instruments have been submitted and that it will transmit in this connection the information and documents called for by the Memorandum adopted by the Governing Body.

Yemen

Further to its previous comments, the Committee notes with satisfaction from the information and documents supplied by the Government that the instruments adopted from the 65th to the 69th Sessions of the Conference 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, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Dominica, Ecuador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Federal Republic of Germany, Greece, Guatemala, Guinea-Bissau, Guyana, Honduras, India, Iraq, Italy, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Mongolia, Morocco, Mozambique, Netherlands, Niger, Pakistan, Panama, Peru, Philippines, Romania, Rwanda, San Marino, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, USSR, United Arab Emirates, United States, Uruguay, Venezuela, Yemen, Yugoslavia, 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 71st Sessions of the International Labour Conference, 1948-85)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 69	70 and 71
Algeria	47 to 71	—
Angola	61 to 66 and 67 (C 154, 156; R 163, 165)	67 (C 155; R 164), 68, 69, 70 and 71
Antigua and Barbuda . . .	68	69, 70 and 71
Argentina	31 to 71	—
Australia	31 to 71	—
Austria	31 to 70	71
Bahamas	61 to 71	—
Bahrain	63 to 71	—
Bangladesh	58 to 69	70 and 71
Barbados	51 to 71	—
Belgium	31 to 68	69, 70 and 71
Belize	68	69, 70 and 71
Benin	45 to 70	71
Bolivia	31 to 59, 60 (C 141, 142, 143; R 149, 150), 61 to 69	60 (R 151), 70 and 71
Botswana	64 to 71	—

¹ The Conference did not adopt any Conventions or Recommendations at its 57th Session (June 1972).

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
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), 62 (C 147), 63 (C 148; R 156) and 65 (C 152)	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, (C 145, 146; R 153, 154, 155), 63, (C 149; R 157), 64, 65 (C 153; R 160, 161), 66, 67, 68, 69, 70 and 71
Bulgaria	31 to 71	—
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, 70 and 71
Burma	31 to 71	—
Burundi	47 to 71	—
Byelorussian SSR	37 to 71	—
Cameroon	44 to 68	69, 70 and 71
Canada	31 to 69	70 and 71
Cape Verde	65 to 68 and 70	69 and 71
Central African Republic	45 to 64 and 66 to 68	65, 69, 70 and 71
Chad	45 to 70	71
Chile	31 to 70	71
China	69 to 71	—
Colombia	31 to 70	71
Comoros	65 to 71	—
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, 70 and 71
Costa Rica	31 to 68, 69 (C 159; R 168) and 70	69 (R 167) and 71
Côte d'Ivoire	45 to 70 and 71 (C 161; R 171)	71 (C 160; R 170)

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 71	—
Cyprus	45 to 68	69, 70 and 71
Czechoslovakia	31 to 70	71
Democratic Yemen	53 to 68	69, 70 and 71
Denmark	31 to 70	71
Djibouti	64, 65 and 67	66, 68, 69, 70 and 71
Dominica	71	68, 69 and 70
Dominican Republic	31 to 62, 64 and 68	63, 65, 66, 67, 69, 70 and 71
Ecuador	31 to 70	71
Egypt	31 to 71	—
El Salvador	31 to 61, 63 (C 149), 64 (C 150), 69 (C 159; R 168), and 71 (C 160)	62, 63 (C 148; R 156, 157), 64 (C 151; R 158, 159), 65, 66, 67, 68, 69 (R 167), 70 and 71 (C 161; R 170, 171)
Equatorial Guinea	67	68, 69, 70 and 71
Ethiopia	31 to 70	71
Fiji	59 to 70	71
Finland	31 to 71	—
France	31 to 71	—
Gabon	45 to 70	71
German Democratic Republic	59 to 71	—
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, 70 and 71
Ghana	40 to 65	66, 67, 68, 69, 70 and 71
Greece	31 to 61, 62 (C 145, 146, 147; R 155), 63 to 71	62 (R 153, 154)
Grenada	—	66, 67, 68, 69, 70 and 71
Guatemala	31 to 70	71
Guinea	43 to 67	68, 69, 70 and 71

