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INTERNATIONAL LABOUR CONFERENCE

CONVENTIONS
AND
RECOMMENDATIONS

1919-1949

GENEVA
INTERNATIONAL LABOUR OFFICE
1949

PREFACE

The texts contained in this volume are reprinted from the authentic texts of the Conventions and Recommendations adopted by the International Labour Conference in the course of the thirty-two sessions which have been held from 1919 to 1949. During this period 98 Conventions and 87 Recommendations have been adopted by the Conference. On 30 September 1949, 56 Conventions had received the number of ratifications necessary to bring them into force and a total of 1,039 ratifications had been registered.

In the case of the Conventions adopted at the first twenty-eight sessions of the Conference (1919 to June 1946), the texts here reprinted are the texts as modified by the Final Articles Revision Convention, 1946 [1], which was adopted for the purpose of making provision for the future discharge of certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations and introducing therein certain further amendments consequential upon the dissolution of the League of Nations and the amendment of the Constitution of the International Labour Organisation. This Convention came into force on 28 May 1947. In accordance with Article 6 of the Final Articles Revision Convention, original copies of the texts of these Conventions as modified by the provisions of the Final Articles Revision Convention, duly authenticated by the signature of the Director-General of the International Labour Office, have been deposited in the archives of the International Labour Office and communicated to the Secretary-General of the United Nations, and certified copies thereof have been communicated to each of the Members of the International Labour Organisation. The texts contained in this volume are reprinted from the original copies.

In the case of the Recommendations adopted by the first twenty-eight sessions of the Conference, the texts here reprinted

[1] See below, p. 699.

are the texts as modified for the same purpose in accordance with the Second Report of the Committee on Constitutional Questions adopted by the 29th Session of the International Labour Conference on 8 October 1946 and authenticated and circulated in the same manner as the modified texts of the Conventions in accordance with the terms of that report. These texts are reprinted from the original copies of the Recommendations as modified.

In the case of the Conventions and Recommendations adopted at the 29th and subsequent sessions of the International Labour Conference, the texts are reprinted from the original copies authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office in accordance with the provisions of paragraph 4 of Article 19 of the Constitution of the International Labour Organisation.

The order in which the Conventions and Recommendations[1] are printed in this volume is the order in which they were adopted at the successive sessions of the Conference. The table of contents has been divided to show separately the Conventions and Recommendations, and an index in which the Conventions and Recommendations are classified according to their subject matter is added at the end of the volume.

The International Labour Office also publishes, under the title of *The International Labour Code*, an annotated edition of a systematic arrangement of the Conventions and Recommendations adopted by the International Labour Conference, with appendices embodying other standards of social policy framed by the International Labour Organisation. The annotations in this edition contain detailed information concerning the preparatory work of the Conventions and Recommendations, the extent to which the Conventions have been ratified and interpretations of their provisions given by international and national tribunals and by the International Labour Office, references to the reports giving particulars of the legislation by means of which the provisions of the Conventions and Recommendations are applied, and full bibliographical notes. The first edition of this publication, covering the period 1919 to 1939, appeared in English only

[1] With the exception of the Recommendations adopted by the Conference at its 3rd Session (Geneva, 1921).

in 1941 and has been out of print for some years. A second edition, covering the period 1919 to 1949, which will appear in English, French and Spanish, is now in the press.

The obligations of Members of the International Labour Organisation in respect of Conventions and Recommendations adopted by the Conference are defined in the following terms in Articles 19, 22 and 23 of the Constitution of the Organisation :

Article 19

1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form : *(a)* of an international Convention, or *(b)* of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

5. In the case of a Convention—

(a) the Convention will be communicated to all Members for ratification ;

(b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action ;

(c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this

Article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them ;

(d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention ;

(e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation—

(a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise ;

(b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action ;

(c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this Article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them ;

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply :

(a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States ;

(b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—

(i) make, in accordance with its Constitution and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislation or other action ;

(ii) arrange, subject to the concurrence of the State, provincial or cantonal Governments concerned, for periodical consultations between the federal and the State, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations ;

(iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this Article to bring such Conventions and Recommendations before the appropriate federal, State, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them ;

(iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise ;

(v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or

agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.

. . . . . .

Article 22

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 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

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of Articles 19 and 22.

2. Each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the information and reports communicated to the Director-General in pursuance of Articles 19 and 22.[1]

The report of the Conference Delegation on Constitutional Questions which afforded the basis for the 1946 revision of the Constitution contained the following comments upon Article 19 of the Constitution of the Organisation, with special reference to the sense in which the term " competent authority " is used in that Article :

43. One of the salient characteristics of the International Labour Organisation is that the discussion of social policy in the world forum of the Conference, the work of the authoritative expert committees of the Organisation and the informational, advisory and research work of the Office, all make essential contributions to the formation of international standards by the International Labour Conference. These standards are formulated in Conventions and Recommendations which Members of the Organisation are under a constitutional obligation to refer to the national competent authorities with a view to effective implementation. These Conventions and Recommendations have during two decades been one of the main formative influences upon the development of social legislation in many countries. It follows that while the International Labour Conference has no legislative powers, it has certain quasi-legislative or pre-legislative functions which are of a unique character and of outstanding importance. Conventions and Recommendations adopted by the International Labour Conference are not binding upon Members of the Organisation merely in virtue of their adoption by the Conference, just as international treaties con-

[1] This summary of information is published each year in a publication entitled *Reports on the Application of Conventions (Article 22 of the Constitution).*

cluded by the traditional diplomatic procedure are not formally binding without ratification merely in virtue of their signature by plenipotentiaries, but the adoption of Conventions and Recommendations by the Conference does place all Members of the Organisation under a definite legal obligation to take certain action the object of which is to maximise the probability of the ratification of Conventions and the effective application of Recommendations. The Constitution of the Organisation requires every Member of the Organisation to submit all Conventions and Recommendations adopted by the Conference for consideration " to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action ". In the case of a Convention the Member is, if it obtains the consent of the competent authority, further required by the Constitution of the Organisation to communicate the formal ratification of the Convention and take such action as may be necessary to make its provisions effective. These obligations apply in the same manner to all Members, irrespective of the attitude towards the Convention or Recommendation taken by their delegates at the Conference at the time when the Convention or Recommendation was adopted. The intention of the authors of the Constitution was that the competent authority should normally be the legislature.[1] Their purpose was to ensure that the authority competent to legislate for the purpose of giving effect to Conventions and Recommendations should always have an opportunity of discussing them. Regular, automatic and public discussion of the proposals of the Conference by the authorities competent to take the necessary national implementary action would, they hoped, contribute powerfully to the general ratification of Conventions and the effective implementation of both Conventions and Recommendations. That difficulties should have arisen from time to time in connection with the performance of the obligation to submit Conventions and Recommendations to competent authorities was inevitable in a period during which parliamentary institutions were in decline in many countries, but it has been the general practice of democratic Members of the Organisation to submit them to legislative bodies in accordance with the requirements of the Constitution of the Organisation and this practice has certainly contributed to the effective implementation of the decisions of the Conference.

. . . . . .

48. . . . The whole question was discussed at length at the Paris Session of the Conference by the Committee on the Application of Conventions, which unanimously adopted a resolution pointing out that the experience of the Committee over the years " has demonstrated that certain obligations of States Members in respect of Conventions and Recommendations as well as certain aspects of the constitutional practice of the Organisation in this regard must be clarified or amplified in order to ensure the working of the Organisation with increased efficiency ". In this resolution the

[1] For the legal position, see International Labour Conference, 26th Session, Philadelphia, 1944, Report I: *Future Policy, Programme and Status of the International Labour Organisation* (Montreal, 1944), pp. 169-183, "The Nature of the Competent Authority Contemplated by Article 19 of the Constitution of the International Labour Organisation".

Committee submitted for further consideration the following suggestions—most of which had been put forward during the discussions of the Committee on Constitutional Questions of the Governing Body, and brought before the Paris Session of the Conference :

(1) The obligation imposed upon Members by Article 19 (5) of the Constitution should be so clarified as to leave no doubt that the "authority or authorities" to which Conventions and Recommendations must be submitted shall be the national Parliament or other competent legislative authority in each country ;

(2)-(8) . . . . . .

49. The Delegation does not consider it necessary to clarify the obligation imposed by Article 19 (5) of the Constitution in order to leave no doubt that the " authority or authorities " to which Conventions and Recommendations must be submitted shall be the national Parliament or other competent legislative authority in each country. It does not consider that any doubt in regard to the matter exists and it would see serious disadvantages in modifying the language of so fundamental a provision of the Constitution of the Organisation which has given rise to the development of a large body of national constitutional practice and which, as members of the Economic and Social Council of the United Nations have pointed out in the course of the deliberations of the Council, represents a great advance upon the practice of other international organisations.

A footnote to the text of each Convention[1] indicates whether the Convention was in force on 1 January 1949 and, if so, the date of its entry into force. For more recent information and for particulars of the parties to each Convention on any particular date, reference should be made to the current publications of the International Labour Office.

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[1] With the exception of the Conventions adopted by the Conference at its 32nd Session (Geneva, 1949).

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FIRST SESSION

(Washington, 29 October 1919-27 January 1920)

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Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week [1]

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the " application of the principle of the 8-hours day or of the 48-hours week ", which is the first item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Hours of Work (Industry) Convention, 1919, for ratification by the Members of the International Labour Organisation, in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

[1] Date of coming into force : 13 June 1921.

(d) transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

3. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for :

(a) the provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity ;

(b) where by law, custom, or agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives ; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour ;

(c) where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Article 3

The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure", but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Article 4

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason

of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

Article 5

1. In exceptional cases where it is recognised that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

2. The average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed forty-eight.

Article 6

1. Regulations made by public authority shall determine for industrial undertakings—

(a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent;

(b) the temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

2. These regulations shall be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

Article 7

1. Each Government shall communicate to the International Labour Office—

(a) a list of the processes which are classed as being necessarily continuous in character under Article 4;

(b) full information as to working of the agreements mentioned in Article 5; and

(c) full information concerning the regulations made under Article 6 and their application.

2. The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organisation.

Article 8

1. In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required—

(a) to notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts, the hours at which each shift begins and ends ; these hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government ;

(b) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours ;

(c) to keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this Convention.

2. It shall be made an offence against the law to employ any person outside the hours fixed in accordance with paragraph *(a)*, or during the intervals fixed in accordance with paragraph *(b)*.

Article 9

In the application of this Convention to Japan the following modifications and conditions shall obtain :

(a) the term " industrial undertaking " includes particularly—

the undertakings enumerated in paragraph *(a)* of Article 1 ;

the undertakings enumerated in paragraph *(b)* of Article 1, provided there are at least ten workers employed ;

the undertakings enumerated in paragraph *(c)* of Article 1, in so far as these undertakings shall be defined as " factories " by the competent authority ;

the undertakings enumerated in paragraph *(d)* of Article 1, except transport of passengers or goods by road, handling of goods at docks, quays, wharves, and warehouses, and transport by hand ; and,

regardless of the number of persons employed, such of the undertakings enumerated in paragraph *(b)* and *(c)* of Article 1 as may be declared by the competent authority either to be highly dangerous or to involve unhealthy processes.

(b) the actual working hours of persons of fifteen years of age or over in any public or private industrial undertaking, or in any branch thereof, shall not exceed fifty-seven in the week, except that in the raw-silk industry the limit may be sixty hours in the week ;

(c) the actual working hours of persons under fifteen years of age in any public or private industrial undertaking, or in any branch thereof, and of all miners of whatever age engaged in underground work in the mines, shall in no case exceed forty-eight in the week ;

(d) the limit of hours of work may be modified under the conditions provided for in Articles 2, 3, 4 and 5 of this Convention, but in no case shall the length of such modification bear to the length of the basic week a proportion greater than that which obtains in those Articles ;

(e) a weekly rest period of twenty-four consecutive hours shall be allowed to all classes of workers ;

(f) the provision in Japanese factory legislation limiting its application to places employing fifteen or more persons shall be amended so that such legislation shall apply to places employing ten or more persons ;

(g) the provisions of the above paragraphs of this Article shall be brought into operation not later than 1 July 1922, except that the provisions of Article 4 as modified by paragraph *(d)* of this Article shall be brought into operation not later than 1 July 1923 ;

(h) the age of fifteen prescribed in paragraph *(c)* of this Article shall be raised, not later than 1 July 1925, to sixteen.

Article 10

In British India 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.

Article 11

The provisions of this Convention shall not apply to China, Persia, and Siam, but provisions limiting the hours of work in these countries shall be considered at a future meeting of the General Conference.

Article 12

In the application of this Convention to Greece, the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July 1923, in the case of the following industrial undertakings :

(1) carbon-bisulphide works,
(2) acids works,
(3) tanneries,
(4) paper mills,
(5) printing works,
(6) sawmills,
(7) warehouses for the handling and preparation of tobacco,
(8) surface mining,
(9) foundries,
(10) lime works,
(11) dye works,
(12) glassworks (blowers),
(13) gas works (firemen),
(14) loading and unloading merchandise ;

and to not later than 1 July 1924, in the case of the following industrial undertakings :

(1) mechanical industries : machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus ;

(2) constructional industries : limekilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work ;

(3) textile industries : spinning and weaving mills of all kinds, except dye works ;

(4) food industries : flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops ;

(5) chemical industries : manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen) ;

(6) leather industries : shoe factories, manufactories of leather goods ;

(7) paper and printing industries : manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops ;

(8) clothing industries : clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories ;

(9) woodworking industries : joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories ;

(10) electrical industries : power houses, shops for electrical installations ;

(11) transportation by land : employees on railroads and street cars, firemen, drivers, and carters.

Article 13

In the application of this Convention to Rumania the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July 1924.

Article 14

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering the national safety.

Article 15

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 16

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 17

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 18

This Convention shall come into force at the date on which such notification is issued by the Director-General of the Inter-

national Labour Office, and it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 19

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1921, and to take such action as may be necessary to make these provisions effective.

Article 20

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 21

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 22

The French and English texts of this Convention shall both be authentic.

Convention 2

Convention concerning Unemployment [1]

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment", which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

[1] Date of coming into force : 14 July 1921.

adopts the following Convention, which may be cited as the Unemployment Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member which ratifies this Convention shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

Article 2

1. Each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

2. Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale.

3. The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

Article 3

The Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

Article 4

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 5

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 6

As soon as the ratifications of three Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 7

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, but it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 8

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1921, and to take such action as may be necessary to make these provisions effective.

Article 9

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 10

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 11

The French and English texts of this Convention shall both be authentic.

Recommendation 1

Recommendation concerning Unemployment

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment", which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Unemployment Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

I

The General Conference recommends that each Member of the International Labour Organisation take measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. Where such agencies already exist, it is further recommended that they be permitted to operate only under Government licences, and that all practicable measures be taken to abolish such agencies as soon as possible.

II

The General Conference recommends to the Members of the International Labour Organisation that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

III

The General Conference recommends that each Member of the International Labour Organisation establish an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations whose rules provide for the payment of benefits to their unemployed members.

IV

The General Conference recommends that each Member of the International Labour Organisation co-ordinate the execution of all work undertaken under public authority, with a view to reserving such work as far as practicable for periods of unemployment and for districts most affected by it.

Recommendation 2

Recommendation concerning Reciprocity of Treatment of Foreign Workers

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment", which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Reciprocity of Treatment Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference recommends that each Member of the International Labour Organisation shall, on condition of reciprocity and upon terms to be agreed between the countries concerned, admit the foreign workers (together with their families) employed within its territory, to the benefit of its laws and regulations for the protection of its own workers, as well as to the right of lawful organisation as enjoyed by its own workers.

Convention 3

Convention concerning the Employment of Women before and after Childbirth [1]

The General Conference of the International Labour Organisation,

[1] Date of coming into force : 13 June 1921.

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to " women's employment, before and after childbirth, including the question of maternity benefit ", which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Maternity Protection Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure ;

(d) transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. For the purpose of this Convention, the term " commercial undertaking " includes any place where articles are sold or where commerce is carried on.

3. The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

Article 2

For the purpose of this Convention, the term " woman " signifies any female person, irrespective of age or nationality,

whether married or unmarried, and the term " child " signifies any child whether legitimate or illegitimate.

Article 3

In any public or private industrial or commercial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

(a) shall not be permitted to work during the six weeks following her confinement ;

(b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks ;

(c) shall, while she is absent from her work in pursuance of paragraphs *(a)* and *(b)*, be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife ; no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place ;

(d) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

Article 4

Where a woman is absent from her work in accordance with paragraphs *(a)* or *(b)* of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

Article 5

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies,

protectorates, and possessions which are not fully self-governing—

(a) except where, owing to the local conditions, its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 7

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 8

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, but it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 9

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

Article 10

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 11

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 12

The French and English texts of this Convention shall both be authentic.

Convention 4

Convention concerning Employment of Women during the Night [1]

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment: during the night", which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Night Work (Women) Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

[1] Date of coming into force: 13 June 1921. The Convention was revised in 1934 by Convention 41 (see p. 286) and in 1948 by Convention 89 (see p. 783).

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply—

(a) in cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;

(b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

Article 5

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter

than prescribed in the above articles, provided that compensatory rest is accorded during the day.

Article 8

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 11

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, but it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 12

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

Article 13

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to

the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 14

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 15

The French and English texts of this Convention shall both be authentic.

Recommendation 3

Recommendation concerning the Prevention of Anthrax

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to " women's employment : unhealthy processes ", which is part of the third item in the agenda for the Washington meeting of the Conference ; and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Anthrax Prevention Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference recommends to the Members of the International Labour Organisation that arrangements should be made for the disinfection of wool infected with anthrax spores, either in the country exporting such wool or if that is not practicable at the port of entry in the country importing such wool.

*

Recommendation 4

Recommendation concerning the Protection of Women and Children against Lead Poisoning

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to "women's and children's employment: unhealthy processes", which is part of the third and fourth items in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Lead Poisoning (Women and Children) Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

1. The General Conference recommends to the Members of the International Labour Organisation that, in view of the danger involved to the function of maternity and to the physical development of children, women and young persons under the age of eighteen years be excluded from employment in the following processes:

(a) in furnace work in the reduction of zinc or lead ores;

(b) in the manipulation, treatment, or reduction of ashes containing lead, and the desilverising of lead;

(c) in melting lead or old zinc on a large scale;

(d) in the manufacture of solder or alloys containing more than ten per cent. of lead;

(e) in the manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, chromate or silicate (frit) of lead;

(f) in mixing and pasting in the manufacture or repair of electric accumulators;

(g) in the cleaning of workrooms where the above processes are carried on.

2. It is further recommended that the employment of women and young persons under the age of eighteen years in processes involving the use of lead compounds be permitted only subject to the following conditions:

(a) locally applied exhaust ventilation, so as to remove dust and fumes at the point of origin ;

(b) cleanliness of tools and workrooms ;

(c) notification to Government authorities of all cases of lead poisoning, and compensation therefor ;

(d) periodic medical examination of the persons employed in such processes ;

(e) provision of sufficient and suitable cloak-room, washing, and mess-room accommodation, and of special protective clothing ;

(f) prohibition of bringing food or drink into workrooms.

3. It is further recommended that in industries where soluble lead compounds can be replaced by non-toxic substances, the use of soluble lead compounds should be strictly regulated.

4. For the purpose of this Recommendation, a lead compound should be considered as soluble if it contains more than five per cent. of its weight (estimated as metallic lead) soluble in a quarter of one per cent. solution of hydrochloric acid.

Recommendation 5

Recommendation concerning the Establishment of Government Health Services

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certains proposals with regard to " women's employment : unhealthy processes ", which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Labour Inspection (Health Services) Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference recommends that each Member of the International Labour Organisation which has not already done so should establish as soon as possible, not only a system of efficient factory inspection, but also in addition thereto a

Government service especially charged with the duty of safeguarding the health of the workers, which will keep in touch with the International Labour Office.

Convention 5

Convention Fixing the Minimum Age for Admission of Children to Industrial Employment [1]

The General Conference of the International Labour Organisation,

Having been convened by the Government of the United States of America at Washington on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children: minimum age of employment", which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Minimum Age (Industry) Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries and other works for the extraction of minerals from the earth;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

[1] Date of coming into force: 13 June 1921. The Convention was revised 1937 by Convention 59 (see p. 406).

(d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 3

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

Article 5

1. In connection with the application of this Convention to Japan, the following modifications of Article 2 may be made :

(a) children over twelve years of age may be admitted into employment if they have finished the course in the elementary school ;

(b) as regards children between the ages of twelve and fourteen already employed, transitional regulations may be made.

2. The provisions in the present Japanese law admitting children under the age of twelve years to certain light and easy employments shall be repealed.

Article 6

The provisions of Article 2 shall not apply to India, but in India children under twelve years of age shall not be employed—

(a) in manufactories working with power and employing more than ten persons ;

(b) in mines, quarries, and other works for the extraction of minerals from the earth ;

(c) in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays, and wharves, but excluding transport by hand.

Article 7

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect to each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 9

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 10

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, but it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 11

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

Article 12

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to

the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 13

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 14

The French and English texts of this Convention shall both be authentic.

Convention 6

Convention concerning the Night Work of Young Persons Employed in Industry [1]

The General Conference of the International Labour Organisation,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children: during the night", which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Night Work of Young Persons (Industry) Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth;

[1] Date of coming into force: 13 June 1921. The Convention was revised in 1948 by Convention 90 (see p. 788).

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction as well as the preparation for or laying the foundations of any such work or structure ;

(d) transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

2. Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night :

(a) manufacture of iron and steel ; processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process) ;

(b) glass works ;

(c) manufacture of paper ;

(d) manufacture of raw sugar ;

(e) gold mining reduction work.

Article 3

1. For the purpose of this Convention, the term " night " signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and

in no case of less than thirteen hours, separates two periods of work.

3. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

4. In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

Article 4

The provisions of Article 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 5

In the application of this Convention to Japan, until 1 July 1925, Article 2 shall apply only to young persons under fifteen years of age and thereafter it shall apply only to young persons under sixteen years of age.

Article 6

In the application of this Convention to India, the term "industrial undertaking" shall include only "factories" as defined in the Indian Factory Act, and Article 2 shall not apply to male young persons over fourteen years of age.

Article 7

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

Article 8

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colo-

nies, protectorates and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 11

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, and it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 12

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

Article 13

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 14

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 15

The French and English texts of this Convention shall both be authentic.

Recommendation 6

Recommendation concerning the Application of the Berne Convention of 1906, on the Prohibition of the Use of White Phosphorus in the Manufacture of Matches[1]

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of a proposal with regard to the "extension and application of the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches", which is part of the fifth item in the agenda for the Washington meeting of the Conference, and

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[1] The text of this Convention is as follows :

INTERNATIONAL CONVENTION ON THE SUBJECT OF THE PROHIBITION OF THE USE OF WHITE (YELLOW) PHOSPHORUS IN THE MANUFACTURE OF MATCHES, CONCLUDED AT BERNE IN 1906.

Article 1. — The High Contracting Parties bind themselves to prohibit in their respective territories the manufacture, importation and sale of matches which contain white (yellow) phosphorus.

Article 2. — It is incumbent upon each of the contracting States to take the administrative measures necessary to ensure the strict execution of the terms of the present Convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the suject matter of the present Convention, as well as the reports on the manner in which the said laws and regulations are applied.

Article 3. — The present Convention shall only apply to a colony, possession or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

Article 4. — The present Convention shall be ratified, and the ratifications deposited with the Swiss Federal Council by the 31st December, 1908, at the latest.

A record of the deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present Convention shall come into force three years after the date on which the record of the deposit is closed.

Article 5. — The States non-signatories to the present Convention shall be allowed to declare their adhesion by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

[footnote continued overleaf.

Having determined that this proposal shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the White Phosphorus Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

The General Conference recommends that each Member of the International Labour Organisation, which has not already done so, should adhere to the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.

The time limit laid down in Article 4 for the coming into force of the present Convention is extended in the case of the non-signatory States, as well as of their colonies, possessions, or protectorates, to five years, counting from the date of the notification of their adhesion.

Article 6. — It shall not be possible for the signatory States, or the States, colonies, possessions or protectorates who may subsequently adhere, to denounce the present Convention before the expiration of five years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the Convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or, in the case of a colony, possession, or protectorate, by the Government of the mother country; the Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present Convention.

Done at Berne this 26th day of September, 1906, in a single copy which shall be kept in the archives of the Swiss Federation, and one copy of which duly certified shall be delivered to each of the contracting Powers through the diplomatic channel.

SECOND SESSION

(Genoa, 15 June-10 July 1920)

Recommendation 7

Recommendation concerning the Limitation of Hours of Work in the Fishing Industry

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office on the 15th day of June 1920, and

Having decided upon the adoption of certain proposals with regard to the " application to seamen of the Convention drafted at Washington, last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to eight hours in the day and forty-eight in the week ; consequential effects as regards manning and the regulations relating to accommodation and health on board ship ", which is the first item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Hours of Work (Fishing) Recommendation, 1920, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

In view of the declaration in the Constitution of the International Labour Organisation that all industrial communities should endeavour to adopt, so far as their special circumstances will permit, " an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained ", the International Labour Conference recommends that each Member of the International Labour Organisation enact legislation limiting in this direction the hours of work of all workers employed in the fishing industry, with such special provisions as may be necessary to meet the conditions peculiar to the fishing industry in each country ; and that in framing such legislation each Government consult with the organisations of employers and the organisations of workers concerned.

Recommendation 8

Recommendation concerning the Limitation of Hours of Work in Inland Navigation

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office on the 15th day of June 1920, and

Having decided upon the adoption of certain proposals with regard to the " application to seamen of the Convention drafted at Washington, last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to eight hours in the day and forty-eight in the week ; consequential effects as regards manning and the regulations relating to accommodation and health on board ship ", which is the first item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Hours of Work (Inland Navigation) Recommendation, 1920, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

In view of the declaration in the Constitution of the International Labour Organisation that all industrial communities should endeavour to adopt, so far as their special circumstances will permit, " an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained ", the International Labour Conference recommends :

I

That each Member of the International Labour Organisation should, if it has not already done so, enact legislation limiting in the direction of the above declaration in the Constitution of the International Labour Organisation the hours of work of workers employed in inland navigation, with such special provisions as may be necessary to meet the climatic and industrial conditions peculiar to inland navigation in each country, and after consultation with the organisations of employers and the organisations of workers concerned.

II

That those Members of the International Labour Organisation whose territories are riparian to waterways which are

used in common by their boats should enter into agreements for limiting in the direction of the aforesaid declaration, the hours of work of persons employed in inland navigation on such waterways, after consultation with the organisations of employers and the organisations of workers concerned.

III

That such national legislation and such agreements between riparian countries should follow as far as possible the general lines of the Convention concerning hours of work adopted by the International Labour Conference at Washington, with such exceptions as may be necessary for meeting the climatic or other special conditions of the countries concerned.

IV

That, in the application of this Recommendation, each Member of the International Labour Organisation should determine for itself, after consultation with the organisations of employers and the organisations of workers concerned, what is inland navigation as distinguished from maritime navigation, and should communicate its determination to the International Labour Office.

V

That each Member of the International Labour Organisation should report to the International Labour Office, within two years after the adjournment of the Genoa Conference, the progress which it has made in the direction of this Recommendation.

Recommendation 9

Recommendation concerning the Establishment of National Seamen's Codes

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June 1920, and

Having decided upon the adoption of certain proposals with regard to a " consideration of the possibility of drawing up an International Seamen's Code ", which is the fourth item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the National Seamen's Codes Recommendation, 1920, to be sub-

mitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

In order that, as a result of the clear and systematic codification of the national law in each country, the seamen of the world, whether engaged on ships of their own or foreign countries, may have a better comprehension of their rights and obligations, and in order that the task of establishing an International Seamen's Code may be advanced and facilitated, the International Labour Conference recommends that each Member of the International Labour Organisation undertake the embodiment in a seamen's code of all its laws and regulations relating to seamen in their activities as such.

Convention 7

Convention Fixing the Minimum Age for Admission of Children to Employment at Sea [1]

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June 1920, and

Having decided upon the adoption of certain proposals with regard to the " application to seamen of the Convention adopted at Washington last November prohibiting the employment of children under fourteen years of age ", which is the third item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Minimum Age (Sea) Convention, 1920, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

For the purpose of this Convention, the term " vessel " includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

[1] Date of coming into force : 27 September 1921. The Convention was revised in 1936 by Convention 58 (see p. 399).

Article 2

Children under the age of fourteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

Article 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Article 5

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect to each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 6

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 8

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, but it shall then be binding only upon those Members which have registered their ratifications with the

International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 9

Subject to the provisions of Article 8, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

Article 10

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 11

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 12

The French and English texts of this Convention shall both be authentic.

Recommendation 10

Recommendation concerning Unemployment Insurance for Seamen

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June 1920, and

Having decided upon the adoption of certain proposals with regard to the "supervision of articles of agreement; provision of facilities for finding employment for seamen; application to seamen of the Convention and Recommendations adopted at Washington in November last in regard to unemployment and unemployment insurance", which is the second item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Unemployment Insurance (Seamen) Recommendation, 1920, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference, with a view to securing the application to seamen of Part III of the Recommendation concerning unemployment adopted at Washington on 28 November 1919, recommends that each Member of the International Labour Organisation should establish for seamen an effective system of insurance against unemployment arising out of shipwreck or any other cause, either by means of Government insurance or by means of Government subventions to industrial organisations whose rules provide for the payment of benefits to their unemployed members.

Convention 8

Convention concerning Unemployment Indemnity in Case of Loss or Foundering of the Ship [1]

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office on the 15th day of June 1920, and

Having decided upon the adoption of certain proposals with regard to the " supervision of articles of agreement ; provision of facilities for finding employment for seamen ; application to seamen of the Convention and Recommendations adopted at Washington in November last in regard to unemployment and unemployment insurance ", which is the second item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Unemployment Indemnity (Shipwreck) Convention, 1920, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

[1] Date of coming into force : 16 March 1923.

Article 1

1. For the purpose of this Convention, the term " seamen " includes all persons employed on any vessel engaged in maritime navigation.

2. For the purpose of this Convention, the term " vessel " includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

Article 2

1. In every case of loss or foundering of any vessel, the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

2. This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

Article 3

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

Article 4

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 5

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the

International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 7

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, and it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 8

Subject to the provisions of Article 7, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

Article 9

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 10

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 11

The French and English texts of this Convention shall both be authentic.

Convention 9

Convention for Establishing Facilities for Finding Employment for Seamen [1]

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of

[1] Date of coming into force : 23 November 1921.

the International Labour Office on the 15th day of June 1920, and

Having decided upon the adoption of certain proposals with regard to the "supervision of articles of agreement; provision of facilities for finding employment for seamen; application to seamen of the Convention and Recommendations adopted at Washington in November last in regard to unemployment and unemployment insurance", which is the second item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Placing of Seamen Convention, 1920, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

For the purpose of this Convention, the term "seamen" includes all persons, except officers, employed as members of the crew on vessels engaged in maritime navigation.

Article 2

1. The business of finding employment for seamen shall not be carried on by any person, company, or other agency, as a commercial enterprise for pecuniary gain ; nor shall any fees be charged directly or indirectly by any person, company or other agency, for finding employment for seamen on any ship.

2. The law of each country shall provide punishment for any violation of the provisions of this Article.

Article 3

1. Notwithstanding the provisions of Article 2, any person, company or agency, which has been carrying on the work of finding employment for seamen as a commercial enterprise for pecuniary gain, may be permitted to continue temporarily under Government licence, provided that such work is carried on under Government inspection and supervision, so as to safeguard the rights of all concerned.

2. Each Member which ratifies this Convention agrees to take all practicable measures to abolish the practice of finding employment for seamen as a commercial enterprise for pecuniary gain as soon as possible.

Article 4

1. Each Member which ratifies this Convention agrees that there shall be organised and maintained an efficient and

adequate system of public employment offices for finding employment for seamen without charge. Such system may be organised and maintained, either—

(a) by representative associations of shipowners and seamen jointly under the control of a central authority, or,

(b) in the absence of such joint action, by the State itself.

2. The work of all such employment offices shall be administered by persons having practical maritime experience.

3. Where such employment offices of different types exist, steps shall be taken to co-ordinate them on a national basis.

Article 5

Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices. The Government in each country may make provision for further defining the powers of these committees, particularly with reference to the committees' selection of their chairmen from outside their own membership, to the degree of State supervision, and to the assistance which such committees shall have from persons interested in the welfare of seamen.

Article 6

In connection with the employment of seamen, freedom of choice of ship shall be assured to seamen and freedom of choice of crew shall be assured to shipowners.

Article 7

The necessary guarantees for protecting all parties concerned shall be included in the contract of engagement or articles of agreement, and proper facilities shall be assured to seamen for examining such contract or articles before and after signing.

Article 8

Each Member which ratifies this Convention will take steps to see that the facilities for employment of seamen provided for in this Convention shall, if necessary by means of public offices, be available for the seamen of all countries which ratify this Convention, and where the industrial conditions are generally the same.

Article 9

Each country shall decide for itself whether provisions similar to those in this Convention shall be put in force for deck-officers and engineer-officers.

Article 10

1. Each Member which ratifies this Convention shall communicate to the International Labour Office all available

information, statistical or otherwise, concerning unemployment among seamen and concerning the work of its seamen's employment agencies.

2. The International Labour Office shall take steps to secure the co-ordination of the various national agencies for finding employment for seamen, in agreement with the Governments or organisations concerned in each country.

Article 11

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing—

(a) except where owing to the local conditions its provisions are inapplicable ; or

(b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 12

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 14

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, and it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 15

Subject to the provisions of Article 14, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

Article 16

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 17

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 18

The French and English texts of this Convention shall both be authentic.

THIRD SESSION

(Geneva, 25 October-19 November 1921)

Recommendation 11

Recommendation concerning the Prevention of Unemployment in Agriculture

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the prevention of unemployment in agriculture, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Unemployment (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

I

The General Conference of the International Labour Organisation,

Considering that the Convention and Recommendations concerning unemployment adopted at Washington are in principle applicable to agricultural workers, and recognising the special character of unemployment in agriculture,

Recommends that each Member of the International Labour Organisation should consider measures for the prevention of or providing against unemployment amongst agricultural workers suitable to the economic and agricultural conditions of its country, and that it should examine particularly from this point of view the advisability—

(1) of adopting modern technical methods to bring into cultivation land which is at present not worked or only partially developed, but which could by such means be made to yield an adequate return ;

(2) of encouraging the adoption of improved systems of cultivation and the more intensive use of the land ;

(3) of providing facilities for settlement on the land ;

(4) of taking steps to render work of a temporary nature accessible to unemployed agricultural workers by means of the provision of transport facilities ;

(5) of developing industries and supplementary forms of employment which would provide occupation for agricultural workers who suffer from seasonal unemployment, provided that steps be taken to ensure that such work is carried on under equitable conditions ;

(6) of taking steps to encourage the creation of agricultural workers' co-operative societies for the working and purchase or renting of land ; and of taking steps to this end to increase agricultural credit especially in favour of co-operative agricultural associations of land workers established for the purpose of agricultural production.

II

The General Conference recommends that each Member of the International Labour Organisation furnish the International Labour Office with a periodical report dealing with the steps taken to give effect to the above Recommendation.

Recommendation 12

Recommendation concerning the Protection, before and after Childbirth, of Women Wage-Earners in Agriculture

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the protection before and after childbirth of women wage-earners in agriculture, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Maternity Protection (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference of the International Labour Organisation recommends :

That each Member of the International Labour Organisation take measures to ensure to women wage-earners employed in agricultural undertakings protection before and after childbirth similar to that provided by the Convention adopted by the International Labour Conference at Washington for women employed in industry and commerce, and that such measures should include the right to a period of absence from work before and after childbirth and to a grant of benefit during the said period, provided either out of public funds or by means of a system of insurance.

Recommendation 13

Recommendation concerning Night Work of Women in Agriculture

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the night work of women in agriculture, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Night Work of Women (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference of the International Labour Organisation recommends :

That each Member of the International Labour Organisation take steps to regulate the employment of women wage-earners in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine hours, which shall, when possible, be consecutive.

Convention 10

Convention concerning the Age for Admission of Children to Employment in Agriculture [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the employment of children in agriculture during compulsory school hours, which is included in the third item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Minimum Age (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

Article 2

For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months.

Article 3

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour

[1] Date of coming into force : 31 August 1923.

Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 5

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 6

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 7

Subject to the provisions of Article 5, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2 and 3 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

Article 8

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 9

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 10

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference

a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 11

The French and English texts of this Convention shall both be authentic.

Recommendation 14

Recommendation concerning Night Work of Children and Young Persons in Agriculture

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the employment of children and young persons in agriculture during the night, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Night Work of Children and Young Persons (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference of the International Labour Organisation recommends :

I

That each Member of the International Labour Organisation take steps to regulate the employment of children under the age of fourteen years in agricultural undertakings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than ten consecutive hours.