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Guinea-Bissau	63 to 70	71
Guyana	50 to 70	71
Haiti	31 to 66	67, 68, 69, 70 and 71
Honduras	39 to 66 and 68	67, 69, 70 and 71
Hungary	31 to 71	—
Iceland	31 to 71	—
India	31 to 70	71
Indonesia	33 to 65	66, 67, 68, 69, 70 and 71
Iran, Islamic Republic of .	31 to 61	62, 63, 64, 65, 66, 67, 68, 69, 70 and 71
Iraq	31 to 71	—
Ireland	31 to 71	—
Israel	32 to 71	—
Italy	31 to 70	71
Jamaica	47 to 69	70 and 71
Japan	35 to 71	—
Jordan	39 to 71	—
Democratic Kampuchea .	53, 54 and 56	55, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71
Kenya	48 to 68	69, 70 and 71
Kuwait	45 to 71	—
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, 70 and 71
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, 70 and 71

REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Lesotho	71 (R 170, 171)	66, 67, 68, 69, 70 and 71 (C 160, 161)
Liberia	31 to 71	—
Libyan Arab Jamahiriya	35 to 70	71
Luxembourg	31 to 70	71
Madagascar	45 to 54, 56 to 70	55 and 71
Malawi	49 to 54, 56, 61, 63 (C 149; R 157), 68 (C 158; R 166) and 69 (C 159; R 168)	55, 58, 59, 60, 62, 63 (C 148; R 156), 64, 65, 66, 67, 68 (C 157), 69 (R 167), 70 and 71
Malaysia	41 to 70	71
Mali	44 to 71	—
Malta	49 to 71	—
Mauritania	45 to 67	68, 69, 70 and 71
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, 70 and 71
Mexico	31 to 69 and 71	70
Mongolia	53 to 70	71
Morocco	39 to 71	—
Mozambique	61 to 71	—
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, 70 and 71
Netherlands	31 to 66, 67 (C 154, 156; R 163, 165) and 68	67 (C 155; R 164), 69, 70 and 71
New Zealand	31 to 71	—
Nicaragua	40 to 71	—
Niger	45 to 68, 70 and 71	69
Nigeria	45 to 71	—
Norway	31 to 71	—
Pakistan	31 to 68	69, 70 and 71
Panama	31 to 69	70 and 71
Papua New Guinea	61 to 65	66, 67, 68, 69, 70 and 71

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Paraguay	40 to 67	68, 69, 70 and 71
Peru	31 to 64, 65 (C 152; R 160), 66, 67 (C 154, 156; R 163, 165), 68 (C 158, R 166), 69 (C 159; R 168) and 71	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, 70 and 71
Poland	31 to 71	—
Portugal	31 to 71	—
Qatar	58 to 64, 67 and 68	65, 66, 69, 70 and 71
Romania	39 to 69 and 71	70
Rwanda	47 to 70	71
Saint Lucia	—	66, 67, 68, 69, 70 and 71
San Marino	69 (C 159; R 168) and 70	68, 69 (R 167) and 71
Sao Tome and Principe . .	—	68, 69, 70 and 71
Saudi Arabia	61 to 71	—
Senegal	44 to 67	68, 69, 70 and 71
Seychelles	—	63, 64, 65, 66, 67, 68, 69, 70 and 71
Sierra Leone	45 to 62 (C 145, 147; R 153, 155)	62 (C 146; R 154), 63, 64, 65, 66, 67, 68, 69, 70 and 71
Singapore	50 to 69	70 and 71
Solomon Islands	—	70 and 71
Somalia	45 to 67	68, 69, 70 and 71
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), 70 and 71
Sri Lanka	31 to 70	71
Sudan	39 to 71	—
Suriname	61 to 64	65, 66, 67, 68, 69, 70 and 71
Swaziland	60 to 67	68, 69, 70 and 71
Sweden	31 to 71	—
Switzerland	31 to 71	—
Syrian Arab Republic . .	31 to 65, 67 to 70 and 71 (C 160; R 170)	66 and 71 (C 161; R 171)

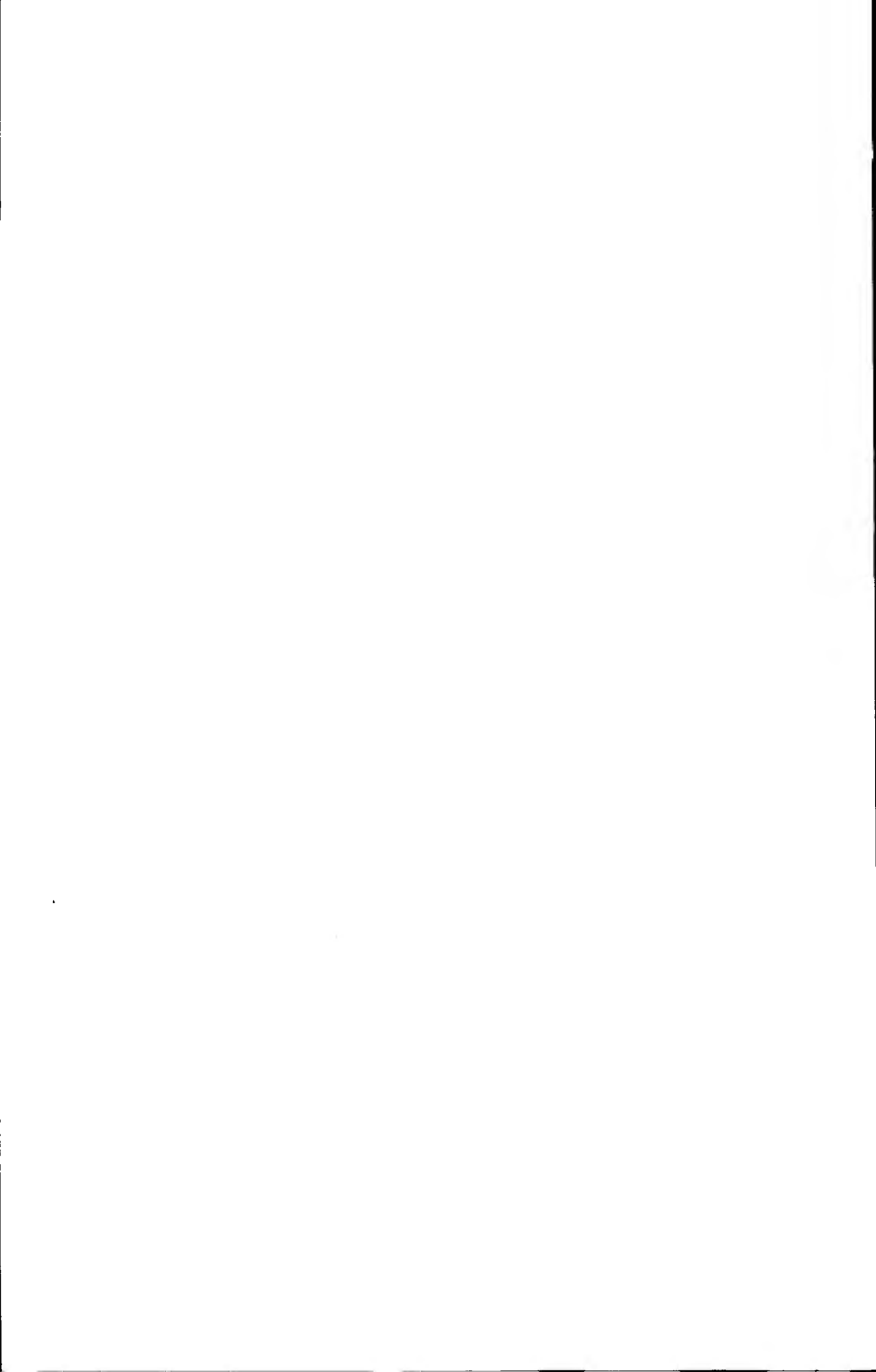
REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the adopted texts have been submitted to the authorities considered as competent by governments	Sessions of which the adopted texts have not been submitted (including cases in which no information has been supplied)
Tanzania, United Republic of	46 to 65	66, 67, 68, 69, 70 and 71
Thailand	31 to 68	69, 70 and 71
Togo	44 to 71	—
Trinidad and Tobago . . .	47 to 65	66, 67, 68, 69, 70 and 71
Tunisia	39 to 61 and 63	62, 64, 65, 66, 67, 68, 69, 70 and 71
Turkey	31 to 71	—
Uganda	47 to 65	66, 67, 68, 69, 70 and 71
Ukrainian SSR	37 to 71	—
USSR	37 to 70	71
United Arab Emirates . .	58 to 69	70 and 71
United Kingdom	31 to 71	—
United States	31 to 70 and 71 (C 161; R 171)	71 (C 160; R 170)
Uruguay	31 to 68, 69 (C 159; R 167) and 70	69 (R 168) and 71
Venezuela	31 to 69 and 71 (C 160; R 170)	70 and 71 (C 161; R 171)
Yemen	49 to 69	70 and 71
Yugoslavia	31 to 70	71
Zaire	45 to 69	70 and 71
Zambia	49 to 67 and 70	68, 69 and 71
Zimbabwe	66 to 69	70 and 71