II

That each Member of the International Labour Organisation take steps to regulate the employment of young persons between the ages of fourteen and eighteen years in agricultural under-

takings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

Recommendation 15

Recommendation concerning the Development of Technical Agricultural Education

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the development of technical agricultural education, which is included in the fourth item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Vocational Education (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference of the International Labour Organisation recommends :

I

That each Member of the International Labour Organisation endeavour to develop vocational agricultural education and in particular to make such education available to agricultural wage-earners on the same conditions as to other persons engaged in agriculture.

II

That each Member of the International Labour Organisation send a report to the International Labour Office at regular intervals containing as full information as possible as to the administration of the laws, the sums expended, and the measures taken in order to develop vocational agricultural education.

Recommendation 16

Recommendation concerning Living-in Conditions of Agricultural Workers

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the living-in conditions of agricultural workers, which is included in the fourth item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Living-in Conditions (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference of the International Labour Organisation recommends :

I

That each Member of the International Labour Organisation, which has not already done so, take statutory or other measures to regulate the living-in conditions of agricultural workers with due regard to the special climatic or other conditions affecting agricultural work in its country, and after consultation with the employers' and workers' organisations concerned, if such organisations exist.

II

That such measures shall apply to all accommodation provided by employers for housing their workers either individually, or in groups, or with their families, whether the accommodation is provided in the houses of such employers or in buildings placed by them at the workers' disposal.

III

That such measures shall contain the following provisions :

(a) unless climatic conditions render heating superfluous, the accommodation intended for workers' families, groups of

workers, or individual workers, should contain rooms which can be heated ;

(b) accommodation intended for groups of workers shall provide a separate bed for each worker, shall afford facilities for ensuring personal cleanliness, and shall provide for the separation of the sexes ; in the case of families, adequate provision shall be made for the children ;

(c) stables, cowhouses and open sheds should not be used for sleeping quarters.

IV

That each Member of the International Labour Organisation take steps to ensure the observance of such measures.

Convention 11

Convention concerning the Rights of Association and Combination of Agricultural Workers [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the rights of association and combination of agricultural workers, which is included in the fourth item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Right of Association (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

Article 2

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour

[1] Date of coming into force : 11 May 1923.

Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 3

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall then be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 4

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 5

Subject to the provisions of Article 3, each Member which ratifies this Convention agrees to bring the provisions of Article 1 into operation not later than 1 January 1924, and to take such action as may be necessary to make these provisions effective.

Article 6

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 7

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 8

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference

a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 9

The French and English texts of this Convention shall both be authentic.

Convention 12

Convention concerning Workmen's Compensation in Agriculture [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the protection of agricultural workers against accident, which is included in the fourth item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Workmen's Compensation (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

Article 2

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 3

1. This Convention shall come into force at the date on which the ratifications of two Members of the International

[1] Date of coming into force : 26 February 1923.

Labour Organisation have been registered by the Director-General.

2. It shall then be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 4

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 5

Subject to the provisions of Article 3, each Member which ratifies this Convention agrees to bring the provisions of Article 1 into operation not later than 1 January 1924, and to take such action as may be necessary to make these provisions effective.

Article 6

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 7

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 8

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 9

The French and English texts of this Convention shall both be authentic.

Recommendation 17

Recommendation concerning Social Insurance in Agriculture

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of a proposal with regard to the protection of agricultural workers against sickness, invalidity and old age, which is included in the fourth item of the agenda of the Session, and

Having decided that this proposal shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Social Insurance (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference of the International Labour Organisation recommends :

That each Member of the International Labour Organisation extend its laws and regulations establishing systems of insurance against sickness, invalidity, old age and other similar social risks to agricultural wage-earners on conditions equivalent to those prevailing in the case of workers in industrial and commercial occupations.

Convention 13

Convention concerning the Use of White Lead in Painting [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the use of white lead in painting, which is the sixth item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

[1] Date of coming into force : 31 August 1923.

adopts the following Convention, which may be cited as the White Lead (Painting) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. Each Member of the International Labour Organisation ratifying the present Convention undertakes to prohibit, with the exceptions provided for in Article 2, the use of white lead and sulphate of lead and of all products containing these pigments, in the internal painting of buildings, except where the use of white lead or sulphate of lead or products containing these pigments is considered necessary for railway stations or industrial establishments by the competent authority after consultation with the employers' and workers' organisations concerned.

2. It shall nevertheless be permissible to use white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead.

Article 2

1. The provisions of Article 1 shall not apply to artistic painting or fine lining.

2. The Governments shall define the limits of such forms of painting, and shall regulate the use of white lead, sulphate of lead, and all products containing these pigments, for these purposes in conformity with the provisions of Articles 5, 6 and 7 of the present Convention.

Article 3

1. The employment of males under eighteen years of age and of all females shall be prohibited in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments.

2. The competent authorities shall have power, after consulting the employers' and workers' organisations concerned, to permit the employment of painters' apprentices in the work prohibited by the preceding paragraph, with a view to their education in their trade.

Article 4

The prohibitions prescribed in Articles 1 and 3 shall come into force six years from the date of the closure of the Third Session of the International Labour Conference.

Article 5

Each Member of the International Labour Organisation ratifying the present Convention undertakes to regulate the

use of white lead, sulphate of lead and of all products containing these pigments, in operations for which their use is not prohibited, on the following principles :

I. *(a)* White lead, sulphate of lead, or products containing these pigments shall not be used in painting operations except in the form of paste or of paint ready for use ;

(b) measures shall be taken in order to prevent danger arising from the application of paint in the form of spray ;

(c) measures shall be taken, wherever practicable, to prevent danger arising from dust caused by dry rubbing down and scraping.

II. *(a)* Adequate facilities shall be provided to enable working painters to wash during and on cessation of work ;

(b) overalls shall be worn by working painters during the whole of the working period ;

(c) suitable arrangements shall be made to prevent clothing put off during working hours being soiled by painting material.

III. *(a)* Cases of lead poisoning and of suspected lead poisoning shall be notified, and shall be subsequently verified by a medical man appointed by the competent authority ;

(b) the competent authority may require, when necessary, a medical examination of workers.

IV. Instructions with regard to the special hygienic precautions to be taken in the painting trade shall be distributed to working painters.

Article 6

The competent authority shall take such steps as it considers necessary to ensure the observance of the regulations prescribed by virtue of the foregoing Articles, after consultation with the employers' and workers' organisations concerned.

Article 7

Statistics with regard to lead poisoning among working painters shall be obtained—

(a) as to morbidity—by notification and certification of all cases of lead poisoning ;

(b) as to mortality—by a method approved by the official statistical authority in each country.

Article 8

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour

Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 11

Each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

Article 12

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 13

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 14

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference

a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 15

The French and English texts of this Convention shall both be authentic.

Convention 14

Convention concerning the Application of the Weekly Rest in Industrial Undertakings [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the weekly rest day in industrial employment, which is included in the seventh item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Weekly Rest (Industry) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water

[1] Date of coming into force : 19 June 1923.

work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

(d) transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. This definition shall be subject to the special national exceptions contained in the Washington Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, so far as such exceptions are applicable to the present Convention.

3. Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

Article 2

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

Article 3

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

Article 4

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

Article 5

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

Article 6

1. Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

2. The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

Article 7

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged—

(a) where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government ;

(b) where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

Article 8

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the Inter-

national Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 11

Each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

Article 12

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 13

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 14

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 15

The French and English texts of this Convention shall both be authentic.

Recommendation 18

Recommendation concerning the Application of the Weekly Rest in Commercial Establishments

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the weekly rest day in commercial employment, which is included in the seventh item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Weekly Rest (Commerce) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference of the International Labour Organisation recommends :

I

1. That each Member of the International Labour Organisation take measures to provide that the whole of the staff employed in any commercial establishment, public or private, or in any branch thereof, except as otherwise provided for by the following paragraphs, should enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

2. It is further recommended that this period of rest should, wherever possible, be granted simultaneously to the whole of the staff of each establishment, and that it should, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

II

1. That each Member take the steps necessary to secure the application of this Recommendation and to define any exceptions which the Member may consider to be necessary.

2. If exceptions are found necessary, it is recommended that the Member should draw up a list of such exceptions.

III

That each Member should communicate to the International Labour Office the list of the exceptions made in pursuance of paragraph II, and thereafter every two years any modifications of this list which it shall have made, in order that the International Labour Office may present a report thereon to the International Labour Conference.

Convention 15

Convention Fixing the Minimum Age for the Admission of Young Persons to Employment as Trimmers or Stokers [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the employment of any person under the age of eighteen years as trimmer or stoker, which is included in the eighth item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Minimum Age (Trimmers and Stokers) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

Article 2

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Article 3

The provisions of Article 2 shall not apply—

(a) to work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority ;

(b) to the employment of young persons on vessels mainly propelled by other means than steam ;

(c) to young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

[1] Date of coming into force : 20 November 1922.

Article 4

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

Article 5

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Article 6

Articles of agreement shall contain a brief summary of the provisions of this Convention.

Article 7

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 9

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 10

Subject to the provisions of Article 8, each Member which ratifies this Convention agrees to bring the provisions of

Articles 1, 2, 3, 4, 5 and 6 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

Article 11

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 12

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 13

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 14

The French and English texts of this Convention shall both be authentic.

Convention 16

Convention concerning the Compulsory Medical Examination of Children and Young Persons Employed at Sea [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the compulsory medical examination of children and young persons employed at sea, which is included in the eighth item of the agenda of the Session, and

[1] Date of coming into force : 20 November 1922.

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Medical Examination of Young Persons (Sea) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

Article 2

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members for the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Article 3

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

Article 4

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

Article 5

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 7

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 8

Subject to the provisions of Article 6, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3 and 4 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

Article 9

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 10

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 11

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 12

The French and English texts of this Convention shall both be authentic.

FOURTH SESSION

(Geneva, 18 October-3 November 1922)

Recommendation 19

Recommendation concerning Communication to the International Labour Office of Statistical and other Information regarding Emigration, Immigration and the Repatriation and Transit of Emigrants

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourth Session on 18 October 1922, and

Having decided upon the adoption of certain proposals with regard to the communication to the International Labour Office of statistical and other information regarding emigration and immigration and the repatriation and transit of emigrants, which is the second item of the agenda of the Session, and

Having decided that these proposals shall take the form of a Recommendation,

adopts this second day of November of the year one thousand nine hundred and twenty-two the following Recommendation, which may be cited as the Migration Statistics Recommendation, 1922, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

I

1. The General Conference recommends that each Member of the International Labour Organisation should communicate to the International Labour Office all information available concerning emigration, immigration, repatriation, transit of emigrants on outward and return journeys and the measures taken or contemplated in connection with these questions.

2. This information should be communicated so far as possible every three months and within three months of the end of the period to which it refers.

II

The General Conference recommends that each Member of the International Labour Organisation should make every effort to communicate to the International Labour Office, within

six months of the end of the year to which they refer, and so far as information is available, the total figures of emigrants and immigrants, showing separately nationals and aliens and specifying particularly, for nationals, and, as far as possible, for aliens :

(1) sex ;
(2) age ;
(3) occupation ;
(4) nationality ;
(5) country of last residence ;
(6) country of proposed residence.

III

The General Conference recommends that each Member of the International Labour Organisation should, if possible, make agreements with other Members providing for :

(a) the adoption of a uniform definition of the term " emigrant " ;

(b) the determination of uniform particulars to be entered on the identity papers issued to emigrants and immigrants by the competent authorities of Members who are parties to such agreements ;

(c) the use of a uniform method of recording statistical information regarding emigration and immigration.

FIFTH SESSION

(Geneva, 22-29 October 1923)

Recommendation 20

Recommendation concerning the General Principles for the Organisation of Systems of Inspection to Secure the Enforcement of the Laws and Regulations for the Protection of the Workers

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifth Session on 22 October 1923, and

Having decided upon the adoption of certain proposals with regard to the general principles for the organisation of factory inspection, the question forming the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-ninth day of October of the year one thousand nine hundred and twenty-three the following Recommendation, which may be cited as the Labour Inspection Recommendation, 1923, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Whereas the Constitution of the International Labour Organisation includes among the methods and principles of special and urgent importance for the physical, moral and intellectual welfare of the workers the principle that each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the workers ;

Whereas the Resolutions adopted at the First Session of the International Labour Conference concerning certain countries where special conditions prevail involve the creation by these countries of an inspection system if they do not already possess such a system ;

Whereas the necessity of organising a system of inspection becomes specially urgent when Conventions adopted at sessions of the Conference are being ratified by Members of the Organisation and put into force ;

Whereas while the institution of an inspection system is undoubtedly to be recommended as one of the most effective

means of ensuring the enforcement of Conventions and other engagements for the regulation of labour conditions, each Member is solely responsible for the execution of Conventions to which it is a party in the territory under its sovereignty or its authority and must accordingly itself determine in accordance with local conditions what measures of supervision may enable it to assume such a responsibility ;

Whereas, in order to put the experience already gained at the disposal of the Members with a view to assisting them in the institution or reorganisation of their inspection system, it is desirable to indicate the general principles which practice shows to be the best calculated to ensure uniform, thorough and effective enforcement of Conventions and more generally of all measures for the protection of the workers ; and

Having decided to leave to each country the determination of how far these general principles should be applied to certain spheres of activity ;

And taking as a guide the long experience already acquired in factory inspection ;

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration :

I. Sphere of Inspection

1. That it should be the principal function of the system of inspection which should be instituted by each Member in accordance with the ninth principle of Article 41 of the Constitution of the International Labour Organisation to secure the enforcement of the laws and regulations relating to the conditions of work and the protection of the workers while engaged in their work (hours of work and rest ; night work ; prohibition of the employment of certain persons on dangerous, unhealthy or physically unsuitable work ; health and safety, etc.).

2. That, in so far as it may be considered possible and desirable, either for reasons of convenience in the matter of supervision or by reason of the experience which they gain in carrying out their principal duties, to assign to inspectors additional duties which may vary according to the conceptions, traditions and customs prevailing in the different countries, such duties may be assigned, provided :

(a) that they do not in any way interfere with the inspectors' principal duties ;

(b) that in themselves they are closely related to the primary object of ensuring the protection of the health and safety of the workers ;

(c) that they shall not prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

II. Nature of the Functions and Powers of Inspectors

A. *General*

3. That inspectors provided with credentials should be empowered by law :

(a) to visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any place which they may have reasonable cause to believe to be an establishment, or part thereof, subject to their supervision ; provided that, before leaving, inspectors should, if possible, notify the employer or some representative of the employer of their visit ;

(b) to question, without witnesses, the staff belonging to the establishment, and, for the purpose of carrying out their duties, to apply for information to any other persons whose evidence they may consider necessary, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

4. That inspectors should be bound by oath, or by any method which conforms with the administrative practice or customs in each country, not to disclose, on pain of legal penalties or suitable disciplinary measures, manufacturing secrets, and working processes in general, which may come to their knowledge in the course of their duties.

5. That, regard being had to the administrative and judicial systems of each country, and subject to such reference to superior authority as may be considered necessary, inspectors should be empowered to bring breaches of the laws, which they ascertain, directly before the competent judicial authorities ;

That in countries where it is not incompatible with their system and principles of law, the reports drawn up by the inspectors shall be considered to establish the facts stated therein in default of proof to the contrary.

6. That the inspectors should be empowered, in cases where immediate action is necessary to bring installation or plant into conformity with laws and regulations, to make an order (or, if that procedure should not be in accordance with the administrative or judicial systems of the country, to apply to the competent authorities for an order) requiring such alterations to the installation or plant to be carried out within a fixed time as may be necessary for securing full and exact observance of the laws and regulations relating to the health and safety of the workers ;

That in countries where the inspector's order has executive force of itself, its execution should be suspended only by appeal to a higher administrative or judicial authority, but in no circumstances should provisions intended to protect employers

against arbitrary action prejudice the taking of measures with a view to the prevention of imminent danger which has been duly shown to exist.

B. *Safety*

7. Having regard to the fact that, while it is essential that the inspectorate should be invested with all the legal powers necessary for the performance of its duties, it is equally important, in order that inspection may progressively become more effective, that, in accordance with the tendency manifested in the oldest and most experienced countries, inspection should be increasingly directed towards securing the adoption of the most suitable safety methods for preventing accidents and diseases with a view to rendering work less dangerous, more healthy, and even less exhausting, by the intelligent understanding, education, and co-operation of all concerned, it would appear that the following methods are calculated to promote this development in all countries :

(a) that all accidents should be notified to the competent authorities, and that one of the essential duties of the inspectors should be to investigate accidents, and more especially those of a serious or recurring character, with a view to ascertaining by what measures they can be prevented ;

(b) that inspectors should inform and advise employers respecting the best standards of health and safety ;

(c) that inspectors should encourage the collaboration of employers, managing staff and workers for the promotion of personal caution, safety methods, and the perfecting of safety equipment ;

(d) that inspectors should endeavour to promote the improvement and perfecting of measures of health and safety, by the systematic study of technical methods for the internal equipment of undertakings, by special investigations into problems of health and safety, and by any other means ;

(e) that in countries where it is considered preferable to have a special organisation for accident insurance and prevention completely independent of the inspectorate, the special officers of such organisations should be guided by the foregoing principles.

III. Organisation of Inspection

A. *Organisation of the Staff*

8. That, in order that the inspectors may be as closely as possible in touch with the establishments which they inspect and with the employers and workers, and in order that as much as possible of the inspectors' time may be devoted to the actual

visiting of establishments, they should be localised, when the circumstances of the country permit, in the industrial districts.

9. That, in countries, which for the purposes of inspection are divided into districts, in order to secure uniformity in the application of the law as between district and district and to promote a high standard of efficiency of inspection, the inspectors in the districts should be placed under the general supervision of an inspector of high qualifications and experience. Where the importance of the industries of the country is such as to require the appointment of more than one supervising inspector, the supervising inspectors should meet from time to time to confer on questions arising in the divisions under their control in connection with the application of the law and the improvement of industrial conditions.

10. That the inspectorate should be placed under the direct and exclusive control of a central State authority and should not be under the control of or in any way responsible to any local authority in connection with the execution of any of their duties.

11. That, in view of the difficult scientific and technical questions which arise under the conditions of modern industry in connection with processes involving the use of dangerous materials, the removal of injurious dust and gases, the use of electrical plant and other matters, it is essential that experts having competent medical, engineering, electrical or other scientific training and experience should be employed by the State for dealing with such problems.

12. That, in conformity with the principle contained in Article 41 of the Constitution of the International Labour Organisation, the inspectorate should include women as well as men inspectors ; that, while it is evident that with regard to certain matters and certain classes of work, inspection can be more suitably carried out by men, as in the case of other matters and other classes of work inspection can be more suitably carried out by women, the women inspectors should in general have the same powers and duties and exercise the same authority as the men inspectors, subject to their having had the necessary training and experience, and should have equal opportunity of promotion to the higher ranks.

B. *Qualifications and Training of Inspectors*

13. That, in view of the complexity of modern industrial processes and machinery, of the character of the executive and administrative functions entrusted to the inspectors in connection with the application of the law and of the importance of their relations to employers and workers and employers' and workers' organisations and to the judicial and local authorities, it is essential that the inspectors should in general possess a high standard of technical training and experience, should be persons of good general education, and by their character and abilities be capable of acquiring the confidence of all parties.

14. That the inspectorate should be on a permanent basis and should be independent of changes of Government ; that the inspectors should be given such a status and standard of remuneration as to secure their freedom from any improper external influences and that they should be prohibited from having any interest in any establishment which is placed under their inspection.

15. That inspectors on appointment should undergo a period of probation for the purpose of testing their qualifications and training them in their duties, and that their appointment should only be confirmed at the end of that period if they have shown themselves fully qualified for the duties of an inspector.

16. That, where countries are divided for the purposes of inspection into districts, and especially where the industries of the country are of a varied character, it is desirable that inspectors, more particularly during the early years of their service, should be transferred from district to district at appropriate intervals in order to obtain a full experience of the work of inspection.

C. *Standards and Methods of Inspection*

17. That, as under a system of State inspection the visits of the inspectors to any individual establishment must necessarily be more or less infrequent, it is essential :

(1) *(a)* That the principle should be laid down and maintained that the employer and the officials of the establishment are responsible for the observance of the law, and are liable to be proceeded against in the event of deliberate violation of or serious negligence in observing the law, without previous warning from the inspector ; it is understood that the foregoing principle does not apply in special cases where the law provides that notice shall be given in the first instance to the employer to carry out certain measures.

(b) That, as a general rule, the visits of the inspectors should be made without any previous notice to the employer.

(2) It is desirable that adequate measures should be taken by the State to ensure that employers, officials and workers are acquainted with the provisions of the law and the measures to be taken for the protection of the health and safety of the workers, as, for example, by requiring the employer to post in his establishment an abstract of the requirements of the law.

18. That, while it is recognised that very wide differences exist between the size and importance of one establishment and another, and that there may be special difficulties in countries or areas of a rural character where factories are widely scattered, it is desirable that, as far as possible, every establishment should be visited by an inspector for the purposes of general inspection not less frequently than once a year, in addition to any special visits that may be made for the purpose of inves-

tigating a particular complaint or for other purposes ; and that large establishments and establishments of which the management is unsatisfactory from the point of view of the protection of the health and safety of the workers, and establishments in which dangerous or unhealthy processes are carried on, should be visited much more frequently. It is desirable that, when any serious irregularity has been discovered in an establishment, it should be revisited by the inspector at an early date with a view to ascertaining whether the irregularity has been remedied.

D. *Co-operation of Employers and Workers*

19. That it is essential that the workers and their representatives should be afforded every facility for communicating freely with the inspectors as to any defect or breach of the law in the establishment in which they are employed ; that every such complaint should as far as possible be investigated promptly by the inspector ; that the complaint should be treated as absolutely confidential by the inspector and that no intimation even should be given to the employer or his officials that the visit made for the purpose of investigation is being made in consequence of the receipt of a complaint.

20. That, with a view to securing full co-operation of the employers and workers and their respective organisations in promoting a high standard in regard to the conditions affecting the health and safety of the workers, it is desirable that the inspectorate should confer from time to time with the representatives of the employers' and workers' organisations as to the best measures to be taken for this purpose.

IV. Inspectors' Reports

21. That inspectors should regularly submit to their central authority reports framed on uniform lines dealing with their work and its results, and that the said authority should publish an annual report as soon as possible and in any case within one year after the end of the year to which it relates, containing a general survey of the information furnished by the inspectors ; that the calendar year should be uniformly adopted for these reports.

22. That the annual general report should contain a list of the laws and regulations relating to conditions of work made during the year which it covers.

23. That this annual report should also give the statistical tables necessary in order to provide all information on the organisation and work of the inspectorate and on the results obtained. The information supplied should as far as possible state :

(a) the strength and organisation of the staff of the inspectorate ;

(*b*) the number of establishments covered by the laws and regulations, classified by industries and indicating the number of workers employed (men, women, young persons, children) ;

(*c*) the number of visits of inspection made for each class of establishment with an indication of the number of workers employed in the establishments inspected (the number of workers being taken to be the number employed at the time of the first visit of the year), and the number of establishments inspected more than once during the year ;

(*d*) the number of and nature of breaches of the laws and regulations brought before the competent authorities and the number and nature of the convictions by the competent authority ;

(*e*) the number, nature and the cause of accidents and occupational diseases notified, tabulated according to class of establishment.

SIXTH SESSION

(Geneva, 16 June-5 July 1924)

Recommendation 21

Recommendation concerning the Development of Facilities for the Utilisation of Workers' Spare Time

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixth Session on 16 June 1924, and

Having decided upon the adoption of certain proposals with regard to the development of facilities for the utilisation of workers' leisure, the first item in the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this fifth day of July of the year one thousand nine hundred and twenty-four the following Recommendation, which may be cited as the Utilisation of Spare Time Recommendation, 1924, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Whereas in adopting at its First Session, held at Washington, a Convention on hours of work, the General Conference of the International Labour Organisation had as one of its principal aims to secure for workers, beyond the necessary hours for sleep, an adequate period during which such workers could do as they please, or, in other words, an adequate period of spare time ; and

Whereas during such spare time workers have the opportunity of developing freely, according to their individual tastes, their physical, intellectual and moral powers, and such development is of great value from the point of view of the progress of civilisation ; and

Whereas a well-directed use of this spare time, by affording to the worker the means for pursuing more varied interests, and by securing relaxation from the strain placed upon him by his ordinary work, may even increase the productive capacity of the worker and increase his output, and may thus help to obtain a maximum of efficiency from the eight-hour day ; and

Whereas while giving full weight to the customs prevalent in the different countries and to local circumstances, it may

nevertheless be useful to lay down the principles and methods which at the present time seem generally best adapted to secure the best use of periods of spare time, and it may also be instructive to make known for the benefit of all countries what has been done in this direction ; and

Whereas the value of this information is particularly great at the moment when the ratification of the Convention on hours of work is being considered by the Members of the International Labour Organisation ;

The General Conference makes the recommendations hereinafter appearing :

I. *Preservation of Spare Time*

Whereas it is agreed that in countries where limitations have been placed on hours of work by law, by collective agreement or otherwise, if all the benefits which may be expected from such measures are to be secured both for the wage earners and for the community, steps must be taken to ensure that the workers shall have the undiminished enjoyment of the hours of spare time so secured to them as aforesaid ; and

Whereas it is important that, on the one hand, the workers should fully appreciate the value of the periods of spare time which have been secured to them and should do their utmost, in all circumstances, to prevent this spare time from being encroached upon, and, on the other hand, that employers should always aim at establishing wages corresponding sufficiently with the needs of the workers to make it unnecessary for them to have recourse during their periods of spare time to additional hours of paid work ; and

Whereas prohibitions against the continuance of paid work in their own occupation, for the same or another employer, in excess of the legal working day, are recognised as being difficult to enforce, and may even, at times, seem to infringe the workers' right of using their periods of spare time as they choose, the Conference nevertheless considers that attention should be drawn to the steps which have been taken in this direction in a number of countries ;

The Conference recommends that Governments should encourage and facilitate the conclusion of collective agreements which will ensure a normal standard of living to workers in exchange for the legal hours of work, and which will determine, by voluntary agreement between employers and workers, the measures to be taken to prevent workers from having recourse to additional paid work.

And whereas it is agreed that every facility should be given to the workers to enable them to make the best use of their periods of spare time so secured to them as aforesaid, the Conference recommends :

(a) that each Member, whilst having due regard to the requirements of different industries, local customs, and the

varying capacities and habits of the different kinds of workers, should consider the means of so arranging the working day as to make the periods of spare time as continuous as possible ;

(b) that by means of a well-conceived transport system and by affording special facilities in regard to fares and time-tables, workers should be enabled to reduce to the minimum the time spent in travelling between their homes and their work, and that employers' and workers' organisations should be extensively consulted by public transport authorities or private transport undertakings as to the best means of securing such a system.

II. *Spare Time and Social Hygiene*

Whereas the utilisation of the workers' periods of spare time cannot be separated from the general measures adopted by the community for promoting the health and welfare of all classes of society, the Conference, without attempting to examine in detail each of the great welfare problems, the solution of which would contribute to improving the workers' status, recommends to the Members :

(a) the encouragement of individual hygiene by the provision of public baths, swimming pools, etc. ;

(b) legislative or private action against the misuse of alcohol, against tuberculosis, venereal disease and gambling.

III. *Housing Policy*

Whereas it is of advantage to the workers and to the whole community to encourage everything tending to the harmonious development of the workers' family life ; and

Whereas the most effective means of protecting the workers from the aforesaid dangers is to place within their reach a proper home ;

The Conference recommends the increase in number, if necessary in co-operation with the national or local authorities concerned, of healthy dwellings at low rentals in garden cities or urban communities, under proper conditions of health and comfort.

IV. *Institutions for the Utilisation of Spare Time*

1. Without attempting to differentiate between the innumerable institutions which afford to the workers opportunities for the free exercise of their personal tastes, the development of which is dependent on the manners and customs of each country or district, the Conference nevertheless draws the attention of the Members to the necessity of avoiding misplaced activities resulting from the establishment of institutions not called for by some well-defined need. The Conference desires to emphasise the importance of taking into account in the establishment and

development of these institutions, the desires, the tastes and the special requirements of the workers for whose use they are designed.

2. At the same time, among the institutions which may both assist full and harmonious development of the individual and of the family and contribute to the general progress of the community, the Conference recommends those schemes which have for their object :

(a) the improvement of the workers' domestic economy and family life (gardens, allotments, poultry keeping, etc.) which combine the benefits of recreation with the feeling that some addition, however slight, is being made to the family resources ;

(b) the development of the physical health and strength of the workers by means of games and sports which enable young workers who are working under the highly specialised conditions prevalent in modern industry to give free play to their energies in a manner which encourages initiative and the spirit of emulation ;

(c) the extension of technical, domestic and general education (libraries, reading-rooms, lectures, technical and general courses, etc.) which meets one of the workers' most keenly felt needs and affords the best means of progress to industrial communities.

3. The Conference further recommends that Members should encourage these forms of activity by the grant of subventions to organisations concerned with the moral, intellectual and physical development of the workers.

V. *Free Use of Institutions and Co-ordination of Local Action*

Whereas for many years past the workers in the great industrial countries have always sought to ensure that they may live their lives outside the factory or workshop in complete freedom and independence, and they particularly resent any outside interference in their private affairs, and this feeling is so strong as to provoke opposition to any attempts to deal, either nationally or internationally, with the question of the use of spare time for fear that it may possibly restrain their liberty ; and

Whereas the Conference, while expressing appreciation of the motives which have led to the creation of institutions for the encouragement of the wise use of the spare time of the workers, suggests that Members should draw the attention of the promoters of such institutions to the necessity of safeguarding the individual freedom of the workers against any system or scheme which has any tendency towards compelling the workers directly or indirectly to use any particular institution ; and

Whereas the most practical and successful institutions are those which have been started and developed by the beneficiaries

themselves, the Conference, while recognising that in many cases where public authorities or employers lend financial or other assistance for the encouragement of allotments, games or educational institutions, and consequently have a legitimate claim to take part in their management, recommends that every care should be taken to avoid any encroachment on the liberty of those for whose use such institutions are intended.

While not contemplating any systematic organisation of spare time occupations, but having in mind a number of successful efforts made to assist them, the Conference further recommends that each Member should consider the possibility of promoting the formation of district or local committees, composed of representatives of the public authorities, of employers' and workers' organisations, and of co-operative associations, for co-ordinating and harmonising the activities of the various institutions providing means of recreation.

The Conference further recommends to the Members that an active and effective propaganda should be undertaken in each country for the purpose of educating opinion in favour of the proper use of the spare time of the workers.

SEVENTH SESSION

(Geneva, 19 May-10 June 1925)

Convention 17

Convention concerning Workmen's Compensation for Accidents [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to workmen's compensation for accidents, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this tenth day of June of the year one thousand nine hundred and twenty-five the following Convention, which may be cited as the Workmen's Compensation (Accidents) Convention, 1925, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

Article 2

1. The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

2. It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of—

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business ;

(b) out-workers ;

[1] Date of coming into force : 1 April 1927.

(c) members of the employer's family who work exclusively on his behalf and who live in his house ;

(d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

Article 3

This Convention shall not apply to—

(1) seamen and fishermen for whom provision shall be made by a later Convention ;

(2) persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

Article 4

This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen's compensation in agriculture adopted by the International Labour Conference at its Third Session remains in force.

Article 5

The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments ; provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.

Article 6

In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.

Article 7

In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.

Article 8

The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.

Article 9

Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

Article 10

1. Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary : provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

2. National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

Article 11

The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or, in case of death, to their dependants.

Article 12

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 14

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 15

Subject to the provisions of Article 13, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 into operation not later than 1 January 1927 and to take such action as may be necessary to make these provisions effective.

Article 16

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 17

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 18

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 19

The French and English texts of this Convention shall both be authentic.

Recommendation 22

Recommendation concerning the Minimum Scale of Workmen's Compensation

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the minimum scale of workmen's compensation, which is included in the first item of the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this tenth day of June of the year one thousand nine hundred and twenty-five the following Recommendation, which may be cited as the Workmen's Compensation (Minimum Scale) Recommendation, 1925, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration :

I

Where incapacity for work results from the injury, the national laws or regulations should provide for the payment of compensation at rates not lower than those hereinafter indicated :

(1) In the case of permanent total incapacity, a periodical payment equivalent to two-thirds of the workman's annual earnings ;

(2) In case of permanent partial incapacity, a proportion of the periodical payment due in the event of permanent total incapacity calculated in reference to the reduction of earning power caused by the injury ;

(3) In case of temporary total incapacity, a daily or weekly payment equivalent to two-thirds of the workman's basic earnings as calculated for purposes of compensation ;

(4) In case of temporary partial incapacity, a proportion of the daily or weekly payment payable in the case of temporary total incapacity calculated in reference to the reduction of earning power caused by the injury.

Where compensation is paid in a lump sum, the sum should not be less than the capitalised value of the periodical payment which would be payable under the foregoing paragraphs.

II

Where the injury is such that the workman requires the constant help of another person, additional compensation should be paid to the workman, which should not be less than half the amount payable in the case of permanent total incapacity.

III

Where death results from the injury, those entitled to be regarded as dependants for purposes of compensation should include at least the following :

(1) deceased's husband or wife ;

(2) deceased's children under eighteen years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning ;

(3) deceased's ascendants (parents or grandparents), provided that they are without means of subsistence and were dependent on the deceased, or the deceased was under an obligation to contribute towards their maintenance ;

(4) deceased's grandchildren and brothers and sisters, if below eighteen years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning, and if they are orphans, or if their parents, though still living, are incapable of providing for them.

Where compensation is paid by means of periodical payments, the maximum total of the yearly sum payable to all the dependants should not be less than two-thirds of the deceased's annual earnings.

Where compensation is paid in a lump sum, the maximum sum payable to all the dependants should not be less than the capitalised value of periodical payments equivalent to two-thirds of the deceased's annual earnings.

IV

The vocational re-education of injured workmen should be provided by such means as the national laws or regulations deem most suitable.

Governments should encourage institutions which undertake such re-education.

Recommendation 23

Recommendation concerning Jurisdiction in Disputes on Workmen's Compensation

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to jurisdiction in disputes on workmen's compensation, which is included in the first item of the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this tenth day of June of the year one thousand nine hundred and twenty-five the following Recommendation, which

may be cited as the Workmen's Compensation (Jurisdiction) Recommendation, 1925, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Whereas disputes on workmen's compensation turn not only on the interpretation of laws and regulations, but also on questions of an occupational character requiring a thorough knowledge of working conditions, for example, questions as to the nature of the undertaking, the kind of risk inherent in it, the relation between the workman's employment and the accident, the method of computing earnings, the degree of incapacity for work, the possibility of the workman's adapting himself to some other occupation,

And whereas workmen and employers have the necessary knowledge and experience on these questions, and disputes on compensation matters might be more equitably settled if they were members of or associated with the courts which have to decide such disputes,

And whereas it is possible in many countries to secure the association of employers and workmen with such courts, as members or otherwise, without departing radically from the existing judicial system,

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration :

I

That every dispute relating to workmen's compensation should preferably be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workmen's representatives appointed to act as adjudicators by their respective organisations or on the nomination of such organisations or comprising employers' and workmen's representatives drawn from other social institutions or elected by separate electoral bodies of employers and workmen.

II

That, where disputes relating to workmen's compensation are dealt with by the ordinary courts of law, such courts shall be required, on the request of either of the parties concerned, to hear employers' and workmen's representatives as experts in any case where the dispute involves a question of an occupational character, and in particular the question of the degree of incapacity for work.

Convention 18

Convention concerning Workmen's Compensation for Occupational Diseases [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to workmen's compensation for occupational diseases, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this tenth day of June of the year one thousand nine hundred and twenty-five the following Convention, which may be cited as the Workmen's Compensation (Occupational Diseases) Convention, 1925, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

2. The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when

[1] Date of coming into force : 1 April 1927. The Convention was revised in 1934 by Convention 42 (see p. 289).

such diseases or such poisonings affect workers engaged in the trades or industries placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

SCHEDULE

List of diseases and toxic substances.	*List of corresponding industries and processes.*
Poisoning by lead, its alloys or compounds and their sequelae.	Handling of ore containing lead, including fine shot in zinc factories.
	Casting of old zinc and lead in ingots.
	Manufacture of articles made of cast lead or of lead alloys.
	Employment in the polygraphic industries.
	Manufacture of lead compounds.
	Manufacture and repair of electric accumulators.
	Preparation and use of enamels containing lead.
	Polishing by means of lead files or putty powder with a lead content.
	All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.
Poisoning by mercury, its amalgams and compounds and their sequelae.	Handling of mercury ore.
	Manufacture of mercury compounds.
	Manufacture of measuring and laboratory apparatus.
	Preparation of raw material for the hat-making industry.
	Hot gilding.
	Use of mercury pumps in the manufacture of incandescent lamps.
	Manufacture of fulminate of mercury primers.
Anthrax infection.	Work in connection with animals infected with anthrax.
	Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns.
	Loading and unloading or transport of merchandise.