Appendix II. Over-all position of member States at 25 March 1987

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)	113	— ¹	5	118
53 (June 1969)	118	1	2	121
54 (June 1970)	115	4	2	121
55 (October 1970)	112	3	6	121
56 (June 1971)	113	1	7	121
58 (June 1973)	111	3	9	123
59 (June 1974)	116	2	7	125
60 (June 1975)	114	3	9	126
61 (June 1976)	121	—	10	131
62 (October 1976)	119	2	11	132
63 (June 1977)	110	4	21	135
64 (June 1978)	123	2	11	136
65 (June 1979)	116	4	19	139
66 (June 1980)	107	— ¹	37	144
67 (June 1981)	111	4	30	145
68 (June 1982)	100	4	46	150
69 (June 1983)	87	6	57	150
70 (June 1984)	79	— ¹	71	150
71 (June 1985)	49	6	95	150

¹ At this session the Conference adopted one Recommendation only.





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International Labour Conference
73rd Session 1987

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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CONVENTION (NO. 148) AND RECOMMENDATION (NO. 156), 1977

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

INDEX TO COMMENTS MADE BY THE COMMITTEE, BY COUNTRY

Country	Observations made by the Committee (published in the present report) ¹	Direct requests addressed by the Committee to the Governments (not reproduced in the present report) ²
Afghanistan	General Report, paras. 124, 132. I A and B, Nos. 13, 95, 105. III.	Art. 22, Nos. 105, 111, 137, 139, 140, 141.
Albania	I A.	
Algeria	I B, Nos. 13, 32, 44, 62, 87, 105, 111, 120, 127.	Art. 22, general. Art. 22, Nos. 24, 77, 78, 87, 94, 98, 105, 111, 122, 138, 142, 150. Subm.
Angola	General Report, paras. 124, 132. I A and B, No. 105. III.	Art. 22, general. Art. 22, Nos. 12, 17, 18, 29, 81, 88, 89, 98, 105, 107, 108, 111.
Antigua and Barbuda . . .	General Report, para. 124. I A.	Art. 22, Nos. 17, 87, 98, 138. Subm.
Argentina	I B, Nos. 87, 88, 98.	Art. 22, Nos. 1, 71, 81. Subm.
Australia	I B, Nos. 42, 111.	Art. 22, Nos. 81, 111. Art. 35, No. 29.
Austria	I B, No. 100.	Art. 22, Nos. 29, 95, 98, 100, 111, 122, 142. Subm.
Bahamas	I B, No. 144.	Art. 22, Nos. 94, 117, 144. Subm.
Bangladesh	I B, Nos. 22, 29, 87, 98, 105, 107, 149.	Art. 22, Nos. 27, 29, 96, 98, 105, 106, 107, 111, 144, 149. Subm.
Barbados	General Report, paras. 124, 132. I A and B, No. 111.	Art. 22, Nos. 87, 98, 111, 115, 122, 144.
Belgium	I B, Nos. 98, 122.	Art. 22, Nos. 29, 147. 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.