Article 3

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 4

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 5

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 6

Subject to the provisions of Article 4, each Member which ratifies this Convention agrees to bring the provisions of Articles 1 and 2 into operation not later than 1 January 1927 and to take such action as may be necessary to make these provisions effective.

Article 7

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 8

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 9

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 10

The French and English texts of this Convention shall both be authentic.

Recommendation 24

Recommendation concerning Workmen's Compensation for Occupational Diseases

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to workmen's compensation for occupational diseases, which is included in the first item of the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this tenth day of June of the year one thousand nine hundred and twenty-five the following Recommendation, which may be cited as the Workmen's Compensation (Occupational Diseases) Recommendation, 1925, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Whereas it is recognised that each State is free to establish under its national legislation a more complete list than that embodied in the Schedule appended to Article 2 of the Convention concerning workmen's compensation for occupational diseases,

The Conference recommends that

Each Member of the International Labour Organisation should adopt, where such procedure does not already exist, a simple procedure by which the list of diseases considered occupational in its national legislation may be revised.

Convention 19

Convention concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, the second item in the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this fifth day of June of the year one thousand nine hundred and twenty-five the following Convention, which may be cited as the Equality of Treatment (Accident Compensation) Convention, 1925, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

Article 2

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an under-

[1] Date of coming into force : 8 September 1926.

taking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

Article 3

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Article 4

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

Article 5

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 7

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 8

Subject to the provisions of Article 6, each Member which

ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3 and 4 into operation not later than 1 January 1927, and to take such action as may be necessary to make these provisions effective.

Article 9

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 10

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 11

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 12

The French and English texts of this Convention shall both be authentic.

Recommendation 25

Recommendation concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, the second item in the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this fifth day of June of the year one thousand nine hundred and twenty-five the following Recommendation, which may be cited as the Equality of Treatment (Accident Compensation) Recommendation, 1925, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

I

In order to facilitate the application of the Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents the Conference recommends that :

(a) when a person to whom compensation is due under the laws and regulations of one Member resides in the territory of another Member, the necessary measures be taken to facilitate the payment of such compensation and to ensure the observance of the conditions governing such payment laid down by the said laws and regulations ;

(b) in case of dispute concerning the non-payment, cessation of payment, or reduction of the compensation due to a person residing elsewhere than in the territory of the Member where his claim to compensation originated, facilities be afforded for taking proceedings in the competent courts of law in such territory without requiring the attendance of the person concerned ;

(c) any advantage in respect of exemption from duties and taxes, free issue of official documents or other privileges granted by the law of any Member for purposes connected with workmen's compensation, be extended under the same conditions to the nationals of the other Members which shall have ratified the aforementioned Convention.

II

The Conference recommends that, where in any country there exists no system, whether by insurance or otherwise, of workmen's compensation for industrial accidents, the Government shall, pending the institution of such a system, afford facilities to alien workers enabling them to benefit by the laws and regulations on workmen's compensation in their own countries.

Convention 20

Convention concerning Night Work in Bakeries [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to night work in bakeries, the fourth item in the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eighth day of June of the year one thousand nine hundred and twenty-five the following Convention, which may be cited as the Night Work (Bakeries) Convention, 1925, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. Subject to the exceptions hereinafter provided, the making of bread, pastry or other flour confectionery during the night is forbidden.

2. This prohibition applies to the work of all persons, including proprietors as well as workers, engaged in the making of such products ; but it does not apply to the making of such products by members of the same household for their own consumption.

3. This Convention has no application to the wholesale manufacture of biscuits. Each Member may, after consultation with the employers' and workers' organisations concerned, determine what products are to be included in the term " biscuits " for the purpose of this Convention.

Article 2

For the purpose of this Convention, the term " night " signifies a period of at least seven consecutive hours. The beginning and end of this period shall be fixed by the competent authority in each country after consultation with the organisations of employers and workers concerned, and the period shall include the interval between eleven o'clock in the evening and five o'clock in the morning. When it is required by the climate or season, or when it is agreed between the employers' and workers' organisations concerned, the interval between ten o'clock in the evening and four o'clock in the morning may be

[1] Date of coming into force : 26 May 1928.

substituted for the interval between eleven o'clock in the evening and five o'clock in the morning.

Article 3

After consultation with the employers' and the workers' organisations concerned, the competent authority in each country may make the following exceptions to the provisions of Article 1 :

(a) the permanent exceptions necessary for the execution of preparatory or complementary work as far as it must necessarily be carried on outside the normal hours of work, provided that no more than the strictly necessary number of workers and that no young persons under the age of eighteen years shall be employed in such work ;

(b) the permanent exceptions necessary for requirements arising from the particular circumstances of the baking industry in tropical countries ;

(c) the permanent exceptions necessary for the arrangement of the weekly rest ;

(d) the temporary exceptions necessary to enable establishments to deal with unusual pressure of work or national necessities.

Article 4

Exceptions may also be made to the provisions of Article 1 in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure,* but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Article 5

Each Member which ratifies this Convention shall take appropriate measures to ensure that the prohibition prescribed in Article 1 is effectively enforced, and shall enable the employers, the workers, and their respective organisations to co-operate in such measures, in conformity with the Recommendation adopted by the International Labour Conference at its Fifth Session (1923).

Article 6

The provisions of this Convention shall not take effect until 1 January 1927.

Article 7

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 9

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 10

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 11

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 12

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 13

The French and English texts of this Convention shall both be authentic.

EIGHTH SESSION

(Geneva, 26 May-5 June 1926)

Convention 21

Convention concerning the Simplification of the Inspection of Emigrants on Board Ship [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighth Session on 26 May 1926, and

Having decided upon the adoption of certain proposals with regard to the simplification of the inspection of emigrants on board ship, the question on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this fifth day of June of the year one thousand nine hundred and twenty-six the following Convention, which may be cited as the Inspection of Emigrants Convention, 1926, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

For the purposes of application of this Convention the terms " emigrant vessel " and " emigrant " shall be defined for each country by the competent authority in that country.

Article 2

1. Each Member which ratifies this Convention undertakes to accept the principle that, save as hereinafter provided, the official inspection carried out on board an emigrant vessel for the protection of emigrants shall be undertaken by not more than one Government.

2. Nothing in this Article shall prevent another Government from occasionally and at their own expense placing a representative on board to accompany their nationals carried as emigrants in the capacity of observer, and on condition that he shall not encroach upon the duties of the official inspector.

Article 3

If an official inspector of emigrants is placed on board an emigrant vessel he shall be appointed as a general rule by the

[1] Date of coming into force : 29 December 1927.

Government of the country whose flag the vessel flies. Such inspector may, however, be appointed by another Government in virtue of an agreement between the Government of the country whose flag the vessel flies and one or more other Governments whose nationals are carried as emigrants on board the vessel.

Article 4

1. The practical experience and the necessary professional and moral qualifications required of an official inspector shall be determined by the Government responsible for his appointment.

2. An official inspector may not be in any way either directly or indirectly connected with or dependent upon the shipowner or shipping company.

3. Nothing in this Article shall prevent a Government from appointing the ship's doctor as official inspector by way of exception and in case of absolute necessity.

Article 5

1. The official inspector shall ensure the observance of the rights which emigrants possess under the laws of the country whose flag the vessel flies, or such other law as is applicable, or under international agreements, or the terms of their contracts of transportation.

2. The Government of the country whose flag the vessel flies shall communicate to the official inspector, irrespective of his nationality, the text of any laws or regulations affecting the condition of emigrants which may be in force, and of any international agreements or any contracts relating to the matter which have been communicated to such Government.

Article 6

The authority of the master on board the vessel is not limited by this Convention. The official inspector shall in no way encroach upon the master's authority on board, and shall concern himself solely with ensuring the enforcement of the laws, regulations, agreements, or contracts directly concerning the protection and welfare of the emigrants on board.

Article 7

1. Within eight days after the arrival of the vessel at its port of destination the official inspector shall make a report to the Government of the country whose flag the vessel flies, which Government shall transmit a copy of the report to the other Governments concerned, where such Governments have previously requested that this shall be done.

2. A copy of this report shall be transmitted to the master of the vessel by the official inspector.

Article 8

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 11

Subject to the provisions of Article 9, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, and 7 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

Article 12

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 13

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 14

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 15

The French and English texts of this Convention shall both be authentic.

Recommendation 26

Recommendation concerning the Protection of Emigrant Women and Girls on Board Ship

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighth Session on 26 May 1926, and

Having decided upon the adoption of certain proposals with regard to the means to be taken to ensure the protection of emigrant women and girls on board ship, which question is included in the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this fifth day of June of the year one thousand nine hundred and twenty-six the following Recommendation, which may be cited as the Migration (Protection of Females at Sea) Recommendation, 1926, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of the Constitution of the International Labour Organisation :

Where fifteen or more women or girls unaccompanied by a responsible person are carried as emigrants on board an emigrant vessel a properly qualified woman who has no other duty to fulfil on board shall be appointed to give such emigrants any material or moral assistance of which they may stand in need without in any way encroaching upon the authority of the master of the vessel. She shall report to the authority making the appointment and her report shall be available for the use of the Governments which may be concerned.

NINTH SESSION

(Geneva, 7-24 June 1926)

Convention 22

Convention concerning Seamen's Articles of Agreement [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to seamen's articles of agreement, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of June of the year one thousand nine hundred and twenty-six the following Convention, which may be cited as the Seamen's Articles of Agreement Convention, 1926, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. This Convention shall apply to all sea-going vessels registered in the country of any Member ratifying this Convention and to the owners, masters and seamen of such vessels.

2. It shall not apply to—

(a) ships of war,

(b) Government vessels not engaged in trade,

(c) vessels engaged in the coasting trade,

(d) pleasure yachts,

(e) Indian country craft,

(f) fishing vessels,

(g) vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

Article 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz. :

[1] Date of coming into force : 4 April 1928.

(a) the term " vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation ;

(b) the term " seaman " includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government ;

(c) the term " master " includes every person having command and charge of a vessel except pilots ;

(d) the term " home trade vessel " means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

Article 3

1. Articles of agreement shall be signed both by the shipowner or his representative and by the seaman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the seaman and also to his adviser.

2. The seaman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

3. The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the shipowner or his representative and by the seaman.

4. National law shall make adequate provision to ensure that the seaman has understood the agreement.

5. The agreement shall not contain anything which is contrary to the provisions of national law or of this Convention.

6. National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the shipowner and of the seaman.

Article 4

1. Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

2. This Article shall not be interpreted as excluding a reference to arbitration.

Article 5

1. Every seaman shall be given a document containing a record of his employment on board the vessel. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law.

2. The document shall not contain any statement as to the quality of the seaman's work or as to his wages.

Article 6

1. The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

2. The agreement shall state clearly the respective rights and obligations of each of the parties.

3. It shall in all cases contain the following particulars :

(1) the surname and other names of the seaman, the date of his birth or his age, and his birthplace ;

(2) the place at which and date on which the agreement was completed ;

(3) the name of the vessel or vessels on board which the seaman undertakes to serve ;

(4) the number of the crew of the vessel, if required by national law ;

(5) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement ;

(6) the capacity in which the seaman is to be employed ;

(7) if possible, the place and date at which the seaman is required to report on board for service ;

(8) the scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law ;

(9) the amount of his wages ;

(10) the termination of the agreement and the conditions thereof, that is to say :

(a) if the agreement has been made for a definite period, the date fixed for its expiry ;

(b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged ;

(c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission ; provided that such period shall not be less for the shipowner than for the seaman ;

(11) the annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law ;

(12) any other particulars which national law may require.

Article 7

If national law provides that a list of crew shall be carried on board it shall specify that the agreement shall either be recorded in or annexed to the list of crew.

Article 8

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

Article 9

1. An agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours.

2. Notice shall be given in writing ; national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point.

3. National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

Article 10

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by—

(a) mutual consent of the parties ;

(b) death of the seaman ;

(c) loss or total unseaworthiness of the vessel ;

(d) any other cause that may be provided in national law or in this Convention.

Article 11

National law shall determine the circumstances in which the owner or master may immediately discharge a seaman.

Article 12

National law shall also determine the circumstances in which the seaman may demand his immediate discharge.

Article 13

1. If a seaman shows to the satisfaction of the shipowner or his agent that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent he furnishes a competent and reliable man in his place.

2. In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

Article 14

1. Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seaman in accordance with Article 5 and in the list of crew showing that he has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority.

2. The seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement.

Article 15

National law shall provide the measures to ensure compliance with the terms of the present Convention.

Article 16

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 17

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 18

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 19

Subject to the provisions of Article 17, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

Article 20

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 21

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 22

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 23

The French and English texts of this Convention shall both be authentic.

Convention 23

Convention concerning the Repatriation of Seamen [1]

The General Conference of the International Labour Organisation,

[1] Date of coming into force : 16 April 1928.

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to the repatriation of seamen, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and twenty-six the following Convention, which may be cited as the Repatriation of Seamen Convention, 1926, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. This Convention shall apply to all sea-going vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

2. It shall not apply to—

(a) ships of war,

(b) Government vessels not engaged in trade,

(c) vessels engaged in the coasting trade,

(d) pleasure yachts,

(e) Indian country craft,

(f) fishing vessels,

(g) vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

Article 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz. :

(a) the term " vessel " includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation ;

(b) the term " seaman " includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government ;

(c) the term " master " includes every person having command and charge of a vessel except pilots ;

(d) the term " home trade vessel " means a vessel engaged in trade between a country and the ports of a neighbouring

country within geographical limits determined by the national law.

Article 3

1. Any seaman who is landed during the term of his engagement or on its expiration shall be entitled to be taken back to his own country, or to the port at which he was engaged, or to the port at which the voyage commenced, as shall be determined by national law, which shall contain the provisions necessary for dealing with the matter, including provisions to determine who shall bear the charge of repatriation.

2. A seaman shall be deemed to have been duly repatriated if he has been provided with suitable employment on board a vessel proceeding to one of the destinations prescribed in accordance with the foregoing paragraph.

3. A seaman shall be deemed to have been repatriated if he is landed in the country to which he belongs, or at the port at which he was engaged, or at a neighbouring port, or at the port at which the voyage commenced.

4. The conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated shall be as provided by national law or, in the absence of such legal provisions, in the articles of agreement. The provisions of the preceding paragraphs shall, however, apply to a seaman engaged in a port of his own country.

Article 4

The expenses of repatriation shall not be a charge on the seaman if he has been left behind by reason of—

(a) injury sustained in the service of the vessel, or

(b) shipwreck, or

(c) illness not due to his own wilful act or default, or

(d) discharge for any cause for which he cannot be held responsible.

Article 5

1. The expenses of repatriation shall include the transportation charges, the accommodation and the food of the seaman during the journey. They shall also include the maintenance of the seaman up to the time fixed for his departure.

2. When a seaman is repatriated as member of a crew, he shall be entitled to remuneration for work done during the voyage.

Article 6

The public authority of the country in which the vessel is registered shall be responsible for supervising the repatriation of any member of the crew in cases where this Convention

applies, whatever may be his nationality, and where necessary for giving him his expenses in advance.

Article 7

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 9

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 10

Subject to the provisions of Article 8, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5 and 6 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

Article 11

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 12

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for

registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 13

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 14

The French and English texts of this Convention shall both be authentic.

Recommendation 27

Recommendation concerning the Repatriation of Masters and Apprentices

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to the repatriation of masters and apprentices, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and twenty-six the following Recommendation, which may be cited as the Repatriation (Ship Masters and Apprentices) Recommendation, 1926, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of the Constitution of the International Labour Organisation :

The Conference recommends that the national Governments shall take steps to provide for the repatriation of masters and duly indentured apprentices, who are not covered by the terms of the Convention on the repatriation of seamen adopted by the General Conference at its Ninth Session.

Recommendation 28

Recommendation concerning the General Principles for the Inspection of the Conditions of Work of Seamen

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to the general principles for the inspection of the conditions of work of seamen, the question forming the second item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred and twenty-six the following Recommendation, which may be cited as the Labour Inspection (Seamen) Recommendation, 1926, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Whereas among the methods and principles of special and urgent importance for the physical, moral and intellectual welfare of the workers, the Constitution of the International Labour Organisation makes it a duty of the International Labour Organisation to devote special attention to the inspection of conditions of work in order to ensure the enforcement of the laws and regulations for the protection of the workers ;

Whereas the International Labour Conference at its Fifth Session (October 1923) adopted a " Recommendation concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers " ;

Whereas that Recommendation is based essentially on the experience gained in the inspection of industrial establishments and it would be particularly difficult to apply or even to adapt it to the work of seamen, the nature and conditions of which are essentially different from those of work in a factory ;

Whereas the inspection of the conditions under which seamen work will increase in importance in proportion as legislation for the protection of seamen is developed in the different countries and as further conventions concerning the working conditions of seamen are adopted by the Conference ;

Whereas for the foregoing reasons it is desirable, in order

to place the experience already gained at the disposal of the Members with a view to assisting them in the institution or reorganisation of their systems of inspection of the conditions under which seamen work, to indicate the general principles which practice shows to be best calculated to ensure the enforcement of measures for the protection of seamen ;

The General Conference therefore recommends that each Member of the Organisation should take the following principles into consideration :

I. Scope of Inspection

1. That the principal duty of the authority or authorities responsible in each country for the inspection of the conditions under which seamen work should be to secure the enforcement of all laws and regulations dealing with such conditions and the protection of seamen in the exercise of their profession ;

2. That, in so far as it may be considered desirable and possible, by reason of the experience they gain in carrying out their principal duties, to entrust the inspecting authorities with other secondary duties of a social nature which may vary according to the conceptions, customs, or traditions prevailing in the different countries, such duties may be assigned to them in addition to their principal duties on condition that—

(a) they do not in any way interfere with the performance of the inspectors' principal duties ;

(b) they do not in any way prejudice the authority and impartiality which are necessary to inspectors in their relations with shipowners and seamen.

II. Organisation of Inspection

The Conference recommends :

3. That, wherever it is compatible with administrative practice and in order to secure the greatest possible uniformity in the enforcement of the laws and regulations relating to the conditions under which seamen work, the different services or bodies responsible for supervising the enforcement of such laws and regulations should be centralised under a single authority ;

4. That, if existing administrative practice will not admit of such centralisation of supervision, the different services or authorities whose functions are wholly or partly concerned with the protection of seamen should be enabled to benefit by one another's experience and to regulate their methods of work according to such common principles as may be considered the most effective ;

5. That for this purpose close liaison and constant collaboration should be established between these different services

or authorities, so far as is compatible with administrative practice and by the means considered the most suitable in each country (exchange of reports and information, periodical conferences, etc.) ; and

6. That the different services or authorities responsible for supervising the conditions under which seamen work should keep in touch with the authorities responsible for factory inspection, in matters of mutual concern.

III. Reports of the Inspection Authorities

The Conference recommends :

7. That an annual general report on the supervision of the conditions under which seamen work should be published by the central authority or by the collaboration of the different authorities responsible for carrying out such supervision ;

8. That this annual report should contain a list of the national laws and regulations affecting the conditions under which seamen work and their supervision, together with any amendments thereto, which have come into operation during the year ;

9. That it should also contain statistical tables with the necessary comments on the organisation and work of inspection and giving information, as far as may be possible and compatible with national administrative practice, on the following points :

(a) the number of vessels in commission subject to the various forms of inspection, the vessels being classified according to type (mechanically propelled vessels and sailing vessels) and each category being subdivided according to the purpose for which these vessels are used ;

(b) the number of seamen actually engaged on board the vessels of each class ;

(c) the number of vessels visited by the inspectors with an indication of the strength of the crews ;

(d) the number and nature of breaches of the law or regulations ascertained by the inspectors and of the penalties imposed ;

(e) the number, nature, and causes of accidents occurring to seamen during their work ;

(f) the means adopted for the enforcement of the provisions of international labour Conventions which relate to the conditions under which seamen work, and the extent of the compliance with such provisions, either in the form of the annual report transmitted to the International Labour Office under Article 22 of the Constitution of the International Labour Organisation or in some other appropriate form.

IV. Rights, Powers and Duties of Inspectors

(a) *Rights of inspection.*

The Conference recommends :

10. That the inspection authorities, on proof of their identity, should be empowered by national law :

(a) to visit without previous notice any vessel flying the national flag by day or by night, in national or foreign territorial waters, and, in exceptional cases fixed by national law and by authorisation of the maritime authority, at sea, provided, however, that the time and manner of such visits should in practice be fixed so as to avoid as far as possible any serious inconvenience to the working of the vessel ;

(b) to question without witnesses the crew and any other persons whose evidence may be considered desirable, to make any enquiries which may be judged necessary, and to require production of any of the ship's papers or documents which the laws or regulations require to be kept in so far as such papers or documents relate to the matters subject to inspection ;

11. That national law should provide that the inspectors should be bound by oath, or by any other method which conforms with the administrative practice or customs in each country, not to disclose commercial secrets which may come to their knowledge in the course of their duties, under pain of criminal penalties or appropriate disciplinary measures.

(b) *Compulsory powers.*

The Conference recommends :

12. That the inspection authorities should be empowered, in serious cases where the health or safety of the crew is endangered, to prohibit by proper authorisation of the maritime authority a vessel from leaving port until the necessary measures have been taken on board to comply with the law, subject to appeal to higher administrative authority or to the court of competent jurisdiction, according to the law in the different countries ;

13. That prohibiting a vessel from leaving port should be considered a measure of exceptional gravity, which should only be employed as a last resort when the other legal means at the disposal of the inspection authority to ensure respect for the law have been used without effect ;

14. That the inspection authorities should be empowered in special cases to issue orders for securing observance of the laws and regulations governing the conditions under which seamen work, subject to appeal to higher administrative authority

or to the court of competent jurisdiction, according to the law in each country ;

15. That the central authority should be empowered in special cases to grant exemption from any specified requirement of any law or regulation governing the conditions under which seamen work, if such authority is satisfied that that requirement has been substantially complied with, or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken, or provision made, as regards the subject matter of the requirement is as effective as, or more effective than, actual compliance with the requirement.

(c) *Right to call for an inspection.*

The Conference recommends :

16. That national law should provide that the master of a vessel should be entitled to call for an inspection in all cases where he considers it necessary ;

17. That national law should provide that the members of the crew of a vessel should also be entitled, subject to such conditions as may be prescribed, to call for an inspection on any matters relating to health, the safety of the vessel, or the rules affecting the conditions under which seamen work.

(d) *Co-operation of shipowners and seamen with the inspection authorities.*

The Conference recommends :

18. That, so far as is compatible with administrative practice in each country, and by such methods as may be considered most appropriate, shipowners and seamen should be called upon to co-operate in the supervision of the enforcement of the laws and regulations relating to the conditions under which seamen work.

In particular, the Conference draws the attention of the different countries to the following methods of co-operation :

(a) it is essential that every facility should be afforded to seamen freely to bring to the notice of the inspection authorities either directly or through their duly authorised representatives any infringement of the law on board the vessel on which such seamen are employed, that the inspection authority should as far as possible promptly make an enquiry into the subject matter of any such complaint, that such complaints should be treated by the inspection authority as absolutely confidential ;

(b) with a view to ensuring complete co-operation by shipowners and seamen and their respective organisations with

the inspection authorities, and in order to improve conditions affecting the health and safety of seamen, it is desirable that the inspection authorities should from time to time consult the representatives of shipowners' and seamen's organisations as to the best means of attaining these ends. It is also desirable that joint committees of shipowners and seamen should be set up, and that they should be enabled to co-operate with the different services responsible for supervising the enforcement of the laws and regulations governing the conditions under which seamen work.

(e) *Safeguards.*

The Conference recommends :

19. That only such persons should be appointed inspectors as command the full confidence both of the shipowners and of the seamen, and that such persons should therefore be required to possess :

(a) the qualities necessary to ensure absolute impartiality in the performance of their duties ;

(b) the technical qualifications necessary for the performance of their duties ;

It is desirable that the inspection service should include men who have served at sea whose appointment whether in a permanent or temporary capacity should be at the discretion of the administrative authority ;

20. That, when necessary, inspectors should be assisted in their duties by competent experts who command the full confidence of the shipowners and seamen ;

21. That inspectors should be public servants whose status renders them independent of changes of Government ;

22. That they should be prohibited from having any financial interest whatsoever in the undertakings subject to their inspection.

(f) *Other duties.*

The Conference recommends :

23. That as, by reason of the nature of their duties, inspectors have special opportunities of observing the practical results of the operation of the laws and regulations governing the conditions under which seamen work, they should be called upon, so far as it is compatible with the administrative methods in each country, to assist in improving legislation for the protection of seamen and to give the most effectual help possible in promoting the prevention of accidents ;

24. That, so far as is compatible with administrative practice in each country, they should be called upon to take part in enquiries into shipwrecks and accidents on board ship, and that they should be empowered, where necessary, to submit reports on the results of such enquiries ;

25. That, so far as is compatible with the administrative methods in each country, they should be called upon to collaborate in supplying information preparatory to the drafting of laws and regulations for the protection of seamen.

TENTH SESSION

(Geneva, 25 May-16 June 1927)

Convention 24

Convention concerning Sickness Insurance for Workers in Industry and Commerce and Domestic Servants [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Tenth Session on 25 May 1927, and

Having decided upon the adoption of certain proposals with regard to sickness insurance for workers in industry and commerce and domestic servants, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this fifteenth day of June of the year one thousand nine hundred and twenty-seven the following Convention, which may be cited as the Sickness Insurance (Industry) Convention, 1927, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.

2. It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of—

(a) temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade

[1] Date of coming into force : 15 July 1928.

or business, occasional employment and subsidiary employment ;

(b) workers whose wages or income exceed an amount to be determined by national laws or regulations ;

(c) workers who are not paid a money wage ;

(d) out-workers whose conditions of work are not of a like nature to those of ordinary wage-earners ;

(e) workers below or above age-limits to be determined by national laws or regulations ;

(f) members of the employer's family.

3. It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

4. This Convention shall not apply to seamen and sea fishermen for whose insurance against sickness provision may be made by a decision of a later Session of the Conference.

Article 3

1. An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

2. The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

3. Cash benefit may be withheld in the following cases :

(a) where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law ; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article ;

(b) as long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds ; nevertheless, cash benefits shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities ;

(c) as long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

4. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Article 4

1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

2. Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

3. Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

Article 5

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

Article 6

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.

2. The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

3. The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

Article 7

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

2. It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

Article 8

This Convention does not in any respect affect the obligations arising out of the Convention concerning the employment of women before and after childbirth, adopted by the International Labour Conference at its First Session.

Article 9

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

Article 10

1. It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

2. The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Director-General of the International Labour Office. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

3. In Europe it shall be open only to Finland to avail itself of the exception contained in this Article.

Article 11

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall come into force ninety days after the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member ninety days after the date on which its ratification has been registered with the International Labour Office.

Article 13

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the Inter-

national Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 14

Subject to the provisions of Article 12, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 into operation not later than 1 January 1929, and to take such action as may be necessary to make these provisions effective.

Article 15

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 16

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 17

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 18

The French and English texts of this Convention shall both be authentic.

Convention 25

Convention concerning Sickness Insurance for Agricultural Workers [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body

[1] Date of coming into force : 15 July 1928.

of the International Labour Office, and having met in its Tenth Session on 25 May 1927, and

Having decided upon the adoption of certain proposals with regard to sickness insurance for agricultural workers, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this fifteenth day of June of the year one thousand nine hundred and twenty-seven the following Convention, which may be cited as the Sickness Insurance (Agriculture) Convention, 1927, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance for agricultural workers, which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by agricultural undertakings.

2. It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of—

(a) temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment ;

(b) workers whose wages or income exceed an amount to be determined by national laws or regulations ;

(c) workers who are not paid a money wage ;

(d) out-workers whose conditions of work are not of a like nature to those of ordinary wage-earners ;

(e) workers below or above age-limits to be determined by national laws or regulations ;

(f) members of the employer's family.

3. It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

Article 3

1. An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

2. The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

3. Cash benefit may be withheld in the following cases :

(a) where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law ; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article ;

(b) as long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds ; nevertheless, cash benefits shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities ;

(c) as long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

4. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Article 4

1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

2. Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

3. Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

Article 5

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

Article 6

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.

2. The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

3. The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

Article 7

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

2. It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

Article 8

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

Article 9

1. It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

2. The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Director-General of the International Labour Office. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

3. In Europe it shall be open only to Finland to avail itself of the exception contained in this Article.

Article 10

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall come into force ninety days after the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member ninety days after the date on which its ratification has been registered with the International Labour Office.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

Subject to the provisions of Article 11, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, and 9 into operation not later than 1 January 1929, and to take such action as may be necessary to make these provisions effective.

Article 14

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 15

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for

registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 16

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 17

The French and English texts of this Convention shall both be authentic.

Recommendation 29

Recommendation concerning the General Principles of Sickness Insurance

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Tenth Session on 25 May 1927, and

Having decided upon the adoption of certain proposals with regard to the principles of sickness insurance, the first item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this fifteenth day of June of the year one thousand nine hundred and twenty-seven the following Recommendation, which may be cited as the Sickness Insurance Recommendation, 1927, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Whereas the maintenance of a healthy and vigorous labour supply is of capital importance not only for the workers themselves, but also for communities which desire to develop their productive capacity ; and

Whereas this development is only attainable by constantly and systematically applying provident measures to obviate or make good any loss of the workers' productive efficiency ; and

Whereas the best provident measure for these purposes is to establish a system of social insurance which confers clearly defined rights on the persons to whom it applies ;

Therefore the General Conference of the International Labour Organisation,

Having adopted Conventions concerning, of the one part, sickness insurance for workers in industry and commerce and domestic servants, and, of the other part, sickness insurance for agricultural workers, which lay down minimum conditions which must be complied with from the beginning by every system of sickness insurance, and

Considering that, in order to put the experience already gained at the disposal of the Members with a view to assisting them in the institution or completion of their sickness insurance services, it is desirable to indicate a number of the general principles which practice shows to be the best calculated to promote a just, effective and appropriate organisation of sickness insurance,

Recommends that each Member should take the following principles and rules into consideration :

I. Scope of Application

1. Sickness insurance should include within its scope, without discrimination as to age or sex, every person who performs work by way of his occupation and under a contract of service or apprenticeship.

2. If, however, it is considered desirable to fix age-limits by reason of the fact that workers above or below such limits are already protected by law or otherwise, such limits should not apply to young persons who cannot normally be considered as dependent upon their family or to workers who have not reached the old-age pension age ; and

if exceptions are made in respect of workers whose earnings or income exceed a specified amount, such exceptions should only apply to workers whose earnings or income are such that they may reasonably be expected to make their own provision for sickness.

II. Benefits

A. *Cash Benefits.*

3. In order to secure that an insured person who is rendered incapable of work by sickness may recover his health as early as possible, the cash benefit representing compensation for lost wages should be adequate.

For this purpose the statutory scale of benefit should ordinarily be fixed in relation to the normal wage which is taken into account for the purposes of compulsory insurance, and should be a substantial proportion of such wage, regard

being had to family responsibilities ; but in countries where the workers have adequate facilities, of which they are accustomed to take advantage to procure for themselves additional benefit by other means, a uniform scale of benefit may be appropriate.

4. The statutory benefit should be paid for at least the first twenty-six weeks of incapacity as from and including the first day for which benefit is payable ; nevertheless, the period for which benefit is payable should be increased to one year in cases of serious and chronic illness and for insured persons who will not receive any invalidity benefit on the expiry of their right to sickness benefit.

5. An insurance institution which can show that it is in a sound financial position should be authorised—

(a) to increase the statutory scale of benefit up to specified amounts either for all insured persons or for certain groups of the same, in particular insured persons with family responsibilities ;

(b) to prolong the statutory period during which benefit is payable.

6. In countries where burial expenses are not, customarily or by law, covered by some other insurance, sickness insurance institutions should, on the death of an insured person, pay a benefit in respect of the cost of decent burial ; they should also be empowered to pay such a benefit in respect of the burial expenses of the insured person's dependants.

B. *Benefits in Kind.*

7. Treatment by a fully qualified doctor and the supply of proper and sufficient medicines and appliances should be granted to an insured person from the beginning of his illness and for so long as the state of his health requires it ; the insured person should be entitled to these benefits free of charge from the beginning of his illness and at least until the expiry of the period prescribed for the grant of sickness benefit.

8. In addition to treatment by a fully qualified doctor and the supply of proper and sufficient medicines and appliances, there should be available for the insured person, as and when local and financial conditions admit, facilities for specialist services, as well as dental treatment, and for treatment in hospital, where his family circumstances necessitate it or his illness requires a mode of treatment which can only be given in hospital.

9. While an insured person is maintained in hospital, the insurance institution should pay to his dependants the whole or a part of the sickness benefit which would have been payable to him had he not been so maintained.

10. With a view to ensuring good conditions for the maintenance in health of the insured person and his family, members of the insured person's family living in his home and dependent

upon him should be furnished with medical benefit, as and when it may be possible and practicable to do so.

11. Insurance institutions should be empowered to avail themselves, on equitable conditions, of the services of such doctors as they need.

In urban centres, and within specified geographical limits, an insured person should be entitled to choose a doctor from among those at the disposal of the insurance institution, unless this would involve considerable extra expense to the institution.

C. *Sickness Prevention.*

12. As most diseases can be prevented, an alert policy of prevention is calculated to avert loss of productive efficiency, to render available for other purposes the financial resources which are absorbed by avoidable illness, and to promote the material, intellectual and moral well-being of the community.

Sickness insurance should assist in inculcating the practice of the rules of hygiene among the workers. It should give preventive treatment and grant the same to as large a number of individuals as possible as soon as the premonitory symptoms of disease appear. It should be capable of contributing towards the prevention of the spread of disease and the improvement of the national health, in pursuance of a general policy co-ordinating all the various activities towards these ends.

III. Organisation of Insurance

13. Insurance institutions should be administered, under the supervision of the competent public authority in accordance with the principles of self-government, and shall not be carried on for profit. The insured persons being those who are the most directly interested in the working of the insurance scheme should, through elected representatives, have an important part in the management of the insurance system.

14. A good organisation of medical benefit and, in particular, the efficient provision and utilisation of medical equipment embodying the results of scientific progress can be most easily secured—except in certain special circumstances—by concentrating action on a territorial basis.

IV. Financial Resources

15. The financial resources for the insurance scheme should be provided by contributions from the insured persons and contributions from employers. The provision thus jointly made can be supplemented to advantage by contributions from public funds, especially for the purpose of improving the health of the people.

With a view to securing the stability of the insurance system,

reserve funds, appropriate to the peculiar circumstances of the system, should be constituted.

V. Settlement of Disputes

16. With a view to their being settled rapidly and inexpensively, disputes as to benefits between insured persons and insurance institutions should be referred to special tribunals, the members of which include judges or assessors who are specially cognisant of the purposes of insurance and the needs of insured persons.

VI. Exception for Sparsely Populated Territories

17. States which, by reason of the small density of their population or of the inadequacy of the means of communication, cannot organise sickness insurance in certain parts of their territory should—

(a) establish in such parts of their territory a sanitary service adequate to the local conditions ;

(b) examine periodically whether the conditions required for the introduction of compulsory sickness insurance in the parts of their territory previously excepted from the compulsory scheme are fulfilled.

VII. Seamen and Sea Fishermen

18. This Recommendation shall not apply to seamen and sea fishermen.

ELEVENTH SESSION

(Geneva, 30 May-16 June 1928)

Convention 26

Convention concerning the Creation of Minimum Wage-Fixing Machinery [1]

The General Conference of the International Labour Organisation,

Having been convened at Géneva by the Governing Body of the International Labour Office, and having met in its Eleventh Session on 30 May 1928, and

Having decided upon the adoption of certain proposals with regard to minimum wage-fixing machinery, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this sixteenth day of June of the year one thousand nine hundred and twenty-eight the following Convention, which may be cited as the Minimum Wage-Fixing Machinery Convention, 1928, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

2. For the purpose of this Convention the term " trades " includes manufacture and commerce.

Article 2

Each Member which ratifies this Convention shall be free to decide, after consultation with the organisations, if any, of workers and employers in the trade or part of trade concerned, in which trades or parts of trades, and in particular in which home working trades or parts of such trades, the minimum wage-fixing machinery referred to in Article 1 shall be applied.

[1] Date of coming into force : 14 June 1930.

Article 3

1. Each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage-fixing machinery, and the methods to be followed in its operation :

2. Provided that--

(1) before the machinery is applied in a trade or part of trade, representatives of the employers and workers concerned, including representatives of their respective organisations, if any, shall be consulted as well as any other persons, being specially qualified for the purpose by their trade or functions, whom the competent authority deems it expedient to consult ;

(2) the employers and workers concerned shall be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by national laws or regulations ;

(3) minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement by them by individual agreement, nor, except with general or particular authorisation of the competent authority, by collective agreement.

Article 4

1. Each Member which ratifies this Convention shall take the necessary measures, by way of a system of supervision and sanctions, to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable.

2. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other legalised proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by national laws or regulations.

Article 5

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement giving a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

Article 6

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 10

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider

the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 11

The French and English texts of this Convention shall both be authentic.

Recommendation 30

Recommendation concerning the Application of Minimum Wage-Fixing Machinery

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eleventh Session on 30 May 1928, and

Having decided upon the adoption of certain proposals with regard to minimum wage-fixing machinery, which is the first item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this sixteenth day of June of the year one thousand nine hundred and twenty-eight the following Recommendation, which may be cited as the Minimum Wage-Fixing Machinery Recommendation, 1928, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

A

The General Conference of the International Labour Organisation,

Having adopted a Convention concerning the creation of minimum wage-fixing machinery, and

Desiring to supplement this Convention by putting on record for the guidance of the Members certain general principles which, as present practice and experience show, produce the most satisfactory results,

Recommends that each Member should take the following principles and rules into consideration :

I

(1) In order to ensure that each Member ratifying the Convention is in possession of the information necessary for a

decision upon the application of minimum wage-fixing machinery, the wages actually paid and the arrangements, if any, for the regulation of wages should be ascertained in respect of any trade or part of trade to which employers or workers therein request the application of the machinery and furnish information which shows *prima facie* that no arrangements exist for the effective regulation of wages and that wages are exceptionally low.

(2) Without prejudice to the discretion left to the Members by the Convention to decide in which trades or parts of trades in their respective countries it is expedient to apply minimum wage-fixing machinery, special regard might usefully be had to trades or parts of trades in which women are ordinarily employed.

II

(1) The minimum wage-fixing machinery, whatever form it may take (for instance, trade boards for individual trades, general boards for groups of trades, compulsory arbitration tribunals), should operate by way of investigation into the relevant conditions in the trade or part of trade concerned and consultation with the interests primarily and principally affected, that is to say, the employers and workers in the trade or part of trade, whose views on all matters relating to the fixing of the minimum rates of wages should in any case be solicited and be given full and equal consideration.

(2) *(a)* To secure greater authority for the rates that may be fixed, it should be the general policy that the employers and workers concerned, through representatives equal in number or having equal voting strength, should jointly take a direct part in the deliberations and decisions of the wage-fixing body ; in any case, where representation is accorded to one side, the other side should be represented on the same footing. The wage-fixing body should also include one or more independent persons whose votes can ensure effective decisions being reached in the event of the votes of the employers' and workers' representatives being equally divided. Such independent persons should, as far as possible, be selected in agreement with or after consultation with the employers' and workers' representatives on the wage-fixing body.

(b) In order to ensure that the employers' and workers' representatives shall be persons having the confidence of those whose interests they respectively represent, the employers and workers concerned should be given a voice as far as is practicable in the circumstances in the selection of their representatives, and if any organisations of the employers and workers exist these should in any case be invited to submit names of persons

recommended by them for appointment on the wage-fixing body.

(c) The independent person or persons mentioned in paragraph *(a)* should be selected from among men or women recognised as possessing the necessary qualifications for their duties and as being dissociated from any interest in the trade or part of trade concerned which might be calculated to put their impartiality in question.

(d) Wherever a considerable proportion of women are employed, provision should be made as far as possible for the inclusion of women among the workers' representatives and of one or more women among the independent persons mentioned in paragraph *(a)*.

III

For the purpose of determining the minimum rates of wages to be fixed, the wage-fixing body should in any case take account of the necessity of enabling the workers concerned to maintain a suitable standard of living. For this purpose regard should primarily be had to the rates of wages being paid for similar work in trades where the workers are adequately organised and have concluded effective collective agreements, or, if no such standard of reference is available in the circumstances, to the general level of wages prevailing in the country or in the particular locality.

Provision should be made for the review of the minimum rates of wages fixed by the wage-fixing bodies when this is desired by the workers or employers who are members of such bodies.

IV

For effectively protecting the wages of the workers concerned and safeguarding the employers affected against the possibility of unfair competition, the measures to be taken to ensure that wages are not paid at less than the minimum rates which have been fixed should include :

(a) arrangements for informing the employers and workers of the rates in force ;

(b) official supervision of the rates actually being paid; and

(c) penalties for infringements of the rates in force and measures for preventing such infringements.

(1) In order that the workers, who are less likely than the employers to have their own means of acquainting themselves with the wage-fixing body's decisions, may be kept informed of the minimum rates at which they are to be paid, employers might be required to display full statements of the rates in force in readily accessible positions on the premises where the workers

are employed, or in the case of home workers on the premises where the work is given out or returned on completion or wages paid.

(2) A sufficient staff of inspectors should be employed, with powers analogous to those proposed for factory inspectors in the Recommendation concerning the general principles for the organisation of systems of inspection adopted by the General Conference in 1923, to make investigations among the employers and workers concerned with a view to ascertaining whether the minimum rates in force are in fact being paid and taking such steps as may be authorised to deal with infringements of the rates.

As a means of enabling the inspectors adequately to carry out these duties, employers might be required to keep complete and authentic records of the wages paid by them, or in the case of home workers to keep a list of the workers with their addresses and provide them with wage books or other similar record containing such particulars as are necessary to ascertain if the wages actually paid correspond to the rates in force.

(3) In cases where the workers are not in general in a position individually to enforce, by judicial or other legalised proceedings, their rights to recover wages due at the minimum rates in force, such other measures should be provided as may be considered effective for preventing infringements of the rates.

B

The General Conference of the International Labour Organisation thinks it right to call the attention of Governments to the principle affirmed by Article 41 of the Constitution of the International Labour Organisation that men and women should receive equal remuneration for work of equal value.

TWELFTH SESSION

(Geneva, 30 May-21 June 1929)

Recommendation 31

Recommendation concerning the Prevention of Industrial Accidents

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the prevention of industrial accidents, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Recommendation, which may be cited as the Prevention of Industrial Accidents Recommendation, 1929, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of the Constitution of the International Labour Organisation :

Whereas the protection of workers against injury arising out of their employment is instanced by the Preamble to the Constitution of the International Labour Organisation as one of the improvements in industrial conditions which are urgently required ;

Whereas industrial accidents not only cause suffering and distress among workers and their families, but also represent an important material loss to society in general ;

Whereas the International Labour Conference in 1923 adopted a Recommendation concerning the general principles for the organisation of systems of inspection, in which it is laid down *inter alia* that inspection, in order to become progressively more effective, " should be increasingly directed towards securing the adoption of the most suitable safety methods for preventing accidents and diseases with a view to rendering work less dangerous, more healthy, and even less exhausting, by the intelligent understanding, education and co-operation of all concerned " ;

Whereas it is desirable that these measures and methods which experience in the various countries has shown to be most effective in enabling the number of accidents to be reduced and their gravity mitigated should be put on record for the mutual advantage of the Members ;

Whereas a Resolution was adopted at the 1928 Session of the International Labour Conference in which the Conference declared its opinion that the time had come to attempt to reach a higher standard of safety by the development of new methods and that the greatest advance could be made on the lines of the Safety First Movement, although it could not supersede the action of the State in prescribing and enforcing regulations for the prevention of accidents ;

Considering that it is of the highest importance that all persons or bodies, including employers, workers, employers' and workers' organisations, Governments and the general public, should use their best endeavours and every means in their power to help to prevent industrial accidents ;

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration for the prevention of accidents in industrial undertakings. The following in particular are considered as such :

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

(d) transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The Conference, considering further that the prevention of accidents is as necessary in agriculture as in industrial establishments, recommends that each Member of the International Labour Organisation should apply the Recommendation to

agriculture, taking into account the special conditions of agricultural work.

I

1. Whereas the foundations of the study of accident prevention are—

(a) enquiry into the causes and circumstances of accidents,

(b) the study, by means of statistics of accidents in each industry as a whole, of the special dangers which exist in the several industries, the "laws" determining the incidence of accidents and, by comparison over a series of years, the effect of measures taken to avoid them,

The Conference recommends that each Member should take the necessary steps, by means of legislative or administrative action, effectively to ensure the collection and utilisation of the above information.

The Conference also recommends that methodical investigation should be carried out in each country by public services assisted, where it appears desirable, by institutions or committees set up by individual branches of industry.

The public services should have recourse to the collaboration of the industrial organisations of employers and workers and of the services responsible for the supervision of accident prevention, as well as, where desirable, of technical associations and accident insurance institutions or companies.

It is also desirable that industrial associations of employers and workers should collaborate in the institutions for accident prevention in the individual branches of industry.

2. As experience and research have shown that the incidence and gravity of accidents do not depend merely upon the dangers inherent in the work or in the kind of equipment or the various appliances in use, but also on physical, physiological and psychological factors, the Conference recommends that in addition to the investigations mentioned in paragraph 1 in connection with material factors, these other factors should also be investigated.

3. Since the suitability of the worker for his work and the interest which he takes in his work are factors of primary importance for the promotion of safety, it is important that the Members should encourage scientific research into the best methods of vocational guidance and selection and their practical application.

4. Since it is important for the furtherance of accident prevention that the results of the investigations referred to in paragraphs 1 and 2 should be made known as widely as possible, and since it is also desirable that the International Labour Office should be in possession of the information necessary to

enable its work in connection with accident prevention to be extended, the Conference recommended that the more important results of the investigations should be communicated to the International Labour Office for use in its work and publications.

It is also desirable that there should be international consultation and exchange of results between the research institutions or organisations in the several industrial countries.

5. The Members should establish central departments to collect and collate statistics relating to industrial accidents and should communicate to the International Labour Office all available statistics on industrial accidents in their respective countries. They should also, with a view to the subsequent preparation of a Convention, keep in touch with the International Labour Office in framing and developing their industrial accident statistics, with a view to arriving at uniform bases which would as far as possible allow of a comparative study of the statistics of the different countries.

II

6. In view of the satisfactory results which experience in different countries has shown to follow from co-operation between all parties interested in the prevention of industrial accidents, particularly between employers and workers, it is important that the Members should do all in their power to develop and encourage such co-operation, as recommended in the Recommendation on systems of inspection adopted in 1923.

7. It is recommended that in every industry or branch of industry, so far as circumstances require, periodical conferences should be held between the State inspection service, or other competent bodies, and the representative organisations of employers and workers concerned : *(a)* to consider and review the position in the industry as regards the incidence and gravity of accidents, the working and effectiveness of the measures laid down by law, or agreed upon between the State or other competent bodies and representatives of the industry, or tried by individual employers, and *(b)* to discuss proposals for further improvement.

8. It is further recommended that the Members should actively and continuously encourage the adoption of measures for the promotion of safety, in particular *(a)* the establishment in the works of a safety organisation which should include arrangements for a works investigation of every accident occurring in the works, and the consideration of the methods to be adopted for preventing a recurrence ; the systematic supervision of the works, machinery and plant for the purpose of ensuring safety, and in particular of seeing that all safeguards and other safety appliances are maintained in proper

order and position ; the explanation to new, and especially young, workers of the possible dangers of the work of the machinery or plant connected with their work ; the organisation of first aid and transport for injured workers ; and the encouragement of suggestions from the persons employed for rendering work safer ; *(b)* co-operation in the promotion of safety between the management and the workers in individual works, and of employers' and workers' organisations in the industry with each other and with the State and with other appropriate bodies by such methods and arrangements as may appear best adapted to the national conditions and aptitudes. The following methods are suggested as examples for consideration by those concerned : appointment of a safety supervisor for the works, establishment of works safety committees.

9. It is recommended that the Members should do all in their power to awaken and maintain the interest of the workers in the prevention of accidents and ensure their co-operation by means of lectures, publications, cinematograph films, visits to industrial establishments, and by such other means as they may find most appropriate.

10. It is recommended that the State should establish or promote the establishment of permanent safety exhibitions where the best appliances, arrangements and methods for preventing accidents and promoting safety can be seen (and in the case of machinery, seen in action) and advice and information given to employers, works officials, workers, students in the engineering and technical schools, and others.

11. In view of the fact that the workers, by their conduct in the factory, can and should contribute to a large extent to the success of protective measures, the State should use its influence to secure *(a)* that employers should do all in their power to improve the education of their workers in regard to the prevention of accidents, and *(b)* that the workers' organisations should by using their influence with their members co-operate in this work.

12. The Conference recommends that, in addition to measures taken in pursuance of the preceding paragraphs, the State should arrange for monographs on accident causation and prevention in particular industries or branches of industry or particular processes, to be prepared by the State inspection service or other competent authorities, embodying the experience obtained as to the best measures for preventing accidents in the industry or process, and to be published by the State for the information of employers, works officials and workers in the industry and of employers' and workers' organisations.

13. In view of the importance of the work of education referred to in the preceding paragraph, and as a foundation

for such education, the Conference recommends that the Members should arrange for the inclusion in the curricula of the elementary schools of lessons designed to inculcate habits of carefulness, and in the curricula of continuation schools lessons in accident prevention and first aid. Instruction in the prevention of industrial accidents should be given in vocational schools of all grades, where the importance of the subject both from the economic and moral standpoints should be impressed upon the pupils.

14. In view of the great value of immediate first-aid treatment in lessening the gravity of the consequences of accidents, measures should be taken to ensure that the necessary material for first aid should be kept ready for use in all undertakings and that first aid by properly trained persons should be given. It is also desirable that arrangements should be made to ensure that in case of serious accidents the services of a doctor are available as soon as possible. Arrangements should also be made for providing ambulance services for the rapid transport of injured persons to hospital or to their homes.

Special attention should also be paid to the theoretical and practical training of doctors in the treatment of injuries due to accidents.

III

15. As any effective system of accident prevention should rest on a basis of statutory requirements the Conference recommends that each Member should prescribe by law the measures required to ensure an adequate standard of safety.

16. It should be provided by law that it is the duty of the employer to equip and manage his undertaking in such a way that the workers are adequately protected, regard being had to the nature of the undertaking and the state of technical progress, as well as to see that the workers in his employment are instructed as to the dangers, if any, of their occupation and in the measures to be observed by them in order to avoid accidents.

17. It is in general desirable that plans for the construction or substantial alteration of industrial establishments should be submitted in due time to the competent authority, in order that it may be ascertained whether the plans are such as to satisfy the statutory requirements referred to above. The plans should be examined as rapidly as possible in order not to delay the execution of the work.

18. So far as the administrative and legal systems of each country allow, officials of the inspection service or other body responsible for supervising the enforcement of the statutory requirements for the protection of workers against accidents should be empowered to give orders in particular cases to the

employer as to the steps to be taken by him to fulfil his obligations, subject to a right of appeal to a higher administrative authority or to arbitration.

In case of imminent danger the supervising authority should be empowered to require immediate compliance with the orders, notwithstanding the right of appeal.

19. In view of the importance of the conduct of the worker in connection with accident prevention, the law should provide that it is the duty of the worker to comply with the statutory requirements on accident prevention and particularly to refrain from removing safety devices without permission and to use them properly.

20. It is recommended that before administrative orders or regulations for the prevention of accidents in any industry are finally issued by the competent authority, opportunity should be given to the representative organisations of employers and workers concerned to submit their views for the consideration of the competent authority.

21. Statutory or administrative provision should be made enabling the workers to collaborate in securing the observance of the safety regulations by the methods best suited to each country : for example, the appointment of qualified workers to positions in the official inspection service ; regulations authorising the workers to call for a visit from an official of the inspection service or other competent body when they consider such a course desirable, or requiring the employer to give workers or their representatives an opportunity of seeing the inspector when he is visiting the undertaking ; inclusion of workers' representatives in safety committees for securing the enforcement of the regulations and establishing the causes of accidents.

IV

22. The Conference recommends that the State should endeavour to secure that accident insurance institutions or companies take into account, in assessing the premium for an undertaking, the measures taken therein for the protection of the workers, in order to encourage the development of safety measures by employers.

23. The State should use its influence with accident insurance institutions and companies to co-operate in the work of accident prevention by such means as the following : communication of information on causes and consequences of accidents to the inspection service or other supervising authorities concerned ; co-operation in the institutions and committees referred to in paragraph 1 and in the Safety First Movement in general ; advances to employers for the adoption or improvement of safety appliances ; the award of prizes to workmen, engineers and others who, by their inventions or ideas, con-

tribute substantially to the avoidance of accidents ; propaganda among employers and the public ; advice on safety measures, contributions to safety museums and institutions for instruction in accident prevention.

Convention 27

Convention concerning the Marking of the Weight on Heavy Packages Transported by Vessels [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the marking of the weight on heavy packages transported by vessels, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Convention, which may be cited as the Marking of Weight (Packages Transported by Vessels) Convention, 1929, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have had its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.

2. In exceptional cases where it is difficult to determine the exact weight, national laws or regulations may allow an approximate weight to be marked.

3. The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned and not on the Government of a country through which it passes on the way to its destination.

4. It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as

[1] Date of coming into force : 9 March 1932.

aforesaid shall fall on the consignor or on some other person or body.

Article 2

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 3

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 4

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 5

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 6

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of

the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 7

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 8

The French and English texts of this Convention shall both be authentic.

Recommendation 32

Recommendation concerning Responsibility for the Protection of Power-driven Machinery

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to responsibility for the protection of power-driven machinery, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Recommendation, which may be cited as the Power-driven Machinery Recommendation, 1929, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

I

In order more effectively to ensure, in the interest of the safety of the workers, that the requirements prescribed by national laws or regulations for the protection of power-driven machinery used in the country concerned are properly complied with, and without prejudice to the responsibility which should in any case rest and remain on the employer for seeing that any machinery used in his undertaking is protected in accordance with national laws or regulations,

The Conference recommends that each Member adopt and apply to as great an extent as possible the principle that it should be prohibited by law to supply or install any machine intended to be driven by mechanical power and to be used within its territory, unless it is furnished with the safety appliances required by law for the operation of machines of that type.

The previous paragraph applies to any electrical equipment forming part of such a machine.

II

Each Member should keep the International Labour Office informed of the measures taken by it to apply the above-mentioned principle and of the results of its application.

Convention 28

Convention concerning the Protection against Accidents of Workers Employed in Loading or Unloading Ships [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the protection against accidents of workers employed in loading or unloading ships, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Convention, which may be cited as the Protection against Accidents (Dockers) Convention, 1929, for ratification by the Members of the Inter-

[1] Date of coming into force : 1 April 1932. The Convention was revised in 1932 by Convention 32 (see p. 198).

national Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

For the purpose of this Convention—

(1) the term " processes " means and includes all or any part of the work performed on shore or on board ship of loading or unloading any ship whether engaged in maritime or inland navigation, excluding ships of war, in, on, or at any maritime or inland port, harbour, dock, wharf, quay or similar place at which such work is carried on ; and

(2) the term " worker " means any person employed in the processes.

Article 2

1. Any regular approach over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the workers using them.

2. In particular,

(1) every said working place on shore and any dangerous parts of any said approach thereto from the nearest highway shall be safely and efficiently lighted ;

(2) wharves and quays shall be kept sufficiently clear of goods to maintain a clear passage to the means of access referred to in Article 3 ;

(3) where any space is left along the edge of any wharf or quay, it shall be at least 3 feet (90 cm.) wide and clear of all obstructions other than fixed structures, plant and appliances in use ; and

(4) so far as is practicable having regard to the traffic and working—

(a) all dangerous parts of the said approaches and working places (*e.g.* dangerous breaks, corners and edges) shall be adequately fenced to a height of not less than 2 feet 6 inches (75 cm.) ;

(b) dangerous footways over bridges, caissons and dock gates shall be fenced to a height of not less than 2 feet 6 inches (75 cm.) on each side, and the said fencing shall be continued at both ends to a sufficient distance which shall not be required to exceed 5 yards (4 m. 50).

Article 3

(1) When a ship is lying alongside a quay or some other vessel for the purpose of the processes, there shall be safe means of access for the use of the workers at such times as

they have to pass to or from the ship, unless the conditions are such that they would not be exposed to undue risk if no special appliance were provided.

(2) The said means of access shall be—

(a) where reasonably practicable, the ship's accommodation ladder, a gangway or a similar construction ;

(b) in other cases a ladder.

(3) The appliances specified in paragraph (2) *(a)* of this Article shall be at least 22 inches (55 cm.) wide, properly secured to prevent their displacement, not inclined at too steep an angle, constructed of materials of good quality and in good condition, and securely fenced throughout to a clear height of not less than 2 feet 9 inches (82 cm.) on both sides, or in the case of the ship's accommodation ladder securely fenced to the same height on one side, provided that the other side is properly protected by the ship's side.

Provided that any appliances as aforesaid in use at the date of the ratification of this Convention shall be allowed to remain in use—

(a) until the fencing is renewed if they are fenced on both sides to a clear height of at least 2 feet 8 inches (80 cm.) ;

(b) for one year from the date of ratification if they are fenced on both sides to a clear height of at least 2 feet 6 inches (75 cm.).

(4) The ladders specified in paragraph (2) *(b)* of this Article shall be of adequate length and strength, and properly secured.

(5) *(a)* Exceptions to the provisions of this Article may be allowed by the competent authorities when they are satisfied that the appliances specified in the Article are not required for the safety of the workers.

(b) The provisions of this Article shall not apply to cargo stages or cargo gangways when exclusively used for the processes.

(6) Workers shall not use, or be required to use, any other means of access than the means specified or allowed by this Article.

Article 4

When the workers have to proceed to or from a ship by water for the processes, appropriate measures shall be prescribed to ensure their safe transport, including the conditions to be complied with by the vessels used for this purpose.

Article 5

(1) When the workers have to carry on the processes in a hold the depth of which from the level of the deck to the

bottom of the hold exceeds 5 feet (1 m. 50), there shall be safe means of access from the deck to the hold for their use.

(2) The said means of access shall ordinarily be by ladder, which shall not be deemed to be safe unless it complies with the following conditions :

(a) leaves sufficient free space behind the rungs, which in the case of ladders on bulkheads and in trunk hatchways shall not be less than 4 1/2 inches (11 1/2 cm.), or has throughout rungs of proper width for firm foothold and handhold ;

(b) is not recessed under the deck more than is reasonably necessary to keep it clear of the hatchway ;

(c) is continued by and is in line with arrangements for secure handhold and foothold on the coamings (*e.g.* cleats or cups) ;

(d) the said arrangements on the coamings stand out not less than 4 1/2 inches (11 1/2 cm.) for a width of 10 inches (25 cm.) ; and

(e) if separate ladders are provided between the lower decks, the said ladders are as far as practicable in line with the ladder from the top deck.

Where, however, owing to the construction of the ship, the provision of a ladder would not be reasonably practicable, it shall be open to the competent authorities to allow other means of access, provided that they comply with the conditions laid down in this Article for ladders so far as they are applicable.

(3) Sufficient free passage to the means of access shall be left at the coamings.

(4) Shaft tunnels shall be equipped with adequate handhold and foothold on both sides.

(5) When a ladder is to be used in the hold of a vessel which is not decked it shall be the duty of the contractor undertaking the processes to provide such ladder. It shall be equipped at the top with hooks for fastening it on to the coamings or with other means for firmly securing it.

(6) The workers shall not use, or be required to use, other means of access than the means specified or allowed by this Article.

(7) Ships existing at the date of ratification of this Convention shall be exempt from compliance with the measurements in paragraph 2 *(a)* and *(d)* and from the provisions of paragraph 4 of this Article for a period not exceeding four years from the date of ratification of this Convention.

Article 6

While the workers are on a ship for the purpose of the processes, no hatchway of a cargo hold which exceeds 5 feet (1 m. 50) in depth from the level of the deck to the bottom of

the hold and which is accessible to the workers shall be left open and unprotected, but every such hatchway which is not protected to a clear height of 2 feet 6 inches (75 cm.) by the coamings shall either be securely fenced to a height of 3 feet (90 cm.) if the processes at that hatchway are not impeded thereby or be securely covered.

Similar measures shall be taken when necessary to protect any other openings in a deck which might be dangerous to the workers.

Provided that the requirements of this Article shall not apply when a proper and sufficient watch is being kept.

Article 7

1. When the processes have to be carried on on a ship, the means of access thereto and all places on board at which the workers are employed or to which they may be required to proceed in the course of their employment shall be efficiently lighted.

2. The means of lighting shall be such as not to endanger the safety of the workers nor to interfere with the navigation of other vessels.

Article 8

In order to ensure the safety of the workers when engaged in removing or replacing hatch coverings and beams used for hatch coverings—

(1) hatch coverings and beams used for hatch coverings shall be maintained in good condition ;

(2) hatch coverings shall be fitted with adequate hand grips, having regard to their size and weight ;

(3) beams used for hatch coverings shall have suitable gear for removing and replacing them of such a character as to render it unnecessary for workers to go upon them for the purpose of adjusting such gear ;

(4) all hatch coverings and fore and aft and thwart-ship beams shall, in so far as they are not interchangeable, be kept plainly marked to indicate the deck and hatch to which they belong and their position therein ;

(5) hatch coverings shall not be used in the construction of cargo stages or for any other purpose which may expose them to damage.

Article 9

Appropriate measures shall be prescribed to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition.

In particular,

(1) before being taken into use, the said machines, fixed gear on board ship accessory thereto as defined by national laws or regulations, and chains and wire ropes used in connection therewith, shall be adequately examined and tested, and the safe working load thereof certified, in the manner prescribed and by a competent person;

(2) after being taken into use, every hoisting machine, whether used on shore or on board ship, and all fixed gear on board ship accessory thereto as defined by national laws or regulations shall be thoroughly examined or inspected as follows:

(a) to be thoroughly examined every four years and inspected every twelve months: derricks, goose necks, mast bands, derrick bands, eyebolts, spans and any other fixed gear the dismantling of which is specially difficult;

(b) to be thoroughly examined every twelve months: all hoisting machines (*e.g.* cranes, winches), blocks, shackles and all other accessory gear not included in *(a)*.

All loose gear (*e.g.* chains, wire ropes, rings, hooks) shall be inspected on each occasion before use unless they have been inspected within the previous three months.

Chains shall not be shortened by tying knots in them and precautions shall be taken to prevent injury to them from sharp edges.

A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one half of the wires cut out of each strand; provided that this requirement shall not operate to prevent the use of another form of splice which can be shown to be as efficient as the form hereby prescribed.

(3) Chains and such similar gear as is specified by national laws or regulations (*e.g.* hooks, rings, shackles, swivels) shall, unless they have been subjected to such other sufficient treatment as may be prescribed by national laws or regulations, be annealed under the supervision of a competent person as follows:

(a) In the case of chains and the said gear carried on board ship—

(i) half inch (12 1/2 mm.) and smaller chains or gear in general use once at least in every six months;

(ii) all other chains or gear (including span chains but excluding bridle chains attached to derricks or masts) in general use once at least in every twelve months:

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months

shall be substituted for six months in sub-paragraph (i) and two years for twelve months in sub-paragraph (ii) ;

Provided also that, if the competent authority is of opinion that owing to the size, design, material or infrequency of use of any of the said gear other than chains the requirements of this paragraph as to annealing are not necessary for the protection of the workers, it may, by certificate in writing (which it may at its discretion revoke) exempt such gear from the said requirements subject to such conditions as may be specified in the said certificate.

(b) In the case of chains and the said gear not carried on board ship :
Measures shall be prescribed to secure the annealing of the said chains and gear.

(c) In the case of the said chains and gear whether carried on board ship or not, which have been lengthened, altered or repaired by welding, they shall thereupon be tested and re-examined.

(4) Such duly authenticated records as will provide sufficient *prima facie* evidence of the safe condition of the machines and gear concerned shall be kept, on shore or on the ship as the case may be, specifying the safe working load and the dates and results of the tests and examinations referred to in paragraphs (1) and (2) of this Article and of the annealings or other treatment referred to in paragraph (3).

Such records shall, on the application of any person authorised for the purpose, be produced by the person in charge thereof.

(5) The safe working load shall be kept plainly marked on all cranes, derricks and chain slings and on any similar hoisting gear used on board ship as specified by national laws or regulations. The safe working load marked on chain slings shall either be in plain figures or letters upon the chains or upon a tablet or ring of durable material attached securely thereto.

(6) All motors, cogwheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every worker employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship.

(7) Cranes and winches shall be provided with effective appliances to prevent the accidental descent of a load while in process of being lifted or lowered.

(8) Appropriate measures shall be taken to prevent exhaust steam from and, so far as practicable, live steam to any crane or winch obscuring any part of the working place at which a worker is employed.

Article 10

Only sufficiently competent and reliable persons shall be employed to operate lifting or transporting machinery whether driven by mechanical power or otherwise, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums.

Article 11

(1) No load shall be left suspended from any hoisting machine unless there is a competent person actually in charge of the machine while the load is so left.

(2) Appropriate measures shall be prescribed to provide for the employment of a signaller where this is necessary for the safety of the workers.

(3) Appropriate measures shall be prescribed with the object of preventing dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith.

(4) Before work is begun at a hatch the beams thereof shall be removed, unless the hatch is of sufficient size to preclude danger to the workers from a load striking against the beams ; provided that when the beams are not removed they shall be securely fastened to prevent their displacement.

(5) Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

(6) No stage shall be used in the processes unless it is substantially and firmly constructed, adequately supported and where necessary securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Stages shall where necessary be treated with suitable material to prevent the workers slipping.

(7) When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods (nor can-hooks on barrels), except for the purpose of breaking out or making up slings.

(8) No gear of any description shall be loaded beyond the safe working load, except on special occasions expressly authorised by the owner or his responsible agent of which a record shall be kept.

(9) In the case of shore cranes with varying capacity (*e.g.* raising and lowering jib with load capacity varying according to the angle) an automatic indicator or a table showing the safe working loads at the corresponding inclinations of the jib shall be provided on the crane.

Article 12

National laws or regulations shall prescribe such precautions as may be deemed necessary to ensure the proper protection of the workers, having regard to the circumstances of each case, when they have to deal with or work in proximity to goods which are in themselves dangerous to life or health by reason either of their inherent nature or of their condition at the time, or work where such goods have been stowed.

Article 13

1. At docks, wharves, quays and similar places which are in frequent use for the processes, such facilities as having regard to local circumstances shall be prescribed by national laws or regulations shall be available for rapidly securing the rendering of first-aid and in serious cases of accident removal to the nearest place of treatment. Sufficient supplies of first-aid equipment shall be kept permanently on the premises in such a condition and in such positions as to be fit and readily accessible for immediate use during working hours. The said supplies shall be in charge of a responsible person or persons, who shall include one or more persons competent to render first-aid, and whose services shall also be readily available during working hours.

2. At such docks, wharves, quays and similar places as aforesaid appropriate provision shall also be made for the rescue of immersed workers from drowning.

Article 14

Any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing whatsoever required to be provided under this Convention shall not be removed or interfered with by any person except when duly authorised or in case of necessity, and if removed shall be restored at the end of the period for which its removal was necessary.

Article 15

1. It shall be open to each Member to grant exemptions from or exceptions to the provisions of this Convention in respect of any dock, wharf, quay or similar place at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or in respect of certain special ships or special classes of ships or ships below a certain small tonnage, or in cases where as a result of climatic conditions it would be impracticable to require the provisions of this Convention to be carried out.

2. The International Labour Office shall be kept informed of the provisions in virtue of which any exemptions and exceptions as aforesaid are allowed.

Article 16

Except as herein otherwise provided, the provisions of this Convention which affect the construction or permanent equipment of the ship shall apply to ships the building of which is commenced after the date of ratification of the Convention, and to all other ships within four years after that date, provided that in the meantime the said provisions shall be applied so far as reasonable and practicable to such other ships.

Article 17

In order to ensure the due enforcement of any regulations prescribed for the protection of the workers against accidents—

(1) the regulations shall clearly define the persons or bodies who are to be responsible for compliance with the respective regulations ;

(2) provision shall be made for an efficient system of inspection and for penalties for breaches of the regulations ;

(3) copies or summaries of the regulations shall be posted up in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes.

Article 18

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 19

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 20

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 21

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 22

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 23

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 21 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 24

The French and English texts of this Convention shall both be authentic.

Recommendation 33

Recommendation concerning Reciprocity as regards the Protection against Accidents of Workers Employed in Loading or Unloading Ships

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to reciprocity as regards the protection of workers employed in loading or unloading ships, which is included in the second item of the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Recommendation, which may be cited as the Protection against Accidents (Dockers) Reciprocity Recommendation, 1929, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The Conference,

Recognising that the Convention concerning the protection against accidents of workers employed in loading or unloading ships, while having as its main object the protection against accidents of the said workers, at the same time affords an opportunity for regulations being prepared and issued by the Members which should secure reasonable uniformity on the basis of the Convention and for extension of the principle of reciprocity in the mutual recognition of certificates of inspection and examination ; and

Recalling in this connection the principles laid down in the Copenhagen Convention of 28 January 1926 on the seaworthiness and equipment of ships as modified by the Declaration of 11 June 1928 :

Strongly recommends that, following the ratification of, and issuing of regulations as aforesaid based upon, the Convention concerning the protection against accidents of workers employed in loading or unloading ships, the Members which have ratified the said Convention should enter into conference for the purpose of securing agreement for reciprocity, subject to all such agreements making secure the main object of the Convention, namely the safety of the persons employed.

Recommendation 34

Recommendation concerning the Consultation of Workers' and Employers' Organisations in the Drawing up of Regulations dealing with the Safety of Workers Employed in Loading or Unloading Ships

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the consultation of workers' and employers' organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships, which is included in the second item of the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Recommendation, which may be cited as the Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The Conference,

Having adopted a Convention concerning the protection against accidents of workers employed in loading or unloading ships, and

Desiring to indicate for the guidance of the Members a method of bringing the Convention into operation in their respective countries,

Supplements this Convention by the following Recommendation :

That the authorities responsible for the making of regulations for the protection against accidents of workers employed in loading or unloading ships should, either directly or through any special joint machinery recognised for the purpose, consult the workers' and employers' organisations concerned, if any, in their respective countries in the drawing up of new regulations under the above-mentioned Convention.

FOURTEENTH SESSION

(Geneva, 10-28 June 1930)

Convention 29

Convention concerning Forced or Compulsory Labour [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.

3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

Article 2

1. For the purposes of this Convention the term " forced or compulsory labour " shall mean all work or service which

[1] Date of coming into force : 1 May 1932.

is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term " forced or compulsory labour " shall not include—

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character ;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country ;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations ;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population ;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Article 3

For the purposes of this Convention the term " competent authority " shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

Article 5

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

Article 6

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

Article 7

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Article 8

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of Government stores.

Article 9

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory

labour shall, before deciding to have recourse to such labour, satisfy itself—

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;

(b) that the work or service is of present or imminent necessity ;

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service ; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Article 10

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself—

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;

(b) that the work or the service is of present or imminent necessity ;

(c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work ;

(d) that the work or service will not entail the removal of the workers from their place of habitual residence ;

(e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

Article 11

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply :

(a) whenever possible prior determination by a medical officer appointed by the administration that the persons con-

cerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out ;

(b) exemption of school teachers and pupils and of officials of the administration in general ;

(c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life ;

(d) respect for conjugal and family ties.

2. For the purposes of sub-paragraph *(c)* of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either

in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

Article 15

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

Article 17

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself—

(1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, *(a)* that the workers are medically examined before commencing the work and at fixed intervals during the period of service, *(b)* that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and *(c)* that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory ;

(2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers ;

(3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport ;

(4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration ;

(5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

Article 18

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, *inter alia, (a)* that such labour shall only be employed for the

purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of Government stores, or, in cases of very urgent necessity, the transport of persons other than officials, *(b)* that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, *(c)* the maximum load which these workers may carry, *(d)* the maximum distance from their homes to which they may be taken, *(e)* the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and *(f)* the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under *(c)*, *(d)* and *(e)* in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Article 19

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Article 21

Forced or compulsory labour shall not be used for work underground in mines.

Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

2. These regulations shall contain, *inter alia,* rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

Article 24

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Article 26

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection,

suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction ; provided that, if such Member may desire to take advantage of the provisions of Article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating—

(1) the territories to which it intends to apply the provisions of this Convention without modification ;

(2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications ;

(3) the territories in respect of which it reserves its decision.

2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

Article 27

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 28

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered.

Article 29

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 30

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on

which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 31

At the expiration of each period of five years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 32

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 33

The French and English texts of this Convention shall both be authentic.