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Country	Observations made by the Committee (published in the present report)	Direct requests addressed by the Committee to the Governments (not reproduced in the present report)
Belize		General Report, para. 109. Art. 22, Nos. 8, 22, 98, 105, 115. Subm.
Benin	I B, No. 18.	General Report, para 109. Art. 22, general. Art. 22, Nos. 29, 100, 105, 111, 143. Subm.
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Burkina Faso	I B, Nos. 18, 87, 98, 111, 150.	Art. 22, Nos. 6, 17, 29, 81, 95, 111, 129, 132, 143, 150. Subm.
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Central African Republic	I B, Nos. 18, 29, 41, 52, 81, 87, 94, 105, 111. III.	Art. 22, general. Art. 22, Nos. 29, 81, 88, 95, 100, 105, 111, 117.
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Denmark	I B, Nos. 87, 98, 100, 122, 151. II A and B, Nos. 8, 16.	Art. 22, Nos. 29, 100, 111, 130, 149. Art. 35, Nos. 9, 53, 105. Subm.
Djibouti	I B, No. 44. III.	Art. 22, Nos. 18, 22, 23, 24, 29, 37, 38, 55, 56, 71, 77, 78, 81, 88, 94, 105, 106, 108, 115.
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Indonesia	I B, Nos. 29, 98. III.	General Report, para. 109. Art. 22, Nos. 29, 106.
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Mauritania.	General Report, para. 124. I B, Nos. 22, 81, 87, 94. III.	Art. 22, general. Art. 22, No. 81.
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Seychelles	General Report, para. 158. I B, No. 87. III.	Art. 22, No. 2.
Sierra Leone	General Report, paras. 124, 132, 158. I A and B, Nos. 8, 17, 29, 59, 81, 111, 125. III.	Art. 22, general. Art. 22, Nos. 29, 95, 101, 105, 111, 126.
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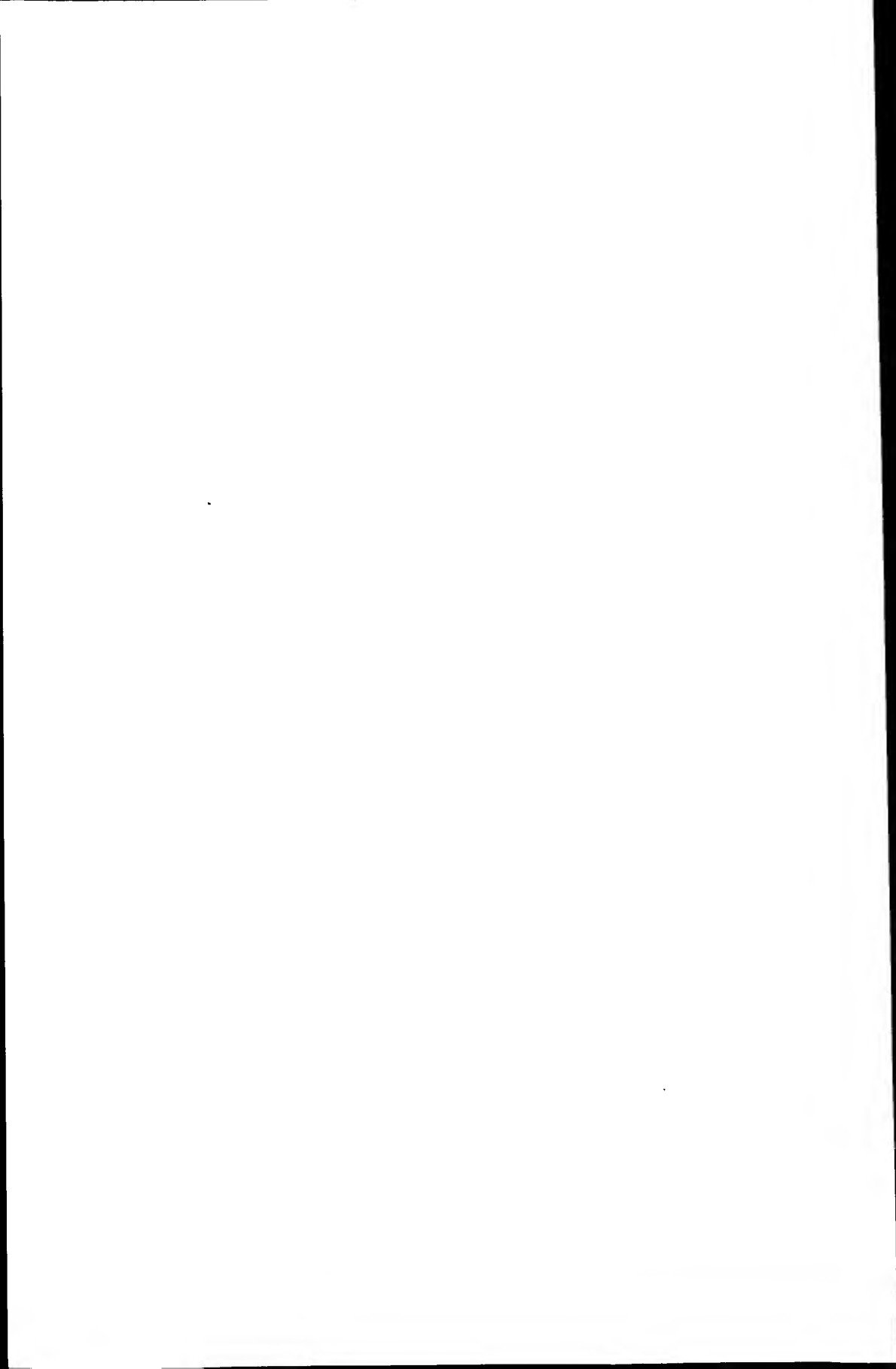
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PART ONE