Recommendation 35

Recommendation concerning Indirect Compulsion to Labour

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to indirect compulsion to labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Recommendation, which may be cited as the Forced Labour (Indirect Compulsion) Recommendation, 1930, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Having adopted a Convention concerning forced or compulsory labour, and

Desiring to supplement this Convention by a statement of the principles which appear best fitted to guide the policy of the Members in endeavouring to avoid any indirect compulsion to labour which would lay too heavy a burden upon the populations of territories to which the Convention may apply,

The Conference recommends that each Member should take the following principles into consideration :

I

The amount of labour available, the capacities for labour of the population, and the evil effects which too sudden changes in the habits of life and labour may have on the social conditions of the population, are factors which should be taken into consideration in deciding questions connected with the economic development of territories in a primitive stage of development, and, in particular, when deciding upon :

(a) increases in the number and extent of industrial, mining and agricultural undertakings in such territories ;

(b) the non-indigenous settlement, if any, which is to be permitted ;

(c) the granting of forest or other concessions, with or without the character of monopolies.

II

The desirability of avoiding indirect means of artificially increasing the economic pressure upon populations to seek wage-earning employment, and particularly such means as :

(a) imposing such taxation upon populations as would have the effect of compelling them to seek wage-earning employment with private undertakings ;

(b) imposing such restrictions on the possession, occupation,

or use of land as would have the effect of rendering difficult the gaining of a living by independent cultivation ;

(c) extending abusively the generally accepted meaning of vagrancy ;

(d) adopting such pass laws as would have the effect of placing workers in the service of others in a position of advantage as compared with that of other workers.

III

The desirability of avoiding any restrictions on the voluntary flow of labour from one form of employment to another or from one district to another which might have the indirect effect of compelling workers to take employment in particular industries or districts, except where such restrictions are considered necessary in the interest of the population or of the workers concerned.

Recommendation 36

Recommendation concerning the Regulation of Forced or Compulsory Labour

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of forced or compulsory labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Recommendation, which may be cited as the Forced Labour (Regulation) Recommendation, 1930, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Having adopted a Convention concerning forced or compulsory labour, and

Desiring to give expression to certain principles and rules relating to forced or compulsory labour which appear to be of a nature to render the application of the said Convention more effective,

The Conference recommends that each Member should take the following principles and rules into consideration :

I

Any regulations issued in application of the Convention concerning forced or compulsory labour, as well as any other legal provisions or administrative orders, existing at the time of the ratification of the said Convention or thereafter enacted, governing the employment of forced or compulsory labour, including any laws or administrative orders concerning compensation or indemnification for sickness, injury to, or death of workers taken for forced or compulsory labour, should be printed by the competent authority in such one or more native languages as will convey their import to the workers concerned and to the population from which the workers are to be drawn. Such printed texts should be widely exhibited and, if necessary, arrangements made for their oral communication to the workers and to the population concerned ; copies should also be made available to the workers concerned and to others at cost price.

II

Recourse to forced or compulsory labour should be so regulated as not to imperil the food supply of the community concerned.

III

When recourse is had to forced or compulsory labour all possible measures should be taken to ensure that the imposition of such labour in no case leads indirectly to the illegal employment of women and children on forced or compulsory labour.

IV

All possible measures should be taken to reduce the necessity for recourse to forced or compulsory labour for the transport of persons or goods. Such recourse should be prohibited when and where animal or mechanical transport is available.

V

All possible steps should be taken to see that no alcoholic temptations are placed in the way of workers engaged in forced or compulsory labour.

*

Convention 30

Convention concerning the Regulation of Hours of Work in Commerce and Offices [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in commerce and offices, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Hours of Work (Commerce and Offices) Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. This Convention shall apply to persons employed in the following establishments, whether public or private :

(a) commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments ;

(b) establishments and administrative services in which the persons employed are mainly engaged in office work ;

(c) mixed commercial and industrial establishments, unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line which separates commercial and trading establishments, and establishments in which the persons employed are mainly engaged in office work, from industrial and agricultural establishments.

2. The Convention shall not apply to persons employed in the following establishments :

(a) establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit ;

(b) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses ;

[1] Date of coming into force : 29 August 1933.

(c) theatres and places of public amusement.

The Convention shall nevertheless apply to persons employed in branches of the establishments mentioned in *(a)*, *(b)* and *(c)* of this paragraph in cases where such branches would, if they were independent undertakings, be included among the establishments to which the Convention applies.

3. It shall be open to the competent authority in each country to exempt from the application of the Convention—

(a) establishments in which only members of the employer's family are employed ;

(b) offices in which the staff is engaged in connection with the administration of public authority ;

(c) persons occupying positions of management or employed in a confidential capacity ;

(d) travellers and representatives, in so far as they carry on their work outside the establishment.

Article 2

For the purpose of this Convention the term " hours of work " means the time during which the persons employed are at the disposal of the employer ; it does not include rest periods during which the persons employed are not at the disposal of the employer.

Article 3

The hours of work of persons to whom this Convention applies shall not exceed forty-eight hours in the week and eight hours in the day, except as hereinafter otherwise provided.

Article 4

The maximum hours of work in the week laid down in Article 3 may be so arranged that hours of work in any day do not exceed ten hours.

Article 5

1. In case of a general interruption of work due to *(a)* local holidays, or *(b)* accidents or *force majeure* (accidents to plant, interruption of power, light, heating or water, or occurrences causing serious material damage to the establishments), hours of work in the day may be increased for the purpose of making up the hours of work which have been lost, provided that the following conditions are complied with :

(a) hours of work which have been lost shall not be allowed to be made up on more than thirty days in the year and shall be made up within a reasonable lapse of time ;

(b) the increase in hours of work in the day shall not exceed one hour ;

(c) hours of work in the day shall not exceed ten.

2. The competent authority shall be notified of the nature, cause and date of the general interruption of work, of the number of hours of work which have been lost, and of the temporary alterations provided for in the working time-table.

Article 6

In exceptional cases where the circumstances in which the work has to be carried on make the provisions of Articles 3 and 4 inapplicable, regulations made by public authority may permit hours of work to be distributed over a period longer than the week, provided that the average hours of work over the number of weeks included in the period do not exceed forty-eight hours in the week and that hours of work in any day do not exceed ten hours.

Article 7

Regulations made by public authority shall determine—

1. The permanent exceptions which may be allowed for—

(a) certain classes of persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses ;

(b) classes of persons directly engaged in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the hours of work of the rest of the persons employed in the establishment ;

(c) shops and other establishments where the nature of the work, the size of the population or the number of persons employed render inapplicable the working hours fixed in Articles 3 and 4.

2. The temporary exceptions which may be granted in the following cases :

(a) in case of accident, actual or threatened, *force majeure,* or urgent work to machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment ;

(b) in order to prevent the loss of perishable goods or avoid endangering the technical results of the work ;

(c) in order to allow for special work such as stocktaking and the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts ;

(d) in order to enable establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

3. Save as regards paragraph 2 *(a),* the regulations made under this Article shall determine the number of additional

hours of work which may be allowed in the day and, in respect of temporary exceptions, in the year.

4. The rate of pay for the additional hours of work permitted under paragraph 2 *(b)*, *(c)* and *(d)* of this Article shall not be less than one-and-a-quarter times the regular rate.

Article 8

The regulations provided for in Articles 6 and 7 shall be made after consultation with the workers' and employers' organisations concerned, special regard being paid to collective agreements, if any, existing between such workers' and employers' organisations.

Article 9

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering national safety.

Article 10

1. Nothing in this Convention shall affect any custom or agreement whereby shorter hours are worked or higher rates of remuneration are paid than those provided by this Convention.

2. Any restrictions imposed by this Convention shall be in addition to and not in derogation of any other restrictions imposed by any law, order or regulation which fixes a lower maximum number of hours of employment or a higher rate of remuneration than those provided by this Convention.

Article 11

For the effective enforcement of the provisions of this Convention—

1. The necessary measures shall be taken to ensure adequate inspection ;

2. Every employer shall be required—

(a) to notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, or by such method as may be approved by the competent authority, the times at which hours of work begin and end, and, where work is carried on by shifts, the times at which each shift begins and ends ;

(b) to notify in the same way the rest periods granted to the persons employed which, in accordance with Article 2, are not included in the hours of work ;

(c) to keep a record in the form prescribed by the competent authority of all additional hours of work performed in pursuance of paragraph 2 of Article 7 and of the payments made in respect thereof.

3. It shall be made an offence to employ any person outside the times fixed in accordance with paragraph 2 *(a)* or during the periods fixed in accordance with paragraph 2 *(b)* of this Article.

Article 12

Each Member which ratifies this Convention shall take the necessary measures in the form of penalties to ensure that the provisions of the Convention are enforced.

Article 13

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 14

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 15

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph,

exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The French and English texts of this Convention shall both be authentic.

Recommendation 37

Recommendation concerning the Regulation of Hours of Work in Hotels, Restaurants and Similar Establishments

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to hours of work in hotels, restaurants and similar establishments, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Recommendation, which

may be cited as the Hours of Work (Hotels, etc.) Recommendation, 1930, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

Having adopted a Convention concerning the regulation of hours of work in commerce and offices, and

Wishing to extend subsequently the application of the rules laid down in the said Convention to as many classes of establishments as possible, including hotels, restaurants and similar establishments,

The Conference recommends :

1. That those Members in which no statutory regulation yet exists of the hours of work of persons employed in hotels, restaurants, boarding houses, clubs, cafés and similar establishments which are exclusively or mainly engaged in providing board and lodging or supplying refreshments for consumption on the premises, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Convention ;

2. That those Members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Convention in question ; and

3. That in both cases the Members should, within four years of the adoption of this Recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the agenda of a subsequent session of the Conference, with a view to the adoption of a Convention.

Recommendation 38

Recommendation concerning the Regulation of Hours of Work in Theatres and other Places of Public Amusement

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in theatres

and other places of public amusement, which is included in the second item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Recommendation, which may be cited as the Hours of Work (Theatres, etc.) Recommendation, 1930, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of the Constitution of the International Labour Organisation :

Having adopted a Convention concerning the regulation of hours of work in commerce and offices, and

Wishing to extend subsequently the application of the rules laid down in the said Convention to as many classes of establishments as possible, including theatres and other places of public amusement,

The Conference recommends :

1. That those Members in which no statutory regulation yet exists of the hours of work of persons employed in theatres, music halls, cinemas and places of public amusement generally, whether indoor or outdoor, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Convention ;

2. That those Members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Convention in question ; and

3. That in both cases the Members should, within four years of the adoption of this Recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the agenda of a subsequent session of the Conference, with a view to the adoption of a Convention.

Recommendation 39

Recommendation concerning the Regulation of Hours of Work in Establishments for the Treatment or the Care of the Sick, Infirm, Destitute or Mentally Unfit

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Recommendation, which may be cited as the Hours of Work (Hospitals, etc.) Recommendation, 1930, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of the Constitution of the International Labour Organisation :

Having adopted a Convention concerning the regulation of hours of work in commerce and offices, and

Wishing to extend such regulations to as many classes of establishments as possible, including establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit,

The Conference recommends :

1. That those Members in which no statutory regulations yet exist on the hours of work of persons employed in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Convention ;

2. That those Members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Convention in question ; and

3. That in both cases the Members should, within four years of the adoption of this Recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the agenda of a subsequent session of the Conference, with a view to the adoption of a Convention.

FIFTEENTH SESSION

(Geneva, 28 May-18 June 1931)

Convention 31

Convention Limiting Hours of Work in Coal Mines [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifteenth Session on 28 May 1931, and

Having decided upon the adoption of certain proposals with regard to hours of work in coal mines, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eighteenth day of June of the year one thousand nine hundred and thirty-one the following Convention, which may be cited as the Hours of Work (Coal Mines) Convention, 1931, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or principally hard coal or lignite together with other minerals, is extracted.

2. For the purpose of this Convention, the term " lignite mine " shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted.

Article 2

For the purpose of this Convention, the term " worker " shall mean—

(a) in underground coal mines, any person occupied underground, by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work ;

(b) in open coal mines, any person employed directly or indirectly in the extraction of coal, except persons engaged

[1] This Convention had not come into force by 1 January 1949. It was revised in 1935 by Convention 46 (see p. 309).

in supervision or management who do not ordinarily perform manual work.

Article 3

Hours of work in underground hard coal mines shall mean the time spent in the mine, calculated as follows :

1. Time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending.

2. In mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface.

3. In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day.

Article 4

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface is the same as that laid down in paragraph 3 of Article 3. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

Article 5

1. Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes ; provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift.

2. Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof.

Article 6

1. Workers shall not be employed on underground work in

coal mines on Sundays and legal public holidays. National laws or regulations may, however, authorise the following exceptions for workers over eighteen years of age :

(a) for work which, owing to its nature, must be carried on continuously ;

(b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals ;

(c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking ;

(d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer.

2. The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article.

3. Work permitted under paragraph 1 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

4. Workers who are engaged to any considerable extent on work permitted under paragraph 1 of this Article shall be assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 3 of this Article. The detailed application of this provision shall be regulated by national laws or regulations.

Article 7

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause.

Article 8

1. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded—

(a) in case of accident, actual or threatened, in case of *force majeure,* or in case of urgent work to be done to machinery, plant or equipment on the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine ;

(b) for workers employed on operations which by their nature must be carried on continuously or on technical work, in

so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal ; the additional time authorised by this paragraph shall not exceed half an hour on any day for any individual worker, and in the case of all mines in normal operation the number of workers concerned shall at no time exceed 5 per cent. of the total number of persons employed at the mine.

2. Overtime worked in accordance with the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 9

1. Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

2. This overtime shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 10

The regulations mentioned in Articles 7, 8 and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned.

Article 11

The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall contain all information as to the action taken to regulate the hours of work in accordance with the provisions of Articles 3, 4 and 5. They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement.

Article 12

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required—

(a) to notify by means of notices conspicuously posted at the pithead or in some other suitable place, or by such other method as may be approved by the public authority, the hours at which the workers of each shift or group shall begin to descend and shall have completed the ascent.

These hours shall be approved by the public authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention. When once notified, they shall not be changed

except with the approval of the public authority and by such notice and in such manner as may be approved by the public authority.

(b) to keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 8 and 9.

Article 13

1. In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions :

(a) in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift ; such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned ;

(b) the number of hours overtime provided for in Article 9 may be increased to not more than seventy-five hours a year.

2. In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, paragraph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions.

Article 14

In open hard coal and lignite mines Articles 3 to 13 of this Convention shall not be applicable. Nevertheless, Members which ratify this Convention undertake to apply to these mines the provisions of the Washington Convention of 1919 limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, provided that the amount of overtime which may be worked in virtue of Article 6, paragraph *(b)*, of the said Convention shall not exceed one hundred hours a year. Where special needs so require, and only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours a year.

Article 15

Nothing in this Convention shall have the effect of altering

national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers.

Article 16

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety.

Article 17

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the International Labour Office.

2. It shall come into force six months after the date on which the ratifications of two of the following Members have been registered by the Director-General of the International Labour Office : Belgium, Czechoslovakia, France, Germany, Great Britain, Netherlands and Poland.

3. Thereafter the Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 19

As soon as the ratifications of two of the Members mentioned in the second paragraph of Article 18 have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 20

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article,

will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of three years under the terms provided for in this Article.

Article 21

1. At the latest within three years from the coming into force of this Convention the Governing Body of the International Labour Office shall place on the agenda of the Conference the question of the revision of this Convention on the following points :

(a) the possibility of a further reduction in the hours of work provided for in paragraph 3 of Article 3 ;

(b) the right to have recourse to the exceptional method of calculation laid down in Article 5 ;

(c) the possibility of modifying the provisions of Article 13, paragraphs *(a)* and *(b)*, in the direction of a reduction of the hours of work ;

(d) the possibility of a reduction in the amount of overtime provided for in Article 14.

2. Moreover, at the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 22

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 23

The French and English texts of this Convention shall both be authentic.

SIXTEENTH SESSION

(Geneva, 12-30 April 1932)

Convention 32

Convention concerning the Protection against Accidents of Workers Employed in Loading or Unloading Ships (Revised 1932) [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning the protection against accidents of workers employed in loading or unloading ships adopted by the Conference at its Twelfth Session, which is the fourth item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-seventh day of April of the year one thousand nine hundred and thirty-two the following Convention, which may be cited as the Protection against Accidents (Dockers) Convention (Revised), 1932, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

For the purpose of this Convention—

(1) the term " processes " means and includes all or any part of the work performed on shore or on board ship of loading or unloading any ship whether engaged in maritime or inland navigation, excluding ships of war, in, on, or at any maritime or inland port, harbour, dock, wharf, quay or similar place at which such work is carried on ; and

(2) the term " worker " means any person employed in the processes.

Article 2

1. Any regular approach over a dock, wharf, quay or

[1] Date of coming into force : 30 October 1934.

similar premises which workers have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the workers using them.

2. In particular,

(1) every said working place on shore and any dangerous parts of any said approach thereto from the nearest highway shall be safely and efficiently lighted ;

(2) wharves and quays shall be kept sufficiently clear of goods to maintain a clear passage to the means of access referred to in Article 3 ;

(3) where any space is left along the edge of any wharf or quay, it shall be at least 3 feet (90 cm.) wide and clear of all obstructions other than fixed structures, plants and appliances in use ; and

(4) so far as is practicable having regard to the traffic and working,

(a) all dangerous parts of the said approaches and working places (e.g. dangerous breaks, corners and edges) shall be adequately fenced to a height of not less than 2 feet 6 inches (75 cm.) ;

(b) dangerous footways over bridges, caissons and dock gates shall be fenced to a height of not less than 2 feet 6 inches (75 cm.) on each side, and the said fencing shall be continued at both ends to a sufficient distance which shall not be required to exceed 5 yards (4 m. 50).

(5) The measurement requirements of paragraph (4) of this Article shall be deemed to be complied with, in respect of appliances in use at the date of the ratification of this Convention, if the actual measurements are not more than 10 per cent. less than the measurements specified in the said paragraph (4).

Article 3

(1) When a ship is lying alongside a quay or some other vessel for the purpose of the processes, there shall be safe means of access for the use of the workers at such times as they have to pass to or from the ship, unless the conditions are such that they would not be exposed to undue risk if no special appliance were provided.

(2) The said means of access shall be—

(a) where reasonably practicable, the ship's accommodation ladder, a gangway or a similar construction ;

(b) in other cases a ladder.

(3) The appliances specified in paragraph (2) *(a)* of this Article shall be at least 22 inches (55 cm.) wide, properly secured to prevent their displacement, not inclined at too steep

an angle, constructed of materials of good quality and in good condition, and securely fenced throughout to a clear height of not less than 2 feet 9 inches (82 cm.) on both sides, or in the case of the ship's accommodation ladder securely fenced to the same height on one side, provided that the other side is properly protected by the ship's side.

Provided that any appliances as aforesaid in use at the date of the ratification of this Convention shall be allowed to remain in use—

(a) until the fencing is renewed if they are fenced on both sides to a clear height of at least 2 feet 8 inches (80 cm.) ;

(b) for two years from the date of ratification if they are fenced on both sides to a clear height of at least 2 feet 6 inches (75 cm.).

(4) The ladders specified in paragraph (2) *(b)* of this Article shall be of adequate length and strength, and properly secured.

(5) *(a)* Exceptions to the provisions of this Article may be allowed by the competent authorities when they are satisfied that the appliances specified in the Article are not required for the safety of the workers.

(b) The provisions of this Article shall not apply to cargo stages or cargo gangways when exclusively used for the processes.

(6) Workers shall not use, or be required to use, any other means of access than the means specified or allowed by this Article.

Article 4

When the workers have to proceed to or from a ship by water for the processes, appropriate measures shall be prescribed to ensure their safe transport, including the conditions to be complied with by the vessels used for this purpose.

Article 5

(1) When the workers have to carry on the processes in a hold the depth of which from the level of the deck to the bottom of the hold exceeds 5 feet (1 m. 50), there shall be safe means of access from the deck to the hold for their use.

(2) The said means of access shall ordinarily be by ladder, which shall not be deemed to be safe unless it complies with the following conditions :

(a) provides foothold of a depth, including any space behind the ladder, of not less than 4 1/2 inches (11 1/2 cm.) for a width of not less than 10 inches (25 cm.) and a firm handhold ;

(b) is not recessed under the deck more than is reasonably necessary to keep it clear of the hatchway ;

(c) is continued by and is in line with arrangements for secure handhold and foothold on the coamings (e.g. cleats or cups) ;

(d) the said arrangements on the coamings provide foothold of a depth, including any space behind the said arrangements, of not less than 4 1/2 inches (11 1/2 cm.) for a width of not less than 10 inches (25 cm.) ;

(e) if separate ladders are provided between the lower decks, the said ladders are as far as practicable in line with the ladder from the top deck.

Where, however, owing to the construction of the ship, the provision of a ladder would not be reasonably practicable, it shall be open to the competent authorities to allow other means of access, provided that they comply with the conditions laid down in this Article for ladders so far as they are applicable.

In the case of ships existing at the date of the ratification of this Convention the measurement requirements of sub-paragraphs *(a)* and *(d)* of this paragraph shall be deemed to be complied with, until the ladders and arrangements are replaced, if the actual measurements are not more than 10 per cent. less than the measurements specified in the said sub-paragraphs *(a)* and *(d)*.

(3) Sufficient free passage to the means of access shall be left at the coamings.

(4) Shaft tunnels shall be equipped with adequate handhold and foothold on both sides.

(5) When a ladder is to be used in the hold of a vessel which is not decked it shall be the duty of the contractor undertaking the processes to provide such ladder. It shall be equipped at the top with hooks or with other means for firmly securing it.

(6) The workers shall not use, or be required to use, other means of access than the means specified or allowed by this Article.

(7) Ships existing at the date of ratification of this Convention shall be exempt from compliance with the measurements in paragraph (2) *(a)* and *(d)* and from the provisions of paragraph (4) of this Article for a period not exceeding four years from the date of ratification of this Convention.

Article 6

(1) While the workers are on a ship for the purpose of the processes, every hatchway of a cargo hold accessible to the workers which exceeds 5 feet (1 m. 50) in depth from the level of the deck to the bottom of the hold, and which is not protected to a clear height of 2 feet 6 inches (75 cm.) by the coamings, shall, when not in use for the passage of goods, coal or other material, either be securely fenced to a height of 3 feet (90 cm.) or be securely covered. National laws or regulations shall

determine whether the requirements of this paragraph shall be enforced during meal times and other short interruptions of work.

(2) Similar measures shall be taken when necessary to protect all other openings in a deck which might be dangerous to the workers.

Article 7

1. When the processes have to be carried on on a ship, the means of access thereto and all places on board at which the workers are employed or to which they may be required to proceed in the course of their employment shall be efficiently lighted.

2. The means of lighting shall be such as not to endanger the safety of the workers nor to interfere with the navigation of other vessels.

Article 8

In order to ensure the safety of the workers when engaged in removing or replacing hatch coverings and beams used for hatch coverings,

(1) hatch coverings and beams used for hatch coverings shall be maintained in good condition ;

(2) hatch coverings shall be fitted with adequate hand grips, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of hand grips unnecessary ;

(3) beams used for hatch coverings shall have suitable gear for removing and replacing them of such a character as to render it unnecessary for workers to go upon them for the purpose of adjusting such gear ;

(4) all hatch coverings and fore and aft and thwart-ship beams shall, in so far as they are not interchangeable, be kept plainly marked to indicate the deck and hatch to which they belong and their position therein ;

(5) hatch coverings shall not be used in the construction of cargo stages or for any other purpose which may expose them to damage.

Article 9

1. Appropriate measures shall be prescribed to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition.

2. In particular,

(1) before being taken into use, the said machines, fixed gear on board ship accessory thereto as defined by national laws

or regulations, and chains and wire ropes used in connection therewith, shall be adequately examined and tested, and the safe working load thereof certified, in the manner prescribed and by a competent person acceptable to the national authorities ;

(2) after being taken into use, every hoisting machine, whether used on shore or on board ship, and all fixed gear on board ship accessory thereto as defined by national laws or regulations shall be thoroughly examined or inspected as follows :

(a) to be thoroughly examined every four years and inspected every twelve months : derricks, goose necks, mast bands, derrick bands, eyebolts, spans and any other fixed gear the dismantling of which is specially difficult ;

(b) to be thoroughly examined every twelve months : all hoisting machines (e.g. cranes, winches), blocks, shackles and all other accessory gear not included in *(a)*.

All loose gear (e.g. chains, wire ropes, rings, hooks) shall be inspected on each occasion before use unless they have been inspected within the previous three months.

Chains shall not be shortened by tying knots in them and precautions shall be taken to prevent injury to them from sharp edges.

A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one half of the wires cut out of each strand ; provided that this requirement shall not operate to prevent the use of another form of splice which can be shown to be as efficient as the form hereby prescribed.

(3) Chains and such similar gear as is specified by national laws or regulations (e.g. hooks, rings, shackles, swivels) shall, unless they have been subjected to such other sufficient treatment as may be prescribed by national laws or regulations, be annealed as follows under the supervision of a competent person acceptable to the national authorities :

(a) In the case of chains and the said gear carried on board ship :

(i) half inch (12 1/2 mm.) and smaller chains or gear in general use once at least in every six months ;

(ii) all other chains or gear (including span chains but excluding bridle chains attached to derricks or masts) in general use once at least in every twelve months ;

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in sub-paragraph (i) and two years for twelve months in sub-paragraph (ii) ;

Provided also that, if the competent authority is of opinion that owing to the size, design, material or infrequency of use of any of the said gear the requirements of this paragraph as to annealing are not necessary for the protection of the workers, it may, by certificate in writing (which it may at its discretion revoke), exempt such gear from the said requirements subject to such conditions as may be specified in the said certificate.

(b) In the case of chains and the said gear not carried on board ship :
measures shall be prescribed to secure the annealing of the said chains and gear.

(c) In the case of the said chains and gear whether carried on board ship or not, which have been lengthened, altered or repaired by welding, they shall thereupon be tested and re-examined.

(4) Such duly authenticated records as will provide sufficient *prima facie* evidence of the safe condition of the machines and gear concerned shall be kept, on shore or on the ship as the case may be, specifying the safe working load and the dates and results of the tests and examinations referred to in paragraphs (1) and (2) of this Article and of the annealings or other treatment referred to in paragraph (3).

Such records shall, on the application of any person authorised for the purpose, be produced by the person in charge thereof.

(5) The safe working load shall be kept plainly marked on all cranes, derricks and chain slings and on any similar hoisting gear used on board ship as specified by national laws or regulations. The safe working load marked on chain slings shall be either in plain figures or letters upon the chains or upon a tablet or ring of durable material attached securely thereto.

(6) All motors, cogwheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every worker employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship.

(7) Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while in process of being lifted or lowered.

(8) Appropriate measures shall be taken to prevent exhaust steam from and, so far as practicable, live steam to any crane or winch obscuring any part of the working place at which a worker is employed.

(9) Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

Article 10

Only sufficiently competent and reliable persons shall be employed to operate lifting or transporting machinery whether driven by mechanical power or otherwise, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums.

Article 11

(1) No load shall be left suspended from any hoisting machine unless there is a competent person actually in charge of the machine while the load is so left.

(2) Appropriate measures shall be prescribed to provide for the employment of a signaller where this is necessary for the safety of the workers.

(3) Appropriate measures shall be prescribed with the object of preventing dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith.

(4) Before work is begun at a hatch the beams thereof shall either be removed or be securely fastened to prevent their displacement.

(5) Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

(6) No stage shall be used in the processes unless it is substantially and firmly constructed, adequately supported and where necessary securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Stages shall where necessary be treated with suitable material to prevent the workers slipping.

(7) When the working space in a hold is confined to the square of the hatch, and except for the purpose of breaking out or making up slings,

(a) hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny-bags, or other similar goods ;

(b) can-hooks shall not be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

(8) No gear of any description shall be loaded beyond the safe working load save in exceptional cases and then only in so far as may be allowed by national laws or regulations.

(9) In the case of shore cranes with varying capacity (e.g. raising and lowering jib with load capacity varying according to the angle) an automatic indicator or a table showing the safe

working loads at the corresponding inclinations of the jib shall be provided on the crane.

Article 12

National laws or regulations shall prescribe such precautions as may be deemed necessary to ensure the proper protection of the workers, having regard to the circumstances of each case, when they have to deal with or work in proximity to goods which are in themselves dangerous to life or health by reason either of their inherent nature or of their condition at the time, or work where such goods have been stowed.

Article 13

1. At docks, wharves, quays and similar places which are in frequent use for the processes, such facilities as having regard to local circumstances shall be prescribed by national laws or regulations shall be available for rapidly securing the rendering of first-aid and in serious cases of accident removal to the nearest place of treatment. Sufficient supplies of first-aid equipment shall be kept permanently on the premises in such a condition and in such positions as to be fit and readily accessible for immediate use during working hours. The said supplies shall be in charge of a responsible person or persons, who shall include one or more persons competent to render first-aid, and whose services shall also be readily available during working hours.

2. At such docks, wharves, quays and similar places as aforesaid appropriate provision shall also be made for the rescue of immersed workers from drowning.

Article 14

Any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing whatsoever required to be provided under this Convention shall not be removed or interfered with by any person except when duly authorised or in case of necessity, and if removed shall be restored at the end of the period for which its removal was necessary.

Article 15

1. It shall be open to each Member to grant exemptions from or exceptions to the provisions of this Convention in respect of any dock, wharf, quay or similar place at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or in respect of certain special ships or special classes of ships or ships below a certain small tonnage, or in cases where as a result of climatic conditions it would be impracticable to require the provisions of this Convention to be carried out.

2. The International Labour Office shall be kept informed of the provisions in virtue of which any exemptions and exceptions as aforesaid are allowed.

Article 16

Except as herein otherwise provided, the provisions of this Convention which affect the construction or permanent equipment of the ship shall apply to ships the building of which is commenced after the date of ratification of the Convention, and to all other ships within four years after that date, provided that in the meantime the said provisions shall be applied so far as reasonable and practicable to such other ships.

Article 17

In order to ensure the due enforcement of any regulations prescribed for the protection of the workers against accidents,

(1) The regulations shall clearly define the persons or bodies who are to be responsible for compliance with the respective regulations ;

(2) Provision shall be made for an efficient system of inspection and for penalties for breaches of the regulations ;

(3) Copies or summaries of the regulations shall be posted up in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes.

Article 18

1. Each Member undertakes to enter into reciprocal arrangements on the basis of this Convention with the other Members which have ratified this Convention, including more particularly the mutual recognition of the arrangements made in their respective countries for testing, examining and annealing and of certificates and records relating thereto ;

2. Provided that, as regards the construction of ships and as regards plant used on ships and the records and other matters to be observed on board under the terms of this Convention, each Member is satisfied that the arrangements adopted by the other Member secure a general standard of safety for the workers equally effective as the standard required under its own laws and regulations ;

3. Provided also that the Governments shall have due regard to the obligations of paragraph (11) of Article 19 of the Constitution of the International Labour Organisation.

Article 19

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 20

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 21

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period or five years under the terms provided for in this Article.

Article 23

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 24

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Mem-

ber of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 25

The French and English texts of this Convention shall both be authentic.

Recommendation 40

Recommendation for Expediting Reciprocity as Provided for in the Convention, Adopted in 1932, concerning the Protection against Accidents of Workers employed in Loading or Unloading Ships

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention, adopted in 1929, concerning the protection against accidents of workers employed in loading or unloading ships, which is the fourth item on the agenda of the Session, and

Having adopted a Convention revising the said Convention and having decided to supplement the revised Convention by a Recommendation,

adopts this twenty-seventh day of April of the year one thousand nine hundred and thirty-two the following Recommendation, which may be cited as the Protection against Accidents (Dockers) Reciprocity Recommendation, 1932, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The Conference,

Seeing that the revised Convention concerning the protection

against accidents of workers employed in loading or unloading ships contains an Article concerning reciprocity between Members which ratify the said Convention,

Recommends that the following steps shall be taken to expedite the reciprocity provided for in the said Article :

(1) As soon as practicable after the adoption of the revised Convention, arrangements shall be made by the Governments of the principal countries concerned to confer with a view to securing reasonable uniformity in the application of the Convention, including more particularly the matters specially mentioned in the said Article, and the preparation of common forms of certificates for international use.

(2) Reports shall be furnished annually to the International Labour Office as to steps taken in accordance with the previous paragraph.

Convention 33

Convention concerning the Age for Admission of Children to Non-Industrial Employment [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the age for admission of children to employment in non-industrial occupations, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this thirtieth day of April of the year one thousand nine hundred and thirty-two the following Convention, which may be cited as the Minimum Age (Non-Industrial Employment) Convention, 1932, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

(1) This Convention shall apply to any employment not dealt with in the following Conventions adopted by the International Labour Conference at its First, Second and Third Sessions respectively :

[1] Date of coming into force : 6 June 1935. The Convention was revised in 1937 by Convention 60 (see p. 411).

Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919);

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920);

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921);

The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

(2) This Convention shall not apply to—

(a) employment in sea-fishing ;

(b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

(3) It shall be open to the competent authority in each country to exempt from the application of this Convention—

(a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention ;

(b) domestic work in the family performed by members of that family.

Article 2

Children under fourteen years of age, or children over fourteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

Article 3

(1) Children over twelve years of age may, outside the hours fixed for school attendance, be employed on light work—

(a) which is not harmful to their health or normal development ;

(b) which is not such as to prejudice their attendance at school or their capacity to benefit from the instruction there given ; and

(c) the duration of which does not exceed two hours per day on either school days or holidays, the total number of hours spent at school and on light work in no case to exceed seven per day.

(2) Light work shall be prohibited—

(a) on Sundays and legal public holidays ;

(b) during the night, that is to say during a period of at least twelve consecutive hours comprising the interval between 8 p.m. and 8 a.m.

(3) After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall—

(a) specify what forms of employment may be considered to be light work for the purpose of this Article ;

(b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed in light work.

(4) Subject to the provisions of sub-paragraph *(a)* of paragraph (1) above,

(a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over fourteen years of age ;

(b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

Article 4

1. In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films ;

2. Provided that—

(a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets ;

(b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education ;

(c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

Article 5

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

Article 6

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

Article 7

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

(a) provide for an adequate system of public inspection and supervision ;

(b) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6 ;

(c) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

Article 8

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including—

(a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3 ;

(b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2 ;

(c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

Article 9

1. The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India—

(1) The employment of children under ten shall be prohibited :

Provided that in the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the above provision in

order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

Provided also that should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding ten, the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph.

(2) Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals.

(3) An age above ten shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

(4) National laws or regulations shall provide for the due enforcement of the provisions of this Article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Article.

(5) The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article.

2. Should legislation be enacted in India making attendance at school compulsory until the age of fourteen this Article shall cease to apply, and Articles 2, 3, 4, 5, 6 and 7 shall thenceforth be applicable to India.

Article 10

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 13 above if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

Recommendation 41

Recommendation concerning the Age for Admission of Children to Non-Industrial Employment

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the age of admission of children to employment in non-industrial occupations, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this thirtieth day of April of the year one thousand nine hundred and thirty-two the following Recommendation, which may be cited as the Minimum Age (Non-Industrial Employment) Recommendation, 1932, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The Conference,

Having adopted a Convention concerning the age for admission of children to non-industrial employment, with a view to completing the international regulations laid down by the three Conventions adopted at previous Sessions concerning the age for admission of children to industrial employment, employment at sea and employment in agriculture ; and

Desiring to ensure as uniform application as possible of the new Convention which leaves certain details of application to national laws or regulations ;

Considers that, in spite of the variety of employments

covered by the Convention and the need of making allowance for the adoption of practical methods of application varying with the climate, customs, national tradition and other conditions peculiar to individual countries, account should be taken of certain methods which have been found to give satisfactory results, and which may accordingly be a guide to the Members of the Organisation.

The Conference therefore recommends the Members to take the following rules and methods into consideration :

I. Light Work

(1) In order that children may derive full benefit from their education and that their physical, intellectual and moral development may be safeguarded, it is desirable that so long as they are required to attend school their employment should be restricted to as great an extent as possible.

(2) In determining the categories of employment in light work to which children may be admitted outside the hours of school attendance, such occupations and employments as running errands, distribution of newspapers, odd jobs in connection with the practice of sport or the playing of games, and picking and selling flowers or fruits might be taken into consideration.

(3) For the admission of children to employment in light work the competent authorities should require the consent of parents or guardians, a medical certificate of physical fitness for the employment contemplated, and, where necessary, previous consultation with the school authorities.

(4) The limitations on the hours of work per day of children employed in light work outside school hours should be adapted to the school time-table on the one hand, and to the age of the child on the other. Where instruction is given both in the morning and in the afternoon, the child should be ensured a sufficient rest before morning school, in the interval between morning and afternoon school, and immediately after the latter.

II. Employment in Public Entertainments

(5) Employment in any public entertainment, or as actors or supernumeraries in the making of cinematographic films, should in principle be prohibited for children under twelve years of age, and exceptions to this rule should be kept within the narrowest limits and only allowed in so far as the interests of art, science or education may require.

The permits to be granted by the competent authorities in individual cases should only be issued if the competent authorities are satisfied as to the nature and the particular type of the employment contemplated, if the parents' or guar-

dians' consent has been obtained, and if the physical fitness of the child for the employment has been established. In the case of cinematographic films, measures should be taken to ensure that the children employed shall be under the supervision of a medical eye specialist. The child should also be assured of receiving good treatment and of being able to continue his education.

Each permit should specify the number of hours during which the child may be employed, with special regard to night work and work on Sundays and legal public holidays. It should be delivered for a particular entertainment, or for a limited period, and may be renewed.

III. Dangerous Employments

(6) The competent authorities should consult the principal organisations of employers and workers concerned before determining the employments which are dangerous to the life, health or morals of the persons employed, and before fixing the higher age or ages of admission to be prescribed for such employments by national laws or regulations.

Among employments of the kind referred to might be included. for example, certain employments in public entertainments such as acrobatic performances ; in establishments for the cure of the sick such as employment involving danger of contagion or infection ; and in establishments for the sale of alcoholic liquor such as serving customers.

Different ages for particular employments should be fixed in relation to their special dangers and in some cases the age required for girls might be higher than the age for boys.

IV. Prohibition of Employment of Children by Certain Persons

(7) With a view to safeguarding the moral interests of children persons who have been condemned for certain serious offences or who are notorious drunkards should be prohibited from employing children other than their own, even if such children live in the same household with these persons.

V. Enforcement

(8) In order to facilitate the enforcement of the provisions of the Convention, it is desirable to institute a public system of registration and of employment or identity books for children admitted to employment.

These documents should contain, in particular, indications of the age of the child, the nature of his employment, the

number of hours of work authorised, and the dates when the child began and finished his employment.

In the case of street trading the wearing of special badges should be prescribed.

In the case of children employed in public entertainments, supervising or inspecting officials should have the right of access to premises in which such entertainments are prepared or performed.

SEVENTEENTH SESSION

(Geneva, 8-30 June 1933)

Convention 34

Convention concerning Fee-Charging Employment Agencies [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to fee-charging employment agencies, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Fee-Charging Employment Agencies Convention, 1933, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

1. For the purpose of this Convention the expression " fee-charging employment agency " means—

(a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker ; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers ;

(b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other

[1] Date of coming into force : 18 October 1936.

material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.

2. This Convention does not apply to the placing of seamen.

Article 2

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 *(a)* of the preceding Article shall be abolished within three years from the coming into force of this Convention for the Member concerned.

2. During the period preceding abolition—

(a) there shall not be established any new fee-charging employment agency conducted with a view to profit ;

(b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.

Article 3

1. Exceptions to the provisions of paragraph 1 of Article 2 of this Convention may be allowed by the competent authority in exceptional cases, but only after consultation of the organisations of employers and workers concerned.

2. Exceptions may only be allowed in virtue of this Article for agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception.

3. The establishment of new fee-charging employment agencies shall not be allowed in virtue of this Article after the expiration of the period of three years referred to in Article 2.

4. Every fee-charging employment agency for which an exception is allowed under this Article—

(a) shall be subject to the supervision of the competent authority ;

(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority during a period which shall not exceed ten years ;

(c) shall only charge fees and expenses on a scale approved by the competent authority ; and

(d) shall only place or recruit workers abroad if authorised so to do by its licence and if its operations are conducted under an agreement between the countries concerned.

Article 4

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 *(b)* of Article 1—

(a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority ;

(b) shall not make any charge in excess of the scale of charges fixed by the competent authority with strict regard to the expenses incurred ; and

(c) shall only place or recruit workers abroad if permitted so to do by the competent authority and if their operations are conducted under an agreement between the countries concerned.

Article 5

Fee-charging employment agencies as defined in Article 1 of this Convention and every person, company, institution, agency or other private organisation habitually engaging in placing shall, even though making no charge, make a declaration to the competent authority stating whether their placing services are given gratuitously or for remuneration.

Article 6

National laws or regulations shall prescribe appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, for any violation of the above Articles or of any laws or regulations giving effect to them.

Article 7

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 3.

Article 8

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for

any Member twelve months after the date on which its ratification has been registered.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The French and English texts of this Convention shall both be authentic.

Recommendation 42

Recommendation concerning Employment Agencies

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to the abolition of fee-charging employment agencies, which is the first item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Recommendation, which may be cited as the Employment Agencies Recommendation, 1933, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The Conference,

Having adopted a Convention concerning fee-charging employment agencies intended to supplement the provisions of the Convention and Recommendation concerning unemployment which it adopted at its First Session ;

Considering it to be desirable to ensure within as short a time as possible the complete abolition of fee-charging employment agencies conducted with a view to profit ;

Considering that, for certain occupations, the abolition of such agencies may nevertheless involve certain difficulties in countries in which the free public employment offices are not in a position completely to take the place of the agencies abolished ;

Considering that features other than placing fees may give a profit-making character to placing operations and may lead to abuses ;

Recommends the Members to take the following rules and methods into consideration :

I

1. Measures should be taken to adapt the free public employment offices to the needs of the occupations in which recourse is often had to the services of fee-charging employment agencies.

2. The principle of having specialised public employment offices for particular occupations should be applied and in so far as possible persons familiar with the characteristics, usages and customs of the occupations concerned should be attached to such offices.

3. Representatives of the organisations most representative of workers and employers in the occupations concerned should be invited to collaborate in the working of the public employment offices.

II

1. Persons and undertakings which either directly or through any intermediary derive any profit from certain activities such as the keeping of public houses, hotels, second-hand clothes shops, pawnshops or money-changing should be forbidden to engage in placing.

2. Placing operations should be prohibited on all premises or in all outhouses and annexes of such premises where any of the above-mentioned trades are carried on.

Convention 35

Convention concerning Compulsory Old-Age Insurance for Persons Employed in Industrial or Commercial Undertakings, in the Liberal Professions, and for Outworkers and Domestic Servants [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory old-age insurance, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which

[1] Date of coming into force : 18 July 1937.

may be cited as the Old-Age Insurance (Industry, etc.) Convention, 1933, for ratification by the Members of the International Labour Organisation, in accordance with the provisions of the Constitution of the International Labour Organisation.

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory old-age insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory old-age insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;

(b) workers who are not paid a money wage ;

(c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;

(d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;

(e) members of the employer's family ;

(f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;

(g) invalid workers and workers in receipt of an invalidity or old-age pension ;

(h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the old-age pension provided by national laws or regulations ;

(i) workers, who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies ;

(j) domestic servants employed in the households of agricultural employers.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to old-age benefits at least equivalent on the whole to those provided for in this Convention.

4. This Convention does not apply to seamen and sea fishermen.

Article 3

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who have not attained the pensionable age to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

Article 4

An insured person shall be entitled to an old-age pension at an age which shall be determined by national laws or regulations but which, in the case of insurance schemes for employed persons, shall not exceed sixty-five.

Article 5

The right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

Article 6

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed.

(a) Where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) Where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions

may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

Article 7

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance ; where the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

Article 8

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned—

(a) is in employment involving compulsory insurance ;

(b) is entirely maintained at the public expense ; or

(c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases.

Article 9

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions—

(a) apprentices and young workers under a prescribed age ;

(b) workers who are not paid a money wage or whose wages are very low.

3. Contributions from employers may be dispensed with

under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

Article 10

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds.

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

Article 11

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

Article 12

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 9, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

Article 13

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

Article 14

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

Article 15

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory old-age insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 16 to 22 hereinafter shall be deemed to satisfy the requirements of this Convention.

Article 16

Pensions shall be awarded at an age which shall be determined by national laws or regulations but which shall not exceed sixty-five.

Article 17

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed ten years.

Article 18

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

Article 19

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

Article 20

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

Article 21

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals.

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

Article 22

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned—

(a) has been sentenced to imprisonment for a criminal offence ;

(b) has obtained or attempted to obtain a pension by fraud ; or

(c) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

Article 23

Subject to the provisions of paragraph 5 of Article 12, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

Article 24

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 25

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 26

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 27

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article,

will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 28

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 29

1. Should the Conference adopt a new Convention revising the Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 30

The French and English texts of this Convention shall both be authentic.

Convention 36

Convention concerning Compulsory Old-Age Insurance for Persons Employed in Agricultural Undertakings [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory old-age insurance, which is included in the second item on the agenda of the Session, and

[1] Date of coming into force : 18 July 1937.

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Old-Age Insurance (Agriculture) Convention, 1933, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory old-age insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory old-age insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in agricultural undertakings, and to domestic servants employed in the households of agricultural employers.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;

(b) workers who are not paid a money wage ;

(c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;

(d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;

(e) members of the employer's family ;

(f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;

(g) invalid workers and workers in receipt of an invalidity or old-age pension ;

(h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the old-age pension provided by national laws or regulations ;

(i) workers who, during their studies, give lessons or work

for remuneration in preparation for an occupation corresponding to such studies.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to old-age benefits at least equivalent on the whole to those provided for in this Convention.

Article 3

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who have not attained the pensionable age to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

Article 4

An insured person shall be entitled to an old-age pension at an age which shall be determined by national laws or regulations but which, in the case of insurance schemes for employed persons, shall not exceed sixty-five.

Article 5

The right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

Article 6

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed.

(a) Where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) Where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions

may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

Article 7

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance ; where the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

Article 8

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned—

(a) is in employment involving compulsory insurance ;

(b) is entirely maintained at the public expense ; or

(c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases.

Article 9

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions—

(a) apprentices and young workers under a prescribed age ;

(b) workers who are not paid a money wage or whose wages are very low ;

(c) workers in the service of an employer who pays contributions assessed on a basis which is not dependent on the number of workers employed.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

Article 10

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds.

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

Article 11

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

Article 12

1. Foreign employed persons shall be liable to insurance

and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 9, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

Article 13

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance, exceptions may be made to this rule by agreement between the Members concerned.

Article 14

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

Article 15

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory old-age insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 16 to 22 hereinafter shall be deemed to satisfy the requirements of this Convention.

Article 16

Pensions shall be awarded at an age which shall be determined by national laws or regulations but which shall not exceed sixty-five.

Article 17

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed ten years.

Article 18

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

Article 19

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

Article 20

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

Article 21

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals.

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

Article 22

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned—

(a) has been sentenced to imprisonment for a criminal offence ;

(b) has obtained or attempted to obtain a pension by fraud ; or

(c) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

Article 23

Subject to the provisions of paragraph 5 of Article 12, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

Article 24

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 25

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 26

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 27

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 28

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 29

1. Should the Conference adopt a new Convention revising the Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 30

The French and English texts of this Convention shall both be authentic.

Convention 37

Convention concerning Compulsory Invalidity Insurance for Persons Employed in Industrial or Commercial Undertakings, in the Liberal Professions, and for Outworkers and Domestic Servants [1]

The General Conference of the International Labour Organisation,

[1] Date of coming into force : 18 July 1937.

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory invalidity insurance, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Invalidity Insurance (Industry, etc.) Convention, 1933, for ratification by the Members of the International Labour Organisation, in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory invalidity insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory invalidity insurance scheme shall apply to manual and non-manual workers, including apprentices employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;

(b) workers who are not paid a money wage ;

(c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;

(d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;

(e) members of the employer's family ;

(f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;

(g) invalid workers and workers in receipt of an invalidity or old-age pension ;

(h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;

(i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies ;

(j) domestic servants employed in the households of agricultural employers.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to invalidity benefits at least equivalent on the whole to those provided for in this Convention.

4. This Convention does not apply to seamen and sea fishermen.

Article 3

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

Article 4

1. An insured person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to an invalidity pension.

2. Provided that national laws or regulations which secure to insured persons medical treatment and attendance throughout invalidity and, if invalidity terminates in death, secure pensions at the full rate to widows without any condition as to age or invalidity and to orphans, may make the award of an invalidity pension conditional upon the insured person being unable to perform remunerative work.

3. In the case of special schemes for non-manual workers, an insured person who suffers from incapacity which renders him unable to earn an appreciable remuneration in the occupation in which he was ordinarily engaged or in a similar occupation shall be entitled to an invalidity pension.

Article 5

1. Notwithstanding the provisions of Article 6, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

Article 6

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed.

(a) Where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) Where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

Article 7

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion

by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

Article 8

Insurance institutions shall be authorised, under conditions which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing, alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

Article 9

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned—

(a) has brought about his invalidity by a criminal offence or wilful misconduct ; or

(b) has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned—

(a) is entirely maintained at the public expense or by a social insurance institution ;

(b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes himself from the supervision of the insurance institution ;

(c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ; or

(d) is in employment involving compulsory insurance or, in the case of special schemes for non-manual workers, is in receipt of remuneration exceeding a prescribed rate.

Article 10

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions—

(a) apprentices and young workers under a prescribed age ;

(b) workers who are not paid a money wage or whose wages are very low.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

Article 11

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit or by State insurance funds.

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

Article 12

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

Article 13

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be

entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 10, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired : Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

Article 14

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance, exceptions may be made to this rule by agreement between the Members concerned.

Article 15

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

Article 16

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory invalidity insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 17 to 23 hereinafter shall be deemed to satisfy the requirements of this Convention.

Article 17

A person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to a pension.

Article 18

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed five years.

Article 19

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

Article 20

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

Article 21

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

Article 22

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals.

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

Article 23

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned—

(a) has brought about his invalidity by a criminal offence or wilful misconduct ;

(b) has obtained or attempted to obtain a pension by fraud ;

(c) has been sentenced to imprisonment for a criminal offence; or

(d) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

Article 24

Subject to the provisions of paragraph 5 of Article 13, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

Article 25

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 27

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 28

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article,

will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 29

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 30

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 31

The French and English texts of this Convention shall both be authentic.

Convention 38

Convention concerning Compulsory Invalidity Insurance for Persons Employed in Agricultural Undertakings [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory invalidity insurance, which is included in the second item on the agenda of the Session, and

[1] Date of coming into force : 18 July 1937.

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Invalidity Insurance (Agriculture) Convention, 1933, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory invalidity insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory invalidity insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in agricultural undertakings, and domestic servants employed in the households of agricultural employers.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;

(b) workers who are not paid a money wage ;

(c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;

(d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;

(e) members of the employer's family ;

(f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;

(g) invalid workers and workers in receipt of an invalidity or old-age pension ;

(h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;

(i) workers who, during their studies, give lessons or work

for remuneration in preparation for an occupation corresponding to such studies.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to invalidity benefits at least equivalent on the whole to those provided for in this Convention.

Article 3

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

Article 4

1. An insured person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to an invalidity pension.

2. Provided that national laws or regulations which secure to insured persons medical treatment and attendance throughout invalidity and, if invalidity terminates in death, secure pensions at the full rate to widows without any condition as to age or invalidity and to orphans, may make the award of an invalidity pension conditional upon the insured person being unable to perform remunerative work.

3. In the case of special schemes for non-manual workers, an insured person who suffers from incapacity which renders him unable to earn an appreciable remuneration in the occupation in which he was ordinarily engaged or in a similar occupation shall be entitled to an invalidity pension.

Article 5

1. Notwithstanding the provisions of Article 6, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a

prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

Article 6

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed.

(a) Where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) Where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured persons in virtue of either compulsory or voluntarily continued insurance.

Article 7

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

Article 8

Insurance institutions shall be authorised, under conditions

which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing, alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

Article 9

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned—

(a) has brought about his invalidity by a criminal offence or wilful misconduct ; or

(b) has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned—

(a) is entirely maintained at the public expense or by a social insurance institution ;

(b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes himself from the supervision of the insurance institution ;

(c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ; or

(d) is in employment involving compulsory insurance or, in the case of special schemes for non-manual workers, is in receipt of remuneration exceeding a prescribed rate.

Article 10

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions—

(a) apprentices and young workers under a prescribed age ;

(b) workers who are not paid a money wage or whose wages are very low ;

(c) workers in the service of an employer who pays contributions assessed on a basis which is not dependent on the number of workers employed.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

Article 11

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds.

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

Article 12

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

Article 13

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 10, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or frac-

tion of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

Article 14

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

Article 15

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

Article 16

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory invalidity insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 17 to 23 hereinafter shall be deemed to satisfy the requirements of this Convention.

Article 17

A person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to a pension.

Article 18

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed five years.

Article 19

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed

by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

Article 20

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

Article 21

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

Article 22

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals.

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

Article 23

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned—

(a) has brought about his invalidity by a criminal offence or wilful misconduct ;

(b) has obtained or attempted to obtain a pension by fraud ;

(c) has been sentenced to imprisonment for a criminal offence ; or

(d) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

Article 24

Subject to the provisions of paragraph 5 of Article 13, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

Article 25

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 27

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 28

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 29

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference

a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 30

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 31

The French and English texts of this Convention shall both be authentic.

Convention 39

Convention concerning Compulsory Widows' and Orphans' Insurance for Persons Employed in Industrial or Commercial Undertakings, in the Liberal Professions, and for Outworkers and Domestic Servants [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory widows' and orphans' insurance, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which

[1] Date of coming into force : 8 November 1946.

may be cited as the Survivors' Insurance (Industry, etc.) Convention, 1933, for ratification by the Members of the International Labour Organisation, in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory widows' and orphans' insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory widows' and orphans' insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;

(b) workers who are not paid a money wage ;

(c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;

(d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;

(e) members of the employer's family ;

(f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit and persons engaged solely in occasional or subsidiary employment ;

(g) invalid workers and workers in receipt of an invalidity or old-age pension ;

(h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;

(i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies ;

(j) domestic servants employed in the households of agricultural employers.

3. Provided also that there may be exempted from liability to insurance persons whose survivors will, by virtue of any law, regulations or special scheme, become entitled to benefits at least equivalent on the whole to those provided for in this Convention.

4. This Convention does not apply to seamen and sea fishermen.

Article 3

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

Article 4

1. Notwithstanding the provisions of Article 5, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

Article 5

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed.

(a) Where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) Where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

Article 6

The widows' and orphans' insurance scheme shall as a minimum confer pension rights on widows who have not remarried and the children of a deceased insured or pensioned person.

Article 7

1. The right to a widow's pension may be reserved to widows who are above a prescribed age or are invalid.

2. The provisions of paragraph 1 shall not apply in the case of special schemes for non-manual workers.

3. The right to a widow's pension may be restricted to cases where the marriage has lasted for a prescribed period and was contracted before the insured or pensioned person had reached a prescribed age or become invalid.

4. The rights to a widow's pension may be withheld if, at the time of the death of the insured or pensioned person, the marriage had been dissolved or if a separation had been pronounced in proceedings in which the wife was found solely at fault.

5. Where there are several claimants to a widow's pension, the amount payable may be limited to that of one pension.

Article 8

1. Any child who has not reached a prescribed age which shall not be less than fourteen shall be entitled to a pension in respect of the death of either parent.

2. Provided that the right to a pension in respect of the death of an insured or pensioned mother may either be made conditional upon the mother's having contributed to the support of the child or be made conditional upon her having been a widow at the time of her death.

3. National laws or regulations shall determine the cases in which a child other than a legitimate child shall be entitled to a pension.

Article 9

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance ; where the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

Article 10

Insurance institutions shall be authorised, under conditions which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing, alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

Article 11

1. The right to benefits may be forfeited or suspended in whole or in part—

(a) if death has been caused by a criminal offence committed by or the wilful misconduct of the insured person or any person who may become entitled to a survivor's pension ; or

(b) if the insured person or any person who may become entitled to a survivor's pension has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned—

(a) is entirely maintained at the public expense or by a social insurance institution ;

(b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes herself from the supervision of the insurance institution ;

(c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ;

(d) having been awarded a widow's pension without any condition as to age or invalidity, is living with a man as his wife ; or

(e) in the case of special schemes for non-manual workers, is in receipt of remuneration exceeding a prescribed rate.

Article 12

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions—

(a) apprentices and young workers under a prescribed age ;

(b) workers who are not paid a money wage or whose wages are very low.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

Article 13

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds.

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

Article 14

1. The survivors of a deceased insured or pensioned person shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

Article 15

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. The survivors of foreign insured or pensioned persons shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. The survivors of foreign insured or pensioned persons shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 12, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to the survivors of insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

Article 16

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

Article 17

Any Member may prescribe special provisions for frontier

workers whose place of employment is in its territory and whose place of residence is abroad.

Article 18

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory widows' and orphans' insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 19 to 25 hereinafter shall be deemed to satisfy the requirements of this Convention.

Article 19

1. The following shall be entitled to a pension :

(a) every widow who has not remarried and who has at least two dependent children ;

(b) every orphan, that is to say, every child who has lost both parents.

2. National laws or regulations shall define—

(a) the cases in which a child other than a legitimate child shall be deemed to be the child of a widow for the purpose of entitling her to a pension ;

(b) the age until which a child shall be considered dependent upon a widow or shall be entitled to an orphan's pension : Provided that this age shall in no case be less than fourteen.

Article 20

1. The right to a widow's pension may be made conditional upon the residence in the territory of the Member—

(a) of the deceased husband during a period immediately preceding his death ; and

(b) of the widow during a period immediately preceding the making of her claim for a pension.

2. The right to an orphan's pension may be made conditional upon the residence, in the territory of the Member during a period immediately preceding death, of whichever of the parents died the more recently.

3. The period of residence in the territory of the Member to have been completed by a widow or a deceased parent shall be prescribed by national laws or regulations but shall not exceed five years.

Article 21

1. A claimant shall be entitled to a widow's or orphan's pension if the annual value of the claimant's means, including any means of dependent children or orphans, does not exceed

a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

Article 22

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

Article 23

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

Article 24

1. Foreign widows and orphans shall, if nationals of a Member bound by this Convention, be entitled to pensions under the same conditions as nationals.

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon the completion of a period of residence in the territory of the Member which shall not exceed by more than five years the period of residence provided for in Article 20.

Article 25

1. The right to a pension may be forfeited or suspended in whole or in part if the widow or the person who has undertaken responsibility for the care of the orphan has obtained or attempted to obtain a pension by fraud.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

Article 26

Subject to the provisions of paragraph 5 of Article 15, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

Article 27

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 28

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 29

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 30

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 31

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 32

1. Should the Conference adopt a new Convention revising

this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 33

The French and English texts of this Convention shall both be authentic.

Convention 40

Convention concerning Compulsory Widows' and Orphans' Insurance for Persons Employed in Agricultural Undertakings [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory widows' and orphans' insurance, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Survivors' Insurance (Agriculture) Convention, 1933, for ratification by the Members of the International Labour Organisation, in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain

[1] Date of coming into force : 29 September 1949.

a scheme of compulsory widows' and orphans' insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory widows' and orphans' insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in agricultural undertakings, and to domestic servants employed in the households of agricultural employers.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;

(b) workers who are not paid a money wage ;

(c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;

(d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;

(e) members of the employer's family ;

(f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;

(g) invalid workers and workers in receipt of an invalidity or old-age pension ;

(h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;

(i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies.

3. Provided also that there may be exempted from liability to insurance persons whose survivors will, by virtue of any law, regulations or special scheme, become entitled to benefits at least equivalent on the whole to those provided for in this Convention.

Article 3

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue

their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

Article 4

1. Notwithstanding the provisions of Article 5, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

Article 5

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed.

(a) Where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) Where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

Article 6

The widows' and orphans' insurance scheme shall as a minimum confer pension rights on widows who have not remarried and the children of a deceased insured or pensioned person.

Article 7

1. The right to a widow's pension may be reserved to widows who are above a prescribed age or are invalid.

2. The provisions of paragraph 1 shall not apply in the case of special schemes for non-manual workers.

3. The right to a widow's pension may be restricted to cases where the marriage has lasted for a prescribed period and was contracted before the insured or pensioned person had reached a prescribed age or become invalid.

4. The right to a widow's pension may be withheld if, at the time of the death of the insured or pensioned person, the marriage had been dissolved or if a separation had been pronounced in proceedings in which the wife was found solely at fault.

5. Where there are several claimants to a widow's pension, the amount payable may be limited to that of one pension.

Article 8

1. Any child who has not reached a prescribed age which shall not be less than fourteen shall be entitled to a pension in respect of the death of either parent.

2. Provided that the right to a pension in respect of the death of an insured or pensioned mother may either be made conditional upon the mother's having contributed to the support of the child or be made conditional upon her having been a widow at the time of her death.

3. National laws or regulations shall determine the cases in which a child other than a legitimate child shall be entitled to a pension.

Article 9

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance ; where the pension is awarded without any condition as to the

completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

Article 10

Insurance institutions shall be authorised, under conditions which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing, alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

Article 11

1. The right to benefits may be forfeited or suspended in whole or in part—

(a) if death has been caused by a criminal offence committed by or the wilful misconduct of the insured person or any person who may become entitled to a survivor's pension ; or

(b) if the insured person or any person who may become entitled to a survivor's pension has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned—

(a) is entirely maintained at the public expense or by a social insurance institution ;

(b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes herself from the supervision of the insurance institution ;

(c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ;

(d) having been awarded a widow's pension without any condition as to age or invalidity, is living with a man as his wife ; or

(e) in the case of special schemes for non-manual workers, is in receipt of remuneration exceeding a prescribed rate.

Article 12

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions—

(a) apprentices and young workers under a prescribed age ;

(b) workers who are not paid a money wage or whose wages are very low ;

(c) workers in the service of an employer who pays contributions assessed on a basis which is not dependent on the number of workers employed.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

Article 13

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds.

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

Article 14

1. The survivors of a deceased insured or pensioned person shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of

schemes providing for an employer's contribution, his employer shall have a right of appeal.

Article 15

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. The survivors of foreign insured or pensioned persons shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. The survivors of foreign insured or pensioned persons shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 12, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to the survivors of insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

Article 16

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

Article 17

Any member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

Article 18

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for

compulsory widows' and orphans' insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 19 to 25 hereinafter shall be deemed to satisfy the requirements of this Convention.

Article 19

1. The following shall be entitled to a pension :

(a) every widow who has not remarried and who has at least two dependent children ;

(b) every orphan, that is to say, every child who has lost both parents.

2. National laws or regulations shall define—

(a) the cases in which a child other than a legitimate child shall be deemed to be the child of a widow for the purpose of entitling her to a pension ;

(b) the age until which a child shall be considered dependent upon a widow or shall be entitled to an orphan's pension : Provided that this age shall in no case be less than fourteen.

Article 20

1. The right to a widow's pension may be made conditional upon the residence in the territory of the Member—

(a) of the deceased husband during a period immediately preceding his death ; and

(b) of the widow during a period immediately preceding the making of her claim for a pension.

2. The right to an orphan's pension may be made conditional upon the residence, in the territory of the Member during a period immediately preceding death, of whichever of the parents died the more recently.

3. The period of residence in the territory of the Member to have been completed by a widow or deceased parent shall be prescribed by national laws or regulations but shall not exceed five years.

Article 21

1. A claimant shall be entitled to a widow's or orphan's pension if the annual value of the claimant's means, including any means of dependent children or orphans, does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

Article 22

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

Article 23

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

Article 24

1. Foreign widows and orphans shall, if nationals of a Member bound by this Convention, be entitled to pensions under the same conditions as nationals.

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon the completion of a period of residence in the territory of the Member which shall not exceed by more than five years the period of residence provided for in Article 20.

Article 25

1. The right to a pension may be forfeited or suspended in whole or in part if the widow or the person who has undertaken responsibility for the care of the orphan has obtained or attempted to obtain a pension by fraud.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

Article 26

Subject to the provisions of paragraph 5 of Article 15, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

Article 27

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 28

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date

on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 29

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 30

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 31

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 32

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 33

The French and English texts of this Convention shall both be authentic.

Recommendation 43

Recommendation concerning the General Principles of Invalidity, Old-Age and Widows' and Orphans' Insurance

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to invalidity, old-age and widows' and orphans' insurance, which is included in the second item on the agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Recommendation, which may be cited as the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

The Conference,

Having adopted Conventions concerning compulsory invalidity, old-age and widows' and orphans' insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for outworkers and domestic servants and concerning compulsory invalidity, old-age and widows' and orphans' insurance for persons employed in agricultural undertakings, and

Considering that these Conventions lay down the minimum conditions to be complied with from the beginning by every scheme of compulsory invalidity, old-age and widows' and orphans' insurance, and

Considering that it is desirable to indicate a number of general principles which practice shows to be best calculated to promote a just, effective and appropriate organisation of invalidity, old-age and widows' and orphans' insurance ;

Recommends that each Member should take the following principles and rules into consideration :

I. Scope

1. *(a)* Compulsory invalidity, old-age and widows' and orphans' insurance for employed persons should include, irrespective of age, sex or nationality, every person who is ordinarily engaged in employment for remuneration.

(b) Where economic, social and administrative conditions permit, national laws or regulations should provide that invalidity, old-age and widows' and orphans' insurance should also include persons of small means working on their own account in industry, commerce and agriculture.

2. If, however, it is considered advisable to fix a minimum age for entry into insurance, such age should be as close as possible to the age at which compulsory school attendance ceases and at which the choice of an occupation is made.

3. The fixing of a maximum age for entry into insurance is only justified in insurance schemes which make the right to a pension conditional upon the completion of a qualifying period and then only for workers who, when they take up employment for remuneration as their ordinary occupation, are too old to be able to complete the qualifying period before the normal pensionable age.

4. Where it is considered advisable to fix (apart from the limitation, inherent in social insurance, of the remuneration taken into account for insurance purposes) a maximum remuneration as a criterion of liability to insurance, only such workers should thereby be excluded as, by reason of the fact that their remuneration is considerably in excess of the general level of wages, may be deemed to be capable of making provision by themselves against invalidity, old age and death.

II. Pensions

A. *Qualifying Period and Insurance Periods*

5. The qualifying period prescribed by insurance schemes which provide for awarding all pensioners a pension at a fixed rate or varying with the remuneration taken into account for insurance purposes should be restricted to a contribution period which shall not be longer than is strictly necessary to preclude persons from entering insurance with intent to take undue

advantage of it and to ensure some consideration for the benefits afforded.

6. The qualifying period for the purpose of an invalidity or survivor's pension should in no case exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days and the qualifying period for the purpose of an old-age pension should not exceed twice this maximum.

7. Periods during which the insured person is incapable of work by reason of sickness, is not available for work by reason of childbirth or is involuntarily unemployed should, within limits to be prescribed, count towards the qualifying period, even where no contributions are paid for such periods by sickness or maternity insurance or by an unemployment fund.

8. *(a)* Insurance schemes which place limitations on the retention of such rights in respect of contributions which have been paid should guarantee retention of such rights for a term of at least eighteen months reckoned from the last contribution payment, this term being prolonged, in schemes in which contributions are graduated according to remuneration, up to at least one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance. In reckoning this term, periods during which the insured person was incapable of work by reason of sickness, was not available for work by reason of childbirth or was involuntarily unemployed or engaged in military service, should not be considered as periods for which contributions have not been credited.

(b) Any further retention of rights in respect of contributions may be made conditional either upon resumption of payment of contributions in virtue of compulsory or voluntarily continued insurance or upon the payment of a moderate fee for this purpose ; in insurance schemes in which contributions are graduated according to remuneration and which provide for pensions varying with the time spent in insurance, resumption of payment of contributions should operate to increase the value of the rights in course of acquisition.

9. A person formerly insured should be able to recover rights already expired, by the payment of a prescribed number of contributions in virtue of compulsory or voluntarily continued insurance ; where the pension varies with the number or amount of the contributions credited to the account of the insured person, the number of contributions so prescribed should be less than the number required for the initial qualifying period.

10. Sums required to be paid for maintaining the rights in course of acquisition of insured persons who are unemployed for a long time should—in view of the impossibility of putting the expense of such payments solely on the insured persons in

employment—be obtained through the financial assistance of the public authorities ; and the same principle should apply to payments for the purpose of consolidating and enhancing the rights of such unemployed persons.

B. *Old-Age Pensions*

11. For insurance schemes which fix the pensionable age above sixty it is recommended, as a means of relieving the labour market and of ensuring rest for the aged, that the pensionable age should be reduced to sixty, in so far as the demographic, economic and financial situation of the country permits and, if necessary, by stages.

12. Insured persons who have for many years been engaged in a particularly arduous or unhealthy occupation should be enabled to claim a pension at a less advanced age than workers in other occupations.

13. *(a)* In order to ensure that workers in their old age shall not suffer privations, the pension should be sufficient to cover essential needs. The pension provided for all pensioners who have completed a certain qualifying period should accordingly be fixed with due regard to the cost of living.

(b) In insurance schemes in which contributions are graduated according to remuneration, insured persons to the account of whom have been credited contributions corresponding to the normal duration of working life should be awarded a pension commensurate with their economic condition during their working life. To this end the pension provided for insured persons who have completed thirty years of actual contribution should not be less than half the remuneration taken into account for insurance purposes either since entry into insurance or over a prescribed period immediately preceding the award of the pension.

14. A bonus should be paid to a pensioner—

(a) for each dependent child who is of school age or, being under the age of seventeen, is continuing his general or vocational education, or who cannot by reason of infirmity earn his living ;

(b) when his wife is aged or infirm and is not herself on this account entitled to a pension.

15. A pensioner who needs the constant attendance of another person should be awarded a special supplement.

C. *Invalidity Pensions*

16. *(a)* A pension should be awarded to an insured person who by reason of sickness or infirmity is unable to earn an appreciable remuneration by work suited to his strength and

ability and his training ; remuneration which is less than one-third of the ordinary remuneration of a fit worker of similar training and experience should not be deemed to be appreciable.

(b) Nevertheless, in special insurance schemes set up on behalf of manual or non-manual workers in certain occupations, reduction of capacity for work should be assessed solely with reference to the occupation hitherto followed or to a similar occupation.

17. *(a)* In order to fulfil its purpose, an insurance scheme should provide for every insured person who becomes invalid after having completed the qualifying period a pension sufficient to cover his essential needs. The minimum pension provided for every pensioner should accordingly be fixed with due regard to the cost of living.

(b) In insurance schemes in which the minimum pension is fixed in terms of the remuneration taken into account for insurance purposes, the minimum should not be less than 40 per cent. of such remuneration. The same result should be aimed at by schemes in which the pension includes a fixed portion which is the same for every pensioner and a portion varying with the number and amount of the contributions credited to his account.

18. A bonus should be paid to a pensioner for each dependent child who is of school age or, being under the age of seventeen, is continuing his general or vocational education or who cannot by reason of infirmity earn his living.

19. A pensioner who needs the constant attendance of another person should be awarded a special supplement.

D. *Survivors' Pensions*

20. *(a)* If a pensioner or insured person dies after completing the qualifying period and leaves a widow, the widow should be entitled to a pension as long as she does not remarry.

(b) If, however, the award of the pension is subject to the fulfilment of other conditions, pensions should nevertheless be awarded to widows unable to earn their living by reason of age or invalidity and to widows with a dependent child who is of school age or who, being under the age of seventeen, is continuing his general or vocational education.

21. A pension should also be awarded to an invalid widower who by reason of his invalidity was dependent on an insured woman who died after completing the qualifying period.

22. *(a)* The pension awarded to a widow (or invalid widower) should represent a substantial contribution towards covering essential needs. Whatever may be the method of computing it, the minimum pension should be fixed with due regard to the cost of living.

(b) In insurance schemes in which contributions are graduated according to the remuneration of the deceased, the widow's (or invalid widower's) pension should not be less than half the pension to which the deceased was entitled or would have been entitled if at the date of his death he had been awarded an invalidity or old-age pension. Nevertheless, where such schemes determine the rights of survivors without regard to the rate of the pension to which the deceased was or would have been entitled, a widow's (or invalid widower's) pension should not be less than 20 per cent. of the remuneration of the deceased taken into account for the purposes of his insurance either since entry into insurance or over a prescribed period immediately preceding his death.

23. *(a)* Every child of school age who was dependent on a pensioner or insured person who died after completing the qualifying period should be entitled to a child's pension and the pension should continue to be paid until the age of seventeen if the child is continuing his general or vocational education and even beyond this age if the child cannot by reason of infirmity earn his living.

(b) A child's pension may be paid in the form of a supplement to the pension of his widowed mother.

24. *(a)* The minimum pension provided for every child should represent a substantial contribution towards the cost of maintaining and educating him; such minimum should be higher in the case of an orphan child.