GENERAL REPORT



GENERAL REPORT

I. INTRODUCTION

1. The Committee of Experts on the Application of Conventions and Recommendations, appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by States Members of the International Labour Organisation on the action taken with regard to Conventions and Recommendations, held its 57th Session in Geneva from 12 to 25 March 1987. The Committee has the honour to present its report to the Governing Body.

2. The Committee noted with regret that Sir Adetokunbo ADEMOLA, GCFR, GCON, KBE, Kt, CFR, PC (Nigeria) had asked to be relieved of his duties as a member of the Committee. It paid tribute to the outstanding contribution that he had made to the work of the Committee for 25 years, through his experience and devotion to the principles of the ILO, and through the wisdom and fairness with which he chaired the work of the Committee over the previous ten years.

3. The Committee noted that, in order to fill the vacant seat, the Governing Body had appointed Mr. B.O. NWABUEZE (Nigeria), 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 Emeritus 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.

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),

Former 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),

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

Mr. Arnold GUBINSKI (Poland),

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

Mr. Semion A. IVANOV (USSR),

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

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

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

Mr. Kéba MBAYE (Senegal),

Judge of the International Court of Justice; First Honorary President of the Supreme Court of Senegal; associate member of the Institute of International Law; Arbitrator of the ICSID;

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- former 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. Benjamin Obi NWABUEZE (Nigeria),
LLD (London); Senior Advocate of Nigeria; 1980 Laureate of the Nigerian National Merit Award; former Professor of Law at the University of Nigeria; former Professor and Dean of the Faculty of Law at the University of Zambia; member, Governing Council, Nigerian Institute of International Affairs; member, Governing Council, Nigerian Institute of Advanced Legal Studies; member, Council of Legal Education;
- Mr. Edilbert 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 the Legal Section and 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; President of the International Association of Supreme Administrative Jurisdictions; Chairman of the Finnish Section of the International Association of Legal Sciences;

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; Vice-President (Asia) of the International Society of Labour Law and Social Security;

Mr. Fernando URIBE RESTREPO (Colombia),
Judge of the Court of Justice of the Cartagena Accord; former President of the Supreme Court of Colombia; former 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, LLM; 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 William DOUGLAS as Chairman and Mr. E. 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;