(b) In insurance schemes in which contributions are graduated according to the remuneration of the deceased, a child's pension should not be less than one-quarter or in the case of orphans one-half of the pension to which the deceased was entitled or would have been entitled if at the date of his death he had been awarded an invalidity or old-age pension. Nevertheless, where such schemes determine the rights of survivors without regard to the rate of the pension to which the deceased was or would have been entitled, a child's pension should not be less than 10 per cent. or in the case of orphans 20 per cent. of the remuneration of the deceased as taken into account for the purposes of his insurance either since entry into insurance or over a prescribed period immediately preceding his death.

25. If it is considered advisable to fix a maximum for the total of the survivors' pensions which may be awarded in respect of one deceased person, such maximum should not, where survivors' pensions vary with the pension of the deceased, be less than the pension, including bonuses for family responsibilities, to which the deceased was or would have been entitled, or, where survivors' pensions vary with the remuneration of the deceased taken into account for the purposes of his insurance, be less than half such remuneration.

26. Survivors not eligible for a pension because the qualify-

ing conditions have not been fulfilled should (provided that a minimum number of payments has been credited to the account of the deceased) be granted a lump sum which will enable them to adapt themselves to the change in their circumstances caused by the death of the head of the family.

27. In countries where burial expenses are not, by law or custom, covered by some other insurance, and in particular by sickness insurance, a benefit in respect of the cost of decent burial should be paid by widows' and orphans' insurance on the death of an insured person.

E. *Provisions for the Suspension or Reduction of Pensions*

28. Where provision is made for the suspension or reduction of invalidity, old-age or survivors' pensions in cases where a concurrent title exists to a pension acquired under another scheme of social insurance or a scheme of pensions or workmen's compensation for accidents or occupational diseases, the provisions concerning suspension or reduction should be such as to enable the pensioner to receive in its entirety whichever of the pensions is the higher and in any case he should be paid that part of the invalidity, old-age or survivor's pension which corresponds to the insured person's own contributions.

29. Where an invalidity or old-age pension is suspended for reason other than the existence of a concurrent title to another pension, the dependent family of the person whose pension is suspended should be awarded a maintenance allowance equal to the whole or to a part of the pension.

III. Financial Resources

30. *(a)* The financial resources of the insurance scheme should be provided by contributions from the insured persons and contributions from their employers.

(b) The public authorities should contribute to the insurance scheme.

31. As a general rule the contribution of the insured person should not be higher than the contribution of his employer.

32. The employer should be responsible for the whole or the greater part of the joint contribution in respect of workers who are remunerated only in kind, outworkers and apprentices whose remuneration does not exceed a prescribed amount.

33. The State should be responsible for the contributions in respect of periods of compulsory military service performed by persons who were insured before beginning their military service.

IV. Administration

34. National laws or regulations should provide that insured women are adequately represented on the administrative bodies of invalidity, old-age and widows' and orphans' insurance.

EIGHTEENTH SESSION

(Geneva, 4-23 June 1934)

Convention 41

Convention concerning Employment of Women during the Night (Revised 1934) [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning employment of women during the night adopted by the Conference at its First Session, which is the seventh item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this nineteenth day of June of the year one thousand nine hundred and thirty-four the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1934 :

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

[1] Date of coming into force : 22 November 1936. The Convention was revised in 1948 by Convention 89 (see p. 783).

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. For the purpose of this Convention, the term " night " signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term " night " may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply—

(a) in cases of *force majeure,* when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character ;

(b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

Article 5

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

Article 8

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 11

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 12

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect

until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 14

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 15

The French and English texts of this Convention shall both be authentic.

Convention 42

Convention concerning Workmen's Compensation for Occupational Diseases (Revised 1934) [1]

The General Conference of the International Labour Organisation,

[1] Date of coming into force : 17 June 1936.

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning workmen's compensation for occupational diseases adopted by the Conference at its Seventh Session, which is the fifth item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and thirty-four the following Convention, which may be cited as the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934.

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

2. The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades, industries or processes placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

SCHEDULE

List of diseases and toxic substances.	*List of corresponding trades, industries or processes.*
Poisoning by lead, its alloys or compounds and their sequelae.	Handling of ore containing lead, including fine shot in zinc factories.
	Casting of old zinc and lead in ingots.
	Manufacture of articles made of cast lead or of lead alloys.
	Employment in the polygraphic industries.
	Manufacture of lead compounds.
	Manufacture and repair of electric accumulators.
	Preparation and use of enamels containing lead.
	Polishing by means of lead files or putty powder with a lead content.
	All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.
Poisoning by mercury, its amalgams and compounds and their sequelae.	Handling of mercury ore.
	Manufacture of mercury compounds.
	Manufacture of measuring and laboratory apparatus.
	Preparation of raw material for the hatmaking industry.
	Hot gilding.
	Use of mercury pumps in the manufacture of incandescent lamps.
	Manufacture of fulminate of mercury primers.
Anthrax infection.	Work in connection with animals infected with anthrax.
	Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns.
	Loading and unloading or transport of merchandise.
Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.
Phosphorus poisoning by phosphorus or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of phosphorus or its compounds.

Arsenic poisoning by arsenic or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae.	Any process involving the production, liberation or utilisation of benzene or its homologues, or their nitro- and amido-derivatives.
Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.	Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the alipathic series designated by national laws or regulations.
Pathological manifestations due to : *(a)* radium and other radio-active substances ; *(b)* X-rays.	Any process involving exposure to the action of radium, radio-active substances, or X-rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

Article 3

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 4

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 5

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 6

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 7

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 8

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 6 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 9

The French and English texts of this Convention shall both be authentic.

Convention 43

Convention for the Regulation of Hours of Work in Automatic Sheet-Glass Works [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in automatic sheet-glass works, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and thirty-four the following Convention, which may be cited as the Sheet-Glass Works Convention, 1934 :

Article 1

1. This Convention applies to persons who work in successive shifts in necessarily continuous operations in sheet-glass works which manufacture by automatic machines sheet-glass or other glass of the same characteristics which only differs from sheet-glass in thickness and other dimensions.

2. By necessarily continuous operations are meant all operations which, on account of the automatic and continuous character of the feeding of the molten glass to the machines and the working of the machines, are necessarily carried on without a break at any time of the day, night or week.

Article 2

1. The persons to whom this Convention applies shall be employed under a system providing for at least four shifts.

2. The hours of work of such persons shall not exceed an average of forty-two per week.

3. This average shall be calculated over a period not exceeding four weeks.

4. The length of a spell of work shall not exceed eight hours.

5. The interval between two spells of work by the same shift shall not be less than sixteen hours. Provided that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts.

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[1] Date of coming into force : 13 January 1938.

Article 3

1. The limits of hours prescribed in paragraphs 2, 3 and 4 of Article 2 may be exceeded and the interval prescribed in paragraph 5 reduced, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure* ; or

(b) in order to make good the unforeseen absence of one or more members of a shift.

2. Adequate compensation for all additional hours worked in accordance with this Article shall be granted in such manner as may be determined by national laws or regulations or by agreement between the organisations of employers and workers concerned.

Article 4

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required—

(a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority, the hours at which each shift begins and ends ;

(b) not to alter the hours so notified except in such manner and with such notice as may be approved by the competent authority ; and

(c) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Article 3 of this Convention and of the compensation granted in respect thereof.

Article 5

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 7

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 8

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 10

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 8 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 11

The French and English texts of this Convention shall both be authentic.

Convention 44

Convention Ensuring Benefit or Allowances to the Involuntarily Unemployed [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to unemployment insurance and various forms of relief for the unemployed, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-four the following Convention, which may be cited as the Unemployment Provision Convention, 1934 :

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to maintain a scheme ensuring to persons who are involuntarily unemployed and to whom this Convention applies—

(a) benefit, by which is meant a payment related to contributions paid in respect of the beneficiary's employment whether under a compulsory or a voluntary scheme ; or

(b) an allowance, by which is meant provision being neither benefit nor a grant under the ordinary arrangements for the relief of destitution, but which may be remuneration for employment on relief works organised in accordance with the conditions laid down in Article 9 ; or

(c) a combination of benefit and an allowance.

2. Subject to this scheme ensuring to all persons to whom this Convention applies the benefit or allowance required by paragraph 1, the scheme may be—

(a) a compulsory insurance scheme ;

(b) a voluntary insurance scheme ;

(c) a combination of compulsory and voluntary insurance schemes ; or

[1] Date of coming into force : 10 June 1938.

(d) any of the above alternatives combined with a complementary assistance scheme.

3. The conditions under which unemployed persons shall pass from benefit to allowances, if the occasion arises, shall be determined by national laws or regulations.

Article 2

1. This Convention applies to all persons habitually employed for wages or salary.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) persons employed in domestic service ;

(b) homeworkers ;

(c) workers whose employment is of a permanent character in the service of the government, a local authority or a public utility undertaking ;

(d) non-manual workers whose earnings are considered by the competent authority to be sufficiently high for them to ensure their own protection against the risk of unemployment ;

(e) workers whose employment is of a seasonal character, if the season is normally of less then six months' duration and they are not ordinarily employed during the remainder of the year in other employment covered by this Convention ;

(f) young workers under a prescribed age ;

(g) workers who exceed a prescribed age and are in receipt of a retiring or old-age pension ;

(h) persons engaged only occasionally or subsidiarily in employment covered by this Convention ;

(i) members of the employer's family ;

(j) exceptional classes of workers in whose cases there are special features which make it unnecessary or impracticable to apply to them the provisions of this Convention.

3. Members shall state in the annual reports submitted by them upon the application of this Convention the exceptions which they have made under the foregoing paragraph.

4. This Convention does not apply to seamen, sea fishermen, or agricultural workers as these categories may be defined by national laws or regulations.

Article 3

In cases of partial unemployment, benefit or an allowance shall be payable to unemployed persons whose employment has been reduced in a way to be determined by national laws or regulations.

Article 4

The right to receive benefit or an allowance may be made subject to compliance by the claimant with the following conditions :

(a) that he is capable of and available for work ;

(b) that he has registered at a public employment exchange or at some other office approved by the competent authority and, subject to such exceptions and conditions as may be prescribed by national laws or regulations, attends there regularly ; and

(c) that he complies with such other requirements as may be prescribed by national laws or regulations for the purpose of showing whether he fulfils the conditions for the receipt of benefit or an allowance.

Article 5

The right to receive benefit or an allowance may be made subject to other conditions and disqualifications, in particular those provided for in Articles 6, 7, 8, 9, 10, 11 and 12. Any conditions or disqualifications other than those provided for in the said Articles shall be indicated in the annual reports submitted by Members upon the application of this Convention.

Article 6

The right to receive benefit or an allowance may be made conditional upon the completion of a qualifying period, involving—

(a) the payment of a prescribed number of contributions within a prescribed period preceding the claim to benefit or preceding the commencement of the period of unemployment ;

(b) employment covered by this Convention for a prescribed period preceding the claim to benefit or an allowance or preceding the commencement of a period of unemployment ; or

(c) a combination of the above alternatives.

Article 7

The right to receive benefit or an allowance may be made conditional upon the completion of a waiting period the duration and conditions of application of which shall be prescribed by national laws or regulations.

Article 8

The right to receive benefit or an allowance may be made conditional upon attendance at a course of vocational or other instruction.

Article 9

The right to receive benefit or an allowance may be made conditional upon the acceptance, under conditions prescribed by national laws or regulations, of employment on relief works organised by a public authority.

Article 10

1. A claimant may be disqualified for the receipt of benefit or of an allowance for an appropriate period if he refuses an offer of suitable employment. Employment shall not be deemed to be suitable—

(a) if acceptance of it would involve residence in a district in which suitable accommodation is not available ;

(b) if the rate of wages offered is lower, or the other conditions of employment are less favourable :

(i) where the employment offered is employment in the claimant's usual occupation and in the district where he was last ordinarily employed, than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation in that district or would have obtained if he had continued to be so employed ;

(ii) in all other cases, than the standard generally observed at the time in the occupation and district in which the employment is offered ;

(c) if the situation offered is vacant in consequence of a stoppage of work due to a trade dispute ;

(d) if for any other reason, having regard to all the considerations involved including the personal circumstances of the claimant, its refusal by the claimant is not unreasonable.

2. A claimant may be disqualified for the receipt of benefit or of an allowance for an appropriate period—

(a) if he has lost his employment as a direct result of a stoppage of work due to a trade dispute ;

(b) if he has lost his employment through his own misconduct or has left it voluntarily without just cause ;

(c) if he has tried to obtain fraudulently any benefit or allowance ; or

(d) if he fails to comply with the instructions of a public employment exchange or other competent authority with regard to applying for employment, or if it is proved by the competent authority that he has failed or neglected to avail himself of a reasonable opportunity of suitable employment.

3. A claimant who on leaving his employment has received from his employer in virtue of his contract of service com-

pensation for and substantially equal to his loss of earnings for a certain period may be disqualified for the duration of that period for the receipt of benefit or of an allowance. A discharge allowance provided for by national laws or regulations shall not be deemed to be such compensation.

Article 11

The right to receive benefit or an allowance may be limited in duration to a period which shall not normally be less than 156 working days per year, and shall in no case be less than 78 working days per year.

Article 12

1. Benefit shall be payable irrespective of the needs of the claimant.

2. The right to receive an allowance may be made conditional upon the need of the claimant being proved in such manner as may be prescribed by national laws or regulations.

Article 13

1. Benefit shall be payable in cash, but supplementary grants to facilitate the re-employment of an insured person may be in kind.

2. Allowances may be in kind.

Article 14

There shall be constituted in accordance with national laws or regulations tribunals or other competent authorities for the purpose of determining questions arising on applications for benefit or an allowance made by persons to whom this Convention applies.

Article 15

1. The claimant may be disqualified for the receipt of benefit or of an allowance in respect of any period during which he is resident abroad.

2. Special provisions may be prescribed for frontier workers employed in one country and resident in another.

Article 16

Foreigners shall be entitled to benefit and allowances upon the same conditions as nationals. Provided that any Member may withhold from the nationals of any Member or State not bound by this Convention equality of treatment with its own nationals in respect of payments from funds to which the claimant has not contributed.

Article 17

The formal ratifications of this Convention shall be com-

municated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 19

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 20

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 21

At the expiration of each period of five years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 22

1. Should the Conference adopt a new Convention revising

this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 23

The French and English texts of this Convention shall both be authentic.

Recommendation 44

Recommendation concerning Unemployment Insurance and Various Forms of Relief for the Unemployed

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to unemployment insurance and various forms of relief for the unemployed, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-four the following Recommendation, which may be cited as the Unemployment Provision Recommendation, 1934 :

The Conference,

Having adopted a Convention ensuring benefit or allowances to the involuntarily unemployed ;

Considering that this Convention lays down the minimum conditions to be complied with by every scheme of unemployment insurance or assistance ;

Considering that it is desirable to indicate a number of general principles which practice shows to be best calculated to promote a satisfactory organisation of unemployment insurance and assistance ;

Recommends that each Member should take the following principles and rules into consideration :

1. In countries where compulsory insurance against unemployment is not in operation, steps should be taken to create such a system as soon as possible.

2. In countries in which compulsory or voluntary unemployment insurance is in operation, a complementary assistance scheme should be maintained to cover persons who have exhausted their right to benefit and in certain cases those who have not yet acquired the right to benefit ; this scheme should be on a different basis from the ordinary arrangements for the relief of destitution.

3. All schemes for the payment of unemployment benefit or allowances should cover not only persons who are wholly unemployed, but also persons who are partially unemployed.

4. *(a)* Unemployment insurance and assistance schemes should be applied as soon as possible to all persons who are employed under a contract of service, and to persons employed under a contract of apprenticeship with money payment. If, however, exceptions are considered necessary, they should be confined within the narrowest possible limits.

(b) Such persons should be covered either by insurance or assistance until they reach the age at which they are entitled to an old-age pension.

(c) If circumstances make it difficult to apply the general provisions relating to unemployment insurance to a particular class of workers, special arrangements should be made for the insurance of such workers. These special arrangements should aim in particular at ensuring adequate proof of unemployment and at adapting the benefit to the normal earnings of the workers concerned.

(d) Whenever possible, and in particular whenever satisfactory measures of supervision can be applied, special provision should be made for the relief in case of unemployment of persons of comparatively small means who work on their own account.

5. Where it is considered advisable to fix a maximum remuneration as a criterion of liability to insurance, only such workers should thereby be excluded as are in receipt of remuneration sufficiently high for them to ensure their own protection against the risk of unemployment, the ultimate object being to include all workers, manual and non-manual, irrespective of income.

6. The qualifying period permitted by the Convention should not exceed 26 weeks' employment in an occupation covered by the scheme, or the payment of 26 weekly contributions or the equivalent, within twelve months preceding the claim for benefit, or alternatively 52 weeks' such employment,

or 52 weekly contributions or the equivalent, within twenty-four months preceding the claim for benefit.

7. The period during which benefit is payable under national laws or regulations should be as long as is consistent with the solvency of the scheme ; and every effort should be made to pay allowances as long as claimants are in need of them.

8. Subject to the provisions concerning partially unemployed persons, of Articles 3 and 7 of the Convention, and of paragraph 3 of the present Recommendation, the waiting period permitted by the Convention should not exceed eight days per spell of unemployment.

9. In deciding whether employment in an occupation other than that in which a claimant has previously been engaged is " suitable employment " for the purpose of the disqualification permitted by the Convention, account should be taken of the length of the claimant's service in the previous occupation, his chances of obtaining work in it, his vocational training, and his suitability for the work.

10. Disqualification for the receipt of benefit or allowances on the ground that a claimant has lost his employment by reason of a stoppage of work due to a trade dispute should be confined to cases in which the claimant is directly interested in the dispute, and should in all cases cease when the stoppage of work ceases.

11. *(a)* The obligation to attend a course of vocational or other instruction permitted by the Convention as a condition for the receipt of benefit or allowances should be imposed only if the unemployed person will derive an advantage therefrom either from the point of view of physical or mental well-being or of vocational or general capabilities.

(b) When imposing on an unemployed person an obligation to accept employment on relief works, account should be taken of his age, health, previous occupation and suitability for the employment in question.

(c) Only works of an exceptional and temporary character, organised by the public authority by means of funds specially allocated for the relief of the unemployed, should be considered as relief works.

12. Part of the money allocated to the relief of unemployment should be available for the purpose of facilitating the return of unemployed persons to employment, such as vocational and other training, and the payment of fares to unemployed persons who find employment in a district other than that in which they have been residing.

13. There should be a periodical review by the competent authority of the financial position of insurance funds in order that they may be kept as far as possible solvent and self-

supporting. The financial arrangements should so far as possible include provisions to enable the scheme to surmount changes of short duration in the level of unemployment without change of the conditions governing the scheme.

14. An emergency fund should be created for the purpose of ensuring the payment, during periods of particularly severe unemployment, of the allowances provided for under national laws or regulations.

15. Provision should be made for the participation of representatives of the contributors in the administration of insurance schemes.

16. Equality of treatment should be applied in appropriate cases not only to the nationals of Members bound by the Convention but also to those of Members and States which, without having ratified the Convention, effectively apply its provisions.

17. States should regulate by means of bilateral agreements with neighbouring States the conditions under which benefit or allowances shall be paid to unemployed workers in frontier zones who have their residence in one country and who work in another.

NINETEENTH SESSION

(Geneva, 4-25 June 1935)

Convention 45

Convention concerning the Employment of Women on Underground Work in Mines of all Kinds [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the employment of women on underground work in mines of all kinds, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Underground Work (Women) Convention, 1935 :

Article 1

For the purpose of this Convention, the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

Article 2

No female, whatever her age, shall be employed on underground work in any mine.

Article 3

National laws or regulations may exempt from the above prohibition—

(a) females holding positions of management who do not perform manual work ;

(b) females employed in health and welfare services ;

(c) females who, in the course of their studies, spend a period of training in the underground parts of a mine ; and

(d) any other females who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

[1] Date of coming into force : 30 May 1937.

Article 4

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 5

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 6

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 7

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 8

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 9

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 7 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 10

The French and English texts of this Convention shall both be authentic.

Convention 46

Convention Limiting Hours of Work in Coal Mines (Revised 1935) [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention limiting hours of work in coal mines adopted by the Conference at its Fifteenth Session, which is the seventh item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Hours of Work (Coal Mines) Convention (Revised), 1935 :

Article 1

1. This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or

[1] This Convention had not come into force by 1 January 1949.

principally hard coal or lignite together with other minerals, is extracted.

2. For the purpose of this Convention, the term "lignite mine" shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted.

Article 2

For the purpose of this Convention, the term "worker" shall mean—

(a) in underground coal mines, any person occupied underground, by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work ;

(b) in open coal mines, any person employed directly or indirectly in the extraction of coal, except persons engaged in supervision or management who do not ordinarily perform manual work.

Article 3

1. Hours of work in underground hard coal mines shall mean the time spent in the mine, calculated as follows :

(a) time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending ;

(b) in mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface.

2. In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day.

Article 4

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface is the same as that laid down in paragraph 2 of Article 3. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

Article 5

1. Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed to be complied with if the national laws or regulations prescribe

that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes ; provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift.

2. Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof.

Article 6

1. Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays.

Provided that this requirement shall be deemed to be complied with if the workers enjoy a rest period of twenty-four consecutive hours, of which at least eighteen fall upon the Sunday or legal public holiday.

2. National laws or regulations may authorise the following exceptions to the provisions of the preceding paragraph for workers over eighteen years of age :

(a) for work which, owing to its nature, must be carried on continuously ;

(b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals ;

(c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking ;

(d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer.

3. The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article.

4. Work permitted under paragraph 2 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

5. Workers who are engaged to any considerable extent on work permitted under paragraph 2 of this Article shall be

assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 4 of this Article. The detailed application of this provision shall be regulated by national laws or regulations.

Article 7

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause.

Article 8

1. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in case of accident, actual or threatened, in case of *force majeure,* or in case of urgent work to be done to machinery, plant or equipment of the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine.

2. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in the case of workers employed on operations which by their nature must be carried on continuously or on technical work, in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal. The additional time so authorised for any individual worker shall not, except as specified in paragraphs 3 and 4 of this Article, exceed half an hour on any day.

3. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded to an extent exceeding half an hour in the case of the following grades :

(a) workers whose presence is indispensable for the work of ventilation and pumping stations and of such compressed air stations as are necessary for ventilation ;

(b) underground storemen ; and

(c) winchmen and locomotive drivers and their indispensable assistants.

Provided that no worker in the above grades who is employed on operations which by their nature must be carried on continuously may be employed for more than eight hours per day exclusive of the time spent in the mine by that worker in reaching and returning from his place of work, it being

understood that in each case this time will be reduced to the indispensable minimum.

Provided also that in the case of—

(a) underground storemen ;

(b) enginemen and men in charge of internal shafts who are engaged upon the transport of workers ;

(c) drivers of locomotives who are engaged upon the transport of workers ; and

(d) the indispensable assistants of the grades specified in clauses (b) and (c) ;

the limit of such extension shall be that fixed by the regulations of the public authority.

4. Regulations made by public authority may provide that the limit of hours specified in Articles 3, 4, 5 and 7 and in paragraphs 2 and 3 of this Article may be exceeded in the case of workers whose presence is indispensable for the work of underground ventilation, pumping and compressed air stations, but only to such extent as may be necessary to permit the periodical change-over of shifts, and time worked in virtue of this provision shall not be deemed to be overtime, so however that during any period of three weeks no worker shall work more than twenty-one shifts of the length prescribed for his grade by paragraph 2 or paragraph 3 of this Article as the case may be.

5. In the case of mines in normal operation the number of persons coming under paragraphs 2 and 3 of this Article shall at no time exceed five per cent. of the total number of persons employed at the mine.

6. Overtime worked in virtue of the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 9

1. Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

2. This overtime shall be paid for at not less than one-and-a-quarter times the regular rate.

Article 10

The regulations mentioned in Articles 7, 8 and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned.

Article 11

The annual reports to be submitted under Article 22 of the

Constitution of the International Labour Organisation shall contain all information as to the action taken to regulate the hours of work in accordance with the provisions of Articles 3, 4 and 5. They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement.

Article 12

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required—

(a) to notify by means of notices conspicuously posted at the pithead or in some other suitable place, or by such other method as may be approved by the public authority, the hours at which the workers of each shift or group shall begin to descend and shall have completed the ascent.

These hours shall be approved by the public authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention. When once notified, they shall not be changed except with the approval of the public authority and by such notice and in such manner as may be approved by the public authority ;

(b) to keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 8 and 9.

Article 13

1. In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions :

(a) in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift. Such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned ;

(b) the number of hours' overtime provided for in Article 9 may be increased to not more than seventy-five hours a year.

2. In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours' further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, para-

graph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions.

Article 14

In open hard coal and lignite mines Articles 3 to 13 of this Convention shall not be applicable. Nevertheless, Members which ratify this Convention undertake to apply to these mines the provisions of the Washington Convention of 1919 limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, provided that the amount of overtime which may be worked in virtue of Article 6, paragraph *(b)*, of the said Convention shall not exceed one hundred hours a year. Where special needs so require, and only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours a year.

Article 15

Nothing in this Convention shall have the effect of altering national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers.

Article 16

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety.

Article 17

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the International Labour Office.

2. It shall come into force six months after the date on which the ratifications of two of the following Members have been registered by the Director-General of the International Labour Office : Belgium, Czechoslovakia, France, Germany, Great Britain, Netherlands and Poland.

3. Thereafter the Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 19

As soon as the ratifications of two of the Members mentioned in the second paragraph of Article 18 have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 20

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of three years under the terms provided for in this Article.

Article 21

1. At the latest within three years from the coming into force of this Convention the Governing Body of the International Labour Office shall place on the agenda of the Conference the question of the revision of this Convention on the following points :

(a) the possibility of a further reduction in the hours of work provided for in paragraph 2 of Article 3 ;

(b) the right to have recourse to the exceptional method of calculation laid down in Article 5 ;

(c) the possibility of modifying the provisions of Article 13, paragraph 1, sub-paragraphs *(a)* and *(b)*, in the direction of a reduction of the hours of work ;

(d) the possibility of a reduction in the amount of overtime provided for in Article 14.

2. Moreover, at the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 22

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 23

The French and English texts of this Convention shall both be authentic.

Convention 47

Convention concerning the Reduction of Hours of Work to Forty a Week [1]

The General Conference of the International Labour Organisation,

Having met at Geneva in its Nineteenth Session on 4 June 1935,

Considering that the question of the reduction of hours of work is the sixth item on the agenda of the Session ;

Considering that unemployment has become so widespread and long continued that there are at the present time many millions of workers throughout the world suffering hardship and privation for which they are not themselves responsible and from which they are justly entitled to be relieved ;

Considering that it is desirable that workers should as far as practicable be enabled to share in the benefits of the rapid technical progress which is a characteristic of modern industry ; and

Considering that in pursuance of the Resolutions adopted by the Eighteenth and Nineteenth Sessions of the International Labour Conference it is necessary that a continuous effort should be made to reduce hours of work in all forms of employment to such extent as is possible ;

[1] This Convention had not come into force by 1 January 1949.

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Forty-Hour Week Convention, 1935 :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention declares its approval of—

(a) the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence ; and

(b) the taking or facilitating of such measures as may be judged appropriate to secure this end ;

and undertakes to apply this principle to classes of employment in accordance with the detailed provisions to be prescribed by such separate Conventions as are ratified by that Member.

Article 2

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 3

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 4

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 5

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 6

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 7

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 8

The French and English texts of this Convention shall both be authentic.

Convention 48

Convention concerning the Establishment of an International Scheme for the Maintenance of Rights under Invalidity, Old-Age and Widows' and Orphans' Insurance [1]

The General Conference of the International Labour Organisation,

[1] Date of coming into force : 10 August 1938.

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the maintenance of rights in course of acquisition and acquired rights under invalidity, old-age and widows' and orphans' insurance on behalf of workers who transfer their residence from one country to another, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Maintenance of Migrants' Pension Rights Convention, 1935 :

PART I. ESTABLISHMENT OF INTERNATIONAL SCHEME

Article 1

1. There is hereby established between Members of the International Labour Organisation a scheme for the maintenance of rights in course of acquisition with and of rights acquired with compulsory invalidity, old-age and widows' and orphans' insurance institutions (hereinafter called insurance institutions).

2. References to Members in Parts II, III, IV and V of this Convention shall be construed as including only Members of the International Labour Organisation bound by this Convention.

PART II. MAINTENANCE OF RIGHTS IN COURSE OF ACQUISITION

Article 2

1. The insurance periods spent by persons who have been affiliated to insurance institutions of two or more Members shall, irrespective of the nationality of such persons, be totalised by each such institution in accordance with the following rules.

2. For the maintenance of rights in course of acquisition the periods to be totalised shall be—

(a) contribution periods ;

(b) periods in respect of which contributions were not payable but during which rights are maintained under the laws or regulations under which they were spent ;

(c) periods during which a cash benefit has been paid under

an invalidity or old-age insurance scheme of another Member ; and

(d) periods during which a cash benefit has been paid under some other social insurance scheme of another Member, in so far as a corresponding benefit would, under the laws or regulations governing the institution which is totalising, maintain rights in course of acquisition.

3. For the purposes of—

(i) determining whether any conditions as to the qualifying period (minimum duration of liability to insurance) or the number of contributions prescribed for entitlement to special advantages (guaranteed minima) have been fulfilled ;

(ii) the recovery of rights ;

(iii) the right to enter voluntary insurance ; and

(iv) the right to medical treatment and attendance ;

the periods to be totalised shall be—

(a) contribution periods ; and

(b) periods in respect of which contributions were not payable but which are counted for the purpose of the qualifying period both under the laws or regulations under which they were spent and under the laws or regulations governing the institution which is totalising.

4. Provided that, where under the laws or regulations of a Member periods spent in an occupation covered by a special scheme are alone to be taken into account for the purpose of determining whether a claimant is entitled to certain advantages, the periods to be totalised for the purpose set forth in paragraphs 2 and 3 shall be restricted to periods spent under the corresponding special insurance schemes of other Members or, in respect of a Member with no special insurance scheme for the occupation concerned, to periods spent in that occupation under the insurance scheme applicable thereto.

5. Contribution periods and assimilated periods spent simultaneously with institutions of two or more Members shall be reckoned once for the purpose of totalisation.

Article 3

1. Each insurance institution from which on the basis of the totalised insurance periods the claimant is entitled to benefit shall calculate the amount of such benefit according to the laws and regulations governing the said institution.

2. Benefits or benefit components which vary with the time spent in insurance and are determined with sole regard to the periods spent under the laws and regulations governing the institution liable shall be payable without reduction.

3. Benefits or benefit components which are determined independently of the time spent in insurance and consist of a fixed sum, a percentage of the remuneration taken into account for insurance purpose, or a multiple of the average contribution, may be reduced in the ratio of the periods counted for the purpose of reckoning benefits according to the laws and regulations governing the institution liable to the total of the periods counted for the purpose of reckoning benefits according to the laws and regulations governing all the institutions concerned.

4. The provisions of paragraphs 2 and 3 shall apply to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

5. The apportionment of the cost of medical treatment and attendance is not regulated by this Convention.

Article 4

In cases in which the total of the insurance periods spent with the insurance institutions of a Member does not amount to twenty-six contribution weeks, the institution or institutions with which they were spent may decline to recognise any liability for benefit. Periods in respect of which liability for benefit has been so declined shall not be taken into account by any of the other institutions concerned when making the reduction permitted by Article 3, paragraph 3.

Article 5

1. If a person who is entitled to benefit from the insurance institutions of at least two Members would but for this Convention be entitled to receive from any such institution in respect of periods spent with it a benefit greater than the total of the benefits to which he is entitled under Article 3, he shall be entitled to receive from that institution a complementary benefit equal to the difference.

2. Where such complementary benefits are due from more than one institution, the total amount due to the beneficiary shall be the highest such benefit due from any one of them and the liability for this amount shall be apportioned among them in proportion to the complementary benefit which would have been due from each individually.

Article 6

Provision may be made by agreement between the Members concerned for—

(a) the reckoning of benefits by a method which differs from that prescribed in Article 3 but gives a result which is at least equivalent on the whole to that given by applying the said Article, subject to the total of the benefits payable never being less than the highest benefit payable

by any one insurance institution in respect of periods spent with it ;

(b) enabling an insurance institution of one Member to discharge its liability to the insured person and his dependants by paying to the insurance institution of another Member to which he has become affiliated the capital representing the rights in course of acquisition by him at the date at which he ceased to be affiliated to the institution, subject to the latter institution consenting thereto and undertaking to apply the capital for the purpose of crediting rights ;

(c) limiting the total of the benefits granted by the insurance institutions of the Members to the amount due on the basis of the totalised insurance periods from the institution governed by the most favourable laws and regulations.

Article 7

A claimant shall not be required to submit his claim for benefit to more than one of the insurance institutions to which he has been affiliated. This institution shall then inform the other institutions mentioned in the claim.

Article 8

For the purpose of converting sums expressed in the currency of another Member, insurance institutions shall, when dealing with claims for benefit, adopt the relation between the two currencies which, on the first day of the quarter during which the claim was submitted, obtained on the principal foreign exchange market of the Member in the currency of which the sum is expressed : Provided that provision may be made for another method of conversion by agreement between the Members concerned.

Article 9

Any Member may decline to apply the provisions of this Part of this Convention in its relations with a Member the laws and regulations of which do not cover the risk in respect of which a benefit is claimed.

Part III. Maintenance of Acquired Rights

Article 10

1. Persons who have been affiliated to an insurance institution of a Member and their dependants shall be entitled to the entirety of the benefits the right to which has been acquired in virtue of their insurance—

(a) if they are resident in the territory of a Member, irrespective of their nationality ;

(b) if they are nationals of a Member, irrespective of their place of residence.

2. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld from persons who are not nationals of a Member.

3. Provided also that, for a period of five years from the first coming into force of this Convention, a Member may reserve the payment of any subsidy or supplement to or fraction of a pension which is payable out of public funds to the nationals of Members with which it has concluded supplementary agreements to that effect.

Article 11

1. Pensions the right to which is maintained under Article 10 shall not be commuted for lump sums smaller than their capital value.

2. Provided that the insurance institution liable for benefit may commute pensions the monthly value of which is inconsiderable for lump sums calculated according to the laws and regulations governing the said institution, subject to the said sums not being reduced on the ground of residence abroad.

Article 12

1. The provisions of the laws or regulations of a Member permitting the reduction or suspension of benefit if the person concerned has concurrent rights to other social insurance benefits or is in employment involving compulsory insurance may be applied to beneficiaries under this Convention in respect of benefits payable under an insurance scheme of another Member or in respect of employment in the territory of another Member.

2. Provided that provisions permitting reduction or suspension in the case of concurrent benefits in respect of the same risk shall not apply to benefits the right to which is acquired under Part II of this Convention.

Article 13

An insurance institution liable for benefit in virtue of this Convention may discharge in the currency of its own country its liability to all persons entitled to such benefit.

Part IV. Mutual Assistance in Administration

Article 14

1. The authorities and insurance institutions of each Member shall afford assistance to those of other Members to the same extent as if they were applying their own laws and

regulations relating to social insurance, and more particularly shall, at the request of an institution of any Member, carry out the investigations and medical examinations necessary to determine whether the persons in receipt of benefits for which the latter institution is liable satisfy the conditions for entitlement to such benefits.

2. In so far as the Members concerned do not otherwise agree, the expenses to be repaid for assistance so afforded shall be an amount determined according to the scale of charges of the institution or authority which has afforded assistance or, in the absence of such a scale, the expenditure incurred.

Article 15

Any exemption from fees granted by the laws or regulations of a Member in respect of documents furnished to its authorities or insurance institutions shall be extended to the corresponding documents furnished in connection with the application of this Convention to the authorities and insurance institutions of any other Member.

Article 16

With the consent of the competent central authorities of the Members concerned, an insurance institution liable for benefit to a beneficiary resident in the territory of another Member may, on terms agreed between the two institutions, entrust the insurance institution of the place of residence of the beneficiary with the payment of such benefit on its behalf.

Part V. Operation of International Scheme

Article 17

Every Member which at the date of its ratification of this Convention has not established such a scheme undertakes to establish within twelve months from that date either—

(a) a compulsory insurance scheme under which pensions are payable at an age not later than sixty-five to the majority of persons employed in industrial and commercial undertakings ; or

(b) a compulsory invalidity, old-age and widows' and orphans' insurance scheme covering a substantial proportion of the persons employed in industrial and commercial undertakings.

Article 18

1. Each Member shall treat the nationals of other Members on the same footing as its own nationals for the purpose of liability to compulsory insurance and for the purpose of insur-

ance benefits, including any subsidy or supplement to or fraction of a pension which is payable out of public funds.

2. Provided that any Member may restrict to its own nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

Article 19

The provisions of this Convention may be derogated from by treaties between Members which do not affect the rights and duties of Members not parties to the treaty and which make definite provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable on the whole as those provided for in this Convention.

Article 20

1. For the purpose of assisting Members in applying this Convention there is hereby established in connection with the International Labour Office a Commission consisting of one delegate for each Member together with three persons appointed respectively by the government, employers' and workers' representatives upon the Governing Body of the Office. The Commission shall regulate its own procedure.

2. At the request of one or more Members concerned, the Commission, which shall be guided by the principles and purposes of this Convention, shall make recommendations as to the manner in which it shall be applied.

Article 21

1. Where, prior to the coming into force of this Convention, a pension has not been awarded or the payment of a pension has been suspended on account of the residence abroad of the person concerned, the pension shall be awarded or the payment of the pension resumed in pursuance of the Convention as from the date of the coming into force thereof for the Member concerned.

2. In applying this Convention account shall be taken of insurance periods prior to its coming into force if account would have been taken of such periods if this Convention had been in force during these periods.

3. At the request of the person concerned claims settled before the coming into force of this Convention shall, unless they have been settled by the payment of a lump sum, be reviewed. Review shall not involve the payment of arrears of, or the refund of, benefits for the period prior to the coming into force of the Convention for the Member concerned.

Article 22

1. The denunciation of this Convention by a Member shall not affect the liabilities of its insurance institutions in respect of claims with matured before the denunciation took effect.

2. Rights in course of acquisition which are maintained in pursuance of this Convention shall not lapse by reason of the denunciation thereof : their further maintenance during the period subsequent to the date on which the Convention ceases to be in force shall be regulated by the laws and regulations governing the institution concerned.

Part VI. Final Provisions

Article 23

The formal ratification of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 24

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 25

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 26

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the

period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 27

At the expiration of each period of five years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 28

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 26 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 29

The French and English texts of this Convention shall both be authentic.

Convention 49

Convention concerning the Reduction of Hours of Work in Glass-Bottle Works [1]

The General Conference of the International Labour Organisation,

Having met at Geneva in its Nineteenth Session on 4 June 1935 ;

Considering that the question of the reduction of hours of work is the sixth item on the agenda of the Session ;

[1] Date of coming into force : 10 June 1938.

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Having determined to give effect to this reduction forthwith in the case of glass-bottle works ;

adopts this twenty-fifth day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 :

Article 1

1. This Convention applies to persons who, in glass works where bottles are produced by automatic machinery, work in successive shifts and are employed in connection with generators, tank furnaces, automatic machinery, annealing furnaces and operations accessory to the working of the above.

2. For the purpose of this Convention the term " bottles " includes similar glass articles produced by the same processes as bottles.

Article 2

1. The persons to whom this Convention applies shall be employed under a system providing for at least four shifts.

2. The hours of work of such persons shall not exceed an average of forty-two per week.

3. This average shall be calculated over a period not exceeding four weeks.

4. The length of a spell of work shall not exceed eight hours.

5. The interval between two spells of work by the same shift shall not be less than sixteen hours. Provided that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts.

Article 3

1. The limits of hours prescribed in paragraphs 2, 3 and 4 of Article 2 may be exceeded and the interval prescribed in paragraph 5 reduced, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure* ; or

(b) in order to make good the unforeseen absence of one or more members of a shift.

2. Adequate compensation for all additional hours worked in accordance with this Article shall be granted in such manner as may be determined by national laws or regulations or by

agreement between the organisations of employers and workers concerned.

Article 4

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required—

(a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority, the hours at which each shift begins and ends ;

(b) not to alter the hours so notified except in such manner and with such notice as may be approved by the competent authority ; and

(c) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Article 3 of this Convention and of the compensation granted in respect thereof.

Article 5

Nothing in this Convention shall affect any custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 12

The French and English texts of this Convention shall both be authentic.

Recommendation 45

Recommendation concerning Unemployment among Young Persons

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to unemployment among young persons, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fifth day of June of the year one thousand nine hundred and thirty-five the following Recommendation, which may be cited as the Unemployment (Young Persons) Recommendation, 1935 :

The Conference,

Recalling that it has on several occasions drawn the attention of Governments to the economic measures that should be adopted as a remedy for the general depression, as a result of which large numbers of workers are unemployed ;

Considering that this unemployment continues and affects a large number of young persons, whose involuntary idleness may undermine their characters, diminish their occupational skill, and menace the future development of the nations ;

Considering that the Conference at its Eighteenth Session adopted a Convention and Recommendation concerning unemployment insurance and various forms of relief for the unemployed which apply to young persons among others ;

Considering that many countries have adopted other measures to remedy a situation the gravity of which has rightly alarmed public opinion ;

Recommends, in the light of the experience already gained in this field, that each Member should apply the following principles and should submit to the International Labour Office a report stating the extent to which, and manner in which, the said principles have been applied :

School-Leaving Age ; Age for Admission to Employment ; General and Vocational Education

1. The minimum age for leaving school and being admitted to employment should be fixed at not less than fifteen years, as soon as circumstances permit.

2. (1) Juveniles over the school-leaving age who are unable to find suitable employment should, where the organisation of the school allows, be required to continue full-time attendance at school until suitable employment is available for them.

(2) For the purpose of this paragraph the term " suitable " refers primarily to the continuity of the employment and to future prospects therein.

(3) For the purpose of applying this paragraph there should be close co-operation between the education, placing and unemployment insurance authorities.

3. For the purpose of this Recommendation, " juvenile " means a person under eighteen years of age.

4. In countries where compulsory education does not yet exist, it should be introduced as soon as possible in conformity with paragraphs 1 and 2.

5. Maintenance allowances should, if necessary, be granted to parents by the competent public authorities during the additional periods of education recommended in paragraphs 1 and 2.

6. The curricula for juveniles whose period of school attendance is prolonged by the application of the measures recommended above should be designed primarily to promote their general education, but should also provide general training for occupational activity.

7. (1) Measures should be adopted to encourage juveniles with the necessary aptitudes to attend secondary or technical schools beyond the minimum school-leaving age.

(2) Exemption from the payment of fees or the reduction of fees would be suitable methods of applying this principle.

8. Juveniles who are no longer in full-time attendance at school should, until they reach the age of eighteen, be required to attend continuation courses providing a combination of general and vocational education.

9. (1) Where such attendance is not compulsory for all juveniles it should at least be made compulsory for unemployed juveniles, who should be required to attend for a prescribed number of hours every day or, where this is not possible, for a prescribed number of hours every week.

(2) In districts in which there is a sufficient number of unemployed juveniles special courses should be organised for them.

(3) Measures should be taken to enable juveniles who have attended courses organised in accordance with the two preceding sub-paragraphs to continue similar instruction if possible after having found work.

10. Any unemployed juvenile unable to show good cause for his having refused to attend the course which he is required to attend in application of paragraph 9 may, under suitable circumstances, be temporarily disqualified, entirely or partly, for the receipt of unemployment benefit and allowances.

11. (1) There should be organised for unemployed persons between the ages of eighteen and twenty-five vocational training centres in which some provision is made for general education. Whether these centres are residential or non-residential should be decided according to circumstances.

(2) These centres should be organised in co-operation with employers' and workers' organisations.

12. (1) The programmes of such centres should include, in addition to practical subjects, general courses of vocational and cultural interest.

(2) The persons responsible for giving the courses at such centres should be suitably remunerated and should be selected with special care, as far as possible from among qualified unemployed young persons.

13. Persons attending a course or centre organised in application of paragraphs 9 or 11 should be allowed supplementary grants to cover their travelling and other necessary expenses.

14. In the case of persons unable to secure employment on the termination of secondary, technical or higher studies measures should be taken—

(a) to enable such persons to supplement their theoretical training by obtaining practical experience in industrial, commercial and other undertakings and in public administration, every precaution being taken to prevent such persons displacing regular workers ;

(b) to facilitate, by such methods as the provision of free courses and of study and research scholarships, their continued attendance at the institution where they terminated their technical or higher studies or at some other institution of general or vocational education ;

(c) to give such persons information concerning overcrowded occupations and to assist them to counteract prejudices which constitute barriers to their occupational readjustment.

15. Special measures should be adopted to train a qualified staff for educational, recreational, social service and employment centres for the young unemployed. It would be appropriate for such training to be given in special centres to which unemployed young persons with the necessary qualifications are admitted.

Recreational and Social Services for the Young Unemployed

16. (1) Measures for promoting the general and vocational education of the young unemployed should be accompanied by measures to facilitate the useful and agreeable utilisation of their spare time, such as the establishment of recreational centres, physical training centres, reading rooms, etc.

(2) Such centres should not be reserved for the exclusive use of the unemployed but should also, with a view to avoiding any systematic separation of employed and unemployed, be open to young employed persons.

(3) Such centres should be under the supervision of a qualified person, but their activities should be arranged as far as possible by co-operation with and among the young persons themselves.

17. In districts where there is a sufficient number of young unemployed, measures should be taken to establish social service centres and hostels where they can obtain board and lodging at low cost.

Action by Trade Organisations and Private Organisations

18. The public authorities should assist educational and other social services for the young unemployed organised by trade organisations and other associations.

Special Employment Centres

19. Where it is considered desirable to establish, for unemployed persons between the ages of eighteen and twenty-four inclusive, employment centres, the principal object of which is not to give vocational training but to provide work under other than normal conditions of employment, adequate safeguards should be adopted to prevent these abnormal conditions resulting in abuses.

20. Attendance at employment centres should be strictly voluntary.

21. Every care should be taken to prevent centres, whether public or private, from becoming institutions for military training. Privately organised centres should be under the supervision of public civil authorities.

22. No person should be admitted to an employment centre unless he has been medically examined and found physically fit for the work proposed for him.

23. The strictest hygienic conditions should prevail in all centres.

24. Special attention should be devoted to living conditions and discipline. The organisation of the centres should as far as possible be such as to enable the young unemployed to govern themselves, particularly as regards discipline.

25. In order to enable the young persons to maintain regular contact with their families, centres should be as near to their homes as circumstances permit.

26. (1) The work programmes of the centres should be such as to avoid competition by the centres with workers in normal employment.

(2) In so far as possible, the work provided should be appropriate to the age, sex, strength and occupation of the persons concerned.

27. The remuneration of young persons employed at centres should include a cash payment, in addition to board and, where these are provided, working clothes and lodging.

28. Persons employed at centres should be admitted to social insurance schemes and the contributions due in respect of them should be payable by the centres.

29. Where there is no general scheme of compulsory accident compensation insurance, centres should, unless directly organised by public authorities, which act as their own insurance carriers, cover their compensation liability by insurance.

30. (1) With a view to the inclusion in the programmes of centres of adequate provision for general education, vocational training, games, sports and free time, the time spent on productive work should be considerably less than forty hours per week.

(2) Centres should have libraries.

31. (1) There should be detailed regulations for the training and selection of the staff of centres, and members of centre staffs should have a thorough knowledge of social questions generally and of the problems of youth in particular.

(2) The staff of centres specially organised for young women should consist chiefly of women.

(3) Intermediate posts should in all possible cases be reserved for persons in attendance at the centres who are found to be suitably qualified.

(4) These centres should be placed under the supervision of a qualified person, but their activities should as far as possible be regulated by co-operation with and among the young persons themselves.

32. (1) A central supervisory council should be instituted for the purpose of general supervision over the employment centre system.

(2) The central supervisory council should include representatives of the most representative organisations of workers and employers and of the public department responsible for placing, public works, agriculture, public health, safety, education and for other aspects of the welfare of the young.

(3) Among these representatives there should be a certain number of women.

33. The central supervisory council or some other appropriate body should collaborate closely with the public employment exchanges with a view to placing in normal employment the persons attending the centres.

34. Measures should be taken to develop team spirit among the persons attending the centres and to encourage them to form co-operative working groups for employment on land settlement schemes, public works, handicrafts, etc.

Special Public Works for Unemployed Young Persons

35. (1) Special public works should be organised to assist unemployed young persons and such works should as far as possible be adapted to the age and occupation of such persons.

(2) For young unemployed persons who have terminated secondary, technical or higher studies, such works should be adapted as far as possible to the training of such persons.

(3) In so far as they are appropriate and possible, the safeguards recommended for Special Employment Centres should also be applied to public works organised to assist unemployed young persons.

Placing and Development of Opportunities for Normal Employment

36. The national system of public employment exchanges should include special local and central arrangements for the placing of juveniles.

37. Placing services for juveniles—

(a) should seek to place juveniles in suitable occupations as defined in paragraph 2 (2) ; and

(b) should either include a vocational guidance department or be co-ordinated with independent bodies for vocational guidance.

38. Employers should be required to notify the local placing service for juveniles of vacancies for juveniles and of any engagements of juveniles which they have made without recourse to the placing service.

39. Placing services for juveniles should be required—

(a) to supervise, in co-operation with vocational guidance services, apprenticeship committees and similar bodies,

the results of the placings made, with a view to obtaining information likely to further the occupational prospects of juveniles ; and

(b) to maintain close relations with all other public and private institutions interested in young persons and notably with the education authorities.

40. In the development of placing services for young persons of eighteen years of age and over, provision should be made whenever possible for assisting such persons in their occupational readjustment.

41. Measures should be taken to transfer to expanding occupations and to districts in which such occupations are carried on young persons who are without employment in districts where the principal industries appear to be in permanent decline.

42. Governments should conclude agreements for the purpose of facilitating the international exchange of student employees, that is to say, of young persons desirous of improving their occupational qualifications by a knowledge of the customs of other countries.

43. Present attempts to promote re-employment by a reduction in ordinary hours of work should be pursued with special vigour in respect of employment in which young persons engage.

Statistics

44. (1) Unemployment insurance institutions, public employment exchanges, and other institutions which compile unemployment statistics should include in their statistics figures showing the extent of unemployment among persons below the age of twenty-five.

(2) These figures should be classified so as to show the distribution of such unemployment according to—

(a) sex ;

(b) age, juveniles and other young persons being classified separately ;

(c) occupation, persons who have never been in paid employment being classified separately and according to the occupation for which they have been trained or in which they have applied for employment.

45. For the purpose of supplementing such statistics, and in substitution for them where they do not exist, special enquiries should be made from time to time with a view to obtaining the above information and complementary information upon such matters as the length of unemployment and occupational history of the persons concerned.

46. Where the general census returns include information concerning unemployment, the returns should be analysed for

the purpose of obtaining in so far as possible the information referred to in paragraph 44.

47. Until such time as the recommendation made in paragraph 1 is fully applied in the various countries, annual returns should be compiled showing the number of children still under the school-leaving age who during the year have been engaged in employment out of school hours. Such returns should be classified by sex, age group and occupation, and should give details of the days of the week and the seasons during which such employment was carried on, and the number and incidence of the hours of employment.

TWENTIETH SESSION

(Geneva, 4-24 June 1936)

Convention 50

Convention concerning the Regulation of Certain Special Systems of Recruiting Workers [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to the regulation of certain special systems of recruiting workers, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twentieth day of June of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Recruiting of Indigenous Workers Convention, 1936:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to regulate in accordance with the following provisions the recruiting of indigenous workers in each of its territories in which such recruiting exists or may hereafter exist.

Article 2

For the purposes of this Convention—

(a) the term " recruiting " includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the competent authority ;

(b) the term " indigenous workers " includes workers belonging to or assimilated to the indigenous populations of the dependent territories of Members of the Organisation and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organisation.

[1] Date of coming into force : 8 September 1939.

Article 3

Where the circumstances make the adoption of such a policy desirable, the following classes of recruiting operations may, except when undertaken by persons or associations engaged in professional recruiting, be exempted from the application of the Convention by the competent authority :

(a) operations undertaken by or on behalf of employers who do not employ more than a prescribed limited number of workers ;

(b) operations undertaken within a prescribed limited radius from the place of employment ; and

(c) operations for the engagement of personal and domestic servants and of non-manual workers.

Article 4

Before approving for any area any scheme of economic development which is likely to involve the recruiting of labour, the competent authority shall take such measures as may be practicable and necessary—

(a) to avoid the risk of pressure being brought to bear on the populations concerned by or on behalf of the employers in order to obtain the labour required ;

(b) to ensure that, as far as possible, the political and social organisation of the populations concerned and their powers of adjustment to the changed economic conditions will not be endangered by the demand for labour ; and

(c) to deal with any other possible untoward effects of such development on the populations concerned.

Article 5

1. Before granting permission to recruit labour in any area, the competent authority shall take into consideration the possible effects of the withdrawal of adult males on the social life of the population concerned, and in particular shall consider—

(a) the density of the population, its tendency to increase or decrease, and the probable effect upon the birthrate of the withdrawal of adult males ;

(b) the possible effects of the withdrawal of adult males on the health, welfare and development of the population concerned, particularly in connection with the food supply;

(c) the dangers to the family and morality arising from the withdrawal of adult males ; and

(d) the possible effects of the withdrawal of adult males on the social organisation of the population concerned.

2. Where the circumstances make the adoption of such a policy practicable and necessary, the competent authority shall,

in order to safeguard the populations concerned against any untoward consequences of the withdrawal of adult males, fix the maximum number of adult males who may be recruited in any given social unit in such manner that the number of adult males remaining in the said unit does not fall below a prescribed percentage of the normal proportion of adult males to women and children.

Article 6

Non-adult persons shall not be recruited. Provided that the competent authority may permit non-adults above a prescribed age to be recruited with the consent of their parents for employment upon light work subject to prescribed safeguards for their welfare.

Article 7

1. The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family.

2. Where the circumstances make the adoption of such a policy practicable and desirable, the competent authority shall encourage recruited workers to be accompanied by their families, more particularly in the case of workers recruited for agricultural or similar employment at a long distance from their homes and for periods exceeding a specified duration.

3. Except at the express request of the persons concerned, recruited workers shall not be separated from wives and minor children who have been authorised to accompany them to, and to remain with them at, the place of employment.

4. In default of agreement to the contrary before the departure of the worker from the place of recruiting, an authorisation to accompany a worker shall be deemed to be an authorisation to remain with him for the full duration of his term of service.

Article 8

Where the circumstances make the adoption of such a policy practicable and desirable, the competent authority may make it a condition of permitting recruiting that the recruited workers shall be grouped at the place of employment under suitable ethnical conditions.

Article 9

Public officers shall not recruit for private undertakings either directly or indirectly, except when the recruited workers are to be employed on works of public utility for the execution of which private undertakings are acting as contractors for a public authority.

Article 10

Chiefs or other indigenous authorities shall not—

(a) act as recruiting agents ;

(b) exercise pressure upon possible recruits ; or

(c) receive from any source whatsoever any special remuneration or other special inducement for assistance in recruiting.

Article 11

No person or association shall engage in professional recruiting unless the said person or association has been licensed by the competent authority and is recruiting workers for a public department or for one or more specific employers or organisations of employers.

Article 12

Employers, employers' agents, organisations of employers, organisations subsidised by employers, and the agents of organisations of employers and of organisations subsidised by employers, shall only engage in recruiting if licensed by the competent authority.

Article 13

1. Before issuing any licence for recruiting the competent authority shall—

(a) satisfy itself that the applicant for a licence, if an individual, is a fit and proper person ;

(b) require the applicant for a licence, except when the said applicant is an employers' organisation or an organisation subsidised by employers, to furnish financial or other security for proper conduct as a licensee ;

(c) require the applicant for a licence, if an employer, to furnish financial or other security for the payment of wages due ; and

(d) satisfy itself that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited.

2. Licensees shall keep, in such form as the competent authority may prescribe, records from which the regularity of every recruiting operation can be verified and every recruited worker can be identified.

3. A licensee who is the agent of another licensee shall wherever possible receive a fixed salary, and in any case in which he receives remuneration calculated at a rate per head of workers recruited such remuneration shall not exceed a maximum to be prescribed by the competent authority.

4. The validity of licences shall be limited to a fixed period

not exceeding one year to be prescribed by the competent authority.

5. The renewal of licences shall be conditional upon the manner in which the licensee has respected the conditions subject to which the licence was issued.

6. The competent authority shall be entitled—

(a) to withdraw any licence if the licensee has been guilty of any offence or misconduct unfitting him to conduct recruiting operations ; and

(b) to suspend any licence pending the result of any enquiry into the conduct of the licensee.

Article 14

1. No person shall assist a licensee in a subordinate capacity in the actual recruiting operations unless he has been approved by a public officer and has been furnished with a permit by the licensee.

2. Licensees shall be responsible for the proper conduct of such assistants.

Article 15

1. Where the circumstances make the adoption of such a policy necessary or desirable, the competent authority may exempt from the obligation to hold a licence worker-recruiters who—

(a) are employed as workers by the undertaking for which they recruit other workers ;

(b) are formally commissioned in writing by the employer to recruit other workers ; and

(c) do not receive any remuneration or other advantage for recruiting.

2. Worker-recruiters shall not make advances of wages to recruits.

3. Worker-recruiters may recruit only within an area to be prescribed by the competent authority.

4. The operations of worker-recruiters shall be supervised in a manner to be prescribed by the competent authority.

Article 16

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.

2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

Article 17

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

Article 18

1. Every recruited worker shall be medically examined.

2. Where the worker has been recruited for employment at a distance from the place of recruiting or has been recruited in one territory for employment in a territory under a different administration the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 16 to authorise the departure prior to medical examination of workers in whose case they are satisfied—

(a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure ;

(b) that the worker is fit for the journey and the prospective employment ; and

(c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.

5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

Article 19

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

2. The competent authority shall take all necessary measures to ensure—

(a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded ;

(b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers ; and

(c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When recruited workers have to make long journeys on foot to the place of employment, the competent authority shall take all necessary measures to ensure—

(a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers ; and

(b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

4. When recruited workers have to make long journeys in groups to the place of employment, they shall be convoyed by a responsible person.

Article 20

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

3. This Article applies to workers recruited by worker-recruiters only to the extent to which its application is considered possible by the competent authority.

Article 21

Any recruited worker who—

(a) becomes incapacitated by sickness or accident during the journey to the place of employment ;

(b) is found on medical examination to be unfit for employment ;

(c) is not engaged after recruiting for a reason for which he is not responsible ; or

(d) is found by the competent authority to have been recruited by misrepresentation or mistake ;

shall be repatriated at the expense of the recruiter or employer.

Article 22

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made.

Article 23

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly—

(a) Articles 19 and 20 of this Convention shall apply to such families ;

(b) in the event of the worker being repatriated in virtue of Article 21, his family shall also be repatriated ; and

(c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

Article 24

1. Before permitting the recruiting of workers for employment in a territory under a different administration, the competent authority of the territory of recruiting shall satisfy itself that all necessary measures have been taken for the protection of the recruited workers in accordance with the provisions of this Convention when the workers have travelled beyond its jurisdiction.

2. Where workers are recruited in one territory for employment in a territory under a different administration and the circumstances and amount of recruiting appear to the competent authorities concerned to necessitate such action, the said authorities shall enter into agreements defining the extent to which such recruiting is to be permitted and providing for co-operation between them in supervising the execution of the conditions of recruiting and employment.

3. The recruiting of workers in one territory for employment in a territory under a different administration shall be undertaken only under licence issued by the competent authority of the territory of recruiting. Provided that the said authority may accept as equivalent to a licence issued by it a licence issued by the competent authority of the territory of employment.

4. Where the circumstances and the amount of recruiting for employment in a territory under a different administration appear to the competent authority of the territory of recruiting

to necessitate such action, the said authority shall provide that such recruiting may only be undertaken by organisations approved by it.

Article 25

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories to which it undertakes to apply the provisions of the Convention without modification ;

(b) the territories to which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

(c) the territories to which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

Article 26

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 27

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 28

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of

ratifications which may be communicated subsequently by other Members of the Organisation.

Article 29

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 30

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 31

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 29 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 32

The French and English texts of this Convention shall both be authentic.

Recommendation 46

Recommendation concerning the Progressive Elimination of Recruiting

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to the progressive elimination of recruiting, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twentieth day of June of the year one thousand nine hundred and thirty-six the following Recommendation, which may be cited as the Elimination of Recruiting Recommendation, 1936 :

The Conference,

Having adopted a Convention concerning the regulation of certain special systems of recruiting workers,

Considering that in addition to the regulation of recruiting of labour it should be a cardinal principle to be followed by the Members of the International Labour Organisation to direct their policy where necessary and desirable towards the progressive elimination of the recruiting of labour and the development of the spontaneous offer of labour,

Recommends that each Member of the International Labour Organisation should take steps to hasten such elimination by—

(a) improvement of the conditions of labour ;

(b) development of the means of transport ;

(c) promotion of the settlement of workers and their families in the area of employment, where such settlement is the policy of the competent authority ;

(d) facilitating the voluntary movement of labour under administrative supervision and control ; and

(e) the educational development of indigenous peoples and the improvement of their standard of living.

Convention 51

Convention concerning the Reduction of Hours of Work on Public Works [1]

The General Conference of the International Labour Organisation,

[1] This Convention had not come into force by 1 January 1949.

Having met at Geneva in its Twentieth Session on 4 June 1936 ;

Considering that the question of the reduction of hours of work on public works undertaken or subsidised by Governments is the third item on the agenda of the Session ;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Considering it to be desirable that this principle should be applied by international agreement to public works ;

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Reduction of Hours of Work (Public Works) Convention, 1936 :

Article 1

1. This Convention applies to persons directly employed on building or civil engineering works financed or subsidised by central Governments.

2. For the purpose of this Convention the precise scope of the terms " building or civil engineering ", " financed " and " subsidised " shall be delimited by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

3. The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention—

(a) persons employed in undertakings in which only members of the employer's family are employed ;

(b) persons occupying positions of management who do not ordinarily perform manual work.

Article 2

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the case of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist,

determine the number of weeks over which this average may be calculated and the maximum number of hours that may be worked in any week.

5. For the purpose of this Convention, the term " hours of work " means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

Article 3

1. The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours prescribed in the preceding Article may be exceeded in the case of—

(a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking or branch thereof or of the shift ; and

(b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

3. The competent authority may permit the limits of hours prescribed in the preceding Article to be exceeded to a prescribed extent in cases in which this is necessary, if serious hindrance to the execution of a particular public work is to be avoided, on account of abnormal circumstances such as the inaccessibility of the site or the impossibility of engaging sufficient qualified labour.

Article 4

The limits of hours prescribed in the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure* ; or

(b) in order to make good the unforeseen absence of one or more members of a shift.

Article 5

1. The limits of hours prescribed in Articles 2 and 3 may be exceeded in cases where the continued presence of particular persons is necessary for the completion of an operation which for technical reasons cannot be interrupted.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which this Article applies and the maximum number of hours in excess of the prescribed limits which may be worked by the persons concerned.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 6

1. The competent authority may grant an allowance of overtime for exceptional cases of pressure of work. Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the organisations of employers and workers concerned where such exist, and no such allowance shall permit of any person being employed for more than one hundred hours of such overtime in any year.

2. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 7

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required—

(a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority,

(i) the hours at which work begins and ends ;

(ii) where work is carried on by shifts, the hours at which each shift begins and ends ;

(iii) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons ;

(iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks ; and

(v) rest periods in so far as these are not reckoned as part of the working hours ;

(b) to keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 3 (paragraph 3), 5 and 6 and of the payments made in respect thereof.

Article 8

The annual reports submitted by Members upon the application of this Convention shall include more particularly full information concerning—

(a) the definitions adopted in virtue of Article 1, paragraph 2 ;
(b) processes which the competent authority has recognised as necessarily continuous in character in virtue of Article 2, paragraph 2 ;
(c) determinations made in virtue of Article 2, paragraph 4 ;
(d) decisions taken in virtue of Article 3 ; and
(e) allowances of overtime granted in virtue of Article 6.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and

which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

Convention 52

Convention concerning Annual Holidays with Pay [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to annual holidays with pay, which is the second item on the agenda of the Session, and

[1] Date of coming into force : 22 September 1939.

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of June of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Holidays with Pay Convention, 1936 :

Article 1

1. This Convention applies to all persons employed in any of the following undertakings or establishments, whether public or private :

(a) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(b) undertakings engaged wholly or mainly in the construction, reconstruction, maintenance, repair, alteration or demolition of any one or more of the following :

buildings,
railways,
tramways,
airports,
harbours,
docks,
piers,
works of protection against floods or coast erosion,
canals,
works for the purpose of inland, maritime or aerial navigation,
roads,
tunnels,
bridges,
viaducts,
sewers,
drains,
wells,
irrigation or drainage works,
telecommunication installations,
works for the production or distribution of electricity or gas,
pipe-lines,
waterworks,

and undertakings engaged in other similar work or in the preparation for or laying the foundation of any such work or structure ;

(c) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the

handling of goods at docks, quays, wharves, warehouses or airports ;

(d) mines, quarries and other works for the extraction of minerals from the earth ;

(e) commercial or trading establishments, including postal and telecommunication services ;

(f) establishments and administrative services in which the persons employed are mainly engaged in clerical work ;

(g) newspaper undertakings ;

(h) establishments for the treatment and care of the sick, infirm, destitute or mentally unfit ;

(i) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses ;

(j) theatres and places of public amusement ;

(k) mixed commercial and industrial establishments not falling wholly within any of the foregoing categories.

2. The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned where such exist, define the line which separates the undertakings and establishments specified in the preceding paragraph from those to which this Convention does not apply.

3. The competent authority in each country may exempt from the application of this Convention—

(a) persons employed in undertakings or establishments in which only members of the employer's family are employed ;

(b) persons employed in public services whose conditions of service entitle them to an annual holiday with pay at least equal in duration to that prescribed by this Convention.

Article 2

1. Every person to whom this Convention applies shall be entitled after one year of continuous service to an annual holiday with pay of at least six working days.

2. Persons, including apprentices, under sixteen years of age shall be entitled after one year of continuous service to an annual holiday with pay of at least twelve working days.

3. The following shall not be included in the annual holiday with pay :

(a) public and customary holidays ;

(b) interruptions of attendance at work due to sickness.

4. National laws or regulations may authorise in special circumstances the division into parts of any part of the annual holiday with pay which exceeds the minimum duration prescribed by this Article.

5. The duration of the annual holiday with pay shall increase with the length of service under conditions to be prescribed by national laws or regulations.

Article 3

Every person taking a holiday in virtue of Article 2 of this Convention shall receive in respect of the full period of the holiday either—

(a) his usual remuneration, calculated in a manner which shall be prescribed by national laws or regulations, including the cash equivalent of his remuneration in kind, if any ; or

(b) the remuneration determined by collective agreement.

Article 4

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

Article 5

National laws or regulations may provide that a person who engages in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday.

Article 6

A person dismissed for a reason imputable to the employer before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in Article 3.

Article 7

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required to keep, in a form approved by the competent authority, a record showing—

(a) the date of entry into his service of each person employed by him and the duration of the annual holiday with pay to which each such person is entitled ;

(b) the dates at which the annual holiday with pay is taken by each person ;

(c) the remuneration received by each person in respect of the period of his annual holiday with pay.

Article 8

Each Member which ratifies this Convention shall establish a system of sanctions to ensure the application of its provisions.

Article 9

Nothing in this Convention shall affect any law, award,

custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and

shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

Recommendation 47

Recommendation concerning Annual Holidays with Pay

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to annual holidays with pay, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of June of the year one thousand nine hundred and thirty-six the following Recommendation, which may be cited as the Holidays with Pay Recommendation, 1936 :

The Conference,

Having adopted a Convention concerning annual holidays with pay for employed persons,

Considering that the purpose of such holidays is to secure to employed persons opportunities for rest, recreation and the development of their faculties,

Considering that the conditions laid down by the Convention

constitute the minimum standard to which any system of holidays with pay should conform,

Considering that it is desirable to deal in greater detail with the methods of applying the system,

Recommends that each Member should take the following suggestions into consideration :

1. (1) The continuity of service required in order to become entitled to a holiday should not be affected by interruptions occasioned by sickness or accident, family events, military service, the exercise of civic rights, changes in the management of the undertaking in which the employed person is employed, or intermittent involuntary unemployment if the duration of the unemployment does not exceed a prescribed limit and if the person concerned resumes employment.

(2) In employments in which work is not carried on regularly throughout the year the condition of continuity of employment should be regarded as satisfied by the working of a prescribed number of days during a prescribed period.

(3) The holiday should be earned after one year's work, regardless whether this period has been spent in the employment of the same or of several employers. Each Government should take effective steps to ensure that the cost arising from the granting of the holidays shall not fall entirely upon the last employer.

2. Although it may be desirable that provision should be made in special cases for holidays to be divided, care should be exercised to ensure that such special arrangements do not run counter to the purpose of the holiday, which is to enable the employed person to make good the loss of physical and mental forces during the course of the year. In other cases division of the holiday should be restricted, save in quite exceptional circumstances, to division into not more than two parts, one of which should not be less than the prescribed minimum.

3. It would be desirable that the increase in the length of the holiday with the duration of service should begin to operate as soon as possible and should be effected by regular stages so that a prescribed minimum will be attained after a prescribed number of years, for example, twelve working days after seven years of service.

4. The fairest method of calculating the remuneration of a person paid in whole or in part on an output or piece-work basis would be to calculate the average earnings over a fairly long period so as to nullify as far as possible the effect of fluctuations in earnings.

5. It would be desirable that the Members should consider whether a more advantageous system should not be established for young persons and apprentices under eighteen years of age in order to ease the transition from school to industrial life during a period of physical development.

TWENTY-FIRST SESSION

(Geneva, 6-24 October 1936)

Recommendation 48

Recommendation concerning the Promotion of Seamen's Welfare in Ports

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the promotion of seamen's welfare in ports, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Recommendation, which may be cited as the Seamen's Welfare in Ports Recommendation, 1936 :

Whereas by the nature of their calling seamen are frequently deprived for long periods of the advantages of family life and may be exposed while in ports, particularly in foreign countries, to special dangers and difficulties and whereas it is not always possible for them to have the benefit of arrangements made to organise the spare time, promote the welfare and safeguard the health of the general body of workers ;

Whereas certain Governments and different private associations have successfully taken various measures for the special help and protection of seamen in ports and whereas such protection should be extended to as large a number of seamen as possible ; and

Whereas it is important, notwithstanding differences which may exist in national and local needs and customs, to develop and co-ordinate nationally and internationally the principal forms of action, in a manner which draws no distinction of race between seamen ;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and methods into consideration for the promotion of the welfare of both national and foreign seamen in ports.

PART I. GENERAL ORGANISATION

1. It is desirable to create in every important port an official or officially recognised body, which might comprise represen-

tatives of shipowners, seamen, national and local authorities and the chief associations concerned, for the purposes of—

(*a*) collecting, as far as possible in conjunction with the different authorities or organisations concerned, including the consular authorities of maritime States, all useful information and suggestions on the conditions for seamen in the port ;

(*b*) advising the competent departments, authorities and associations as to the adoption, adaptation and co-ordination of measures for the improvement of such conditions ; and

(*c*) collaborating if required with other competent bodies in carrying out such measures.

2. It is desirable, in order to enable the International Labour Office to inform the Governments of the maritime States and to assist them to co-ordinate their action, that each of them should keep in touch with the Office and furnish it every three years with all useful information on the experience acquired in the promotion of seamen's welfare in ports and on the progress made in this field.

Part II. Regulation

3. There should be laws or regulations to protect seamen, by measures including the following, from the dangers to which they are exposed in certain establishments or in the docks as such :

(*a*) the regulation of the sale of intoxicating liquor ;

(*b*) the prohibition of the employment in public houses of young persons of either sex under a certain age ;

(*c*) the application of the provisions of international agreements limiting the sale and use of narcotics to all seamen without distinction of nationality ;

(*d*) the prohibition of the entry into the docks and harbour area generally of undesirable persons ;

(*e*) the fencing off of dock areas and the protection of the edges of wharves and quays and other dangerous parts of docks by fixed or movable barriers, wherever such measures are practicable ;

(*f*) the provision of sufficient lighting and, where necessary, of signposts for docks and approaches.

4. In order to ensure the strict enforcement of the measures indicated above and to increase their efficacy, there should be arrangements for supervision, including—

(*a*) supervision of establishments where intoxicating liquors are sold and, where necessary and practicable, of hotels, cafés, lodging houses and other similar establishments in the harbour area ;

(b) supervision, which might be carried out jointly by masters and the public authorities, of persons visiting ships, including boatmen plying between ships and the shore, with a view to preventing intoxicating liquor or narcotics being wrongfully brought on board or the fulfilment of any other illicit purpose ;

(c) the maintenance in the harbour area of adequate police forces, specially trained and equipped, which should keep in touch with the other supervising bodies.

5. For the better protection of foreign seamen, measures should be taken to facilitate—

(a) their relations with their consuls ; and

(b) effective co-operation between consuls and the local or national authorities.

Part III. Health

6. Soliciting and enticing, whether directly or indirectly, in the neighbourhood of the harbour and in districts frequented by seamen should be energetically repressed.

7. All suitable measures should be taken to make known to seamen entering the port, irrespective of their nationality—

(a) the dangers and means of preventing diseases to which they are exposed, including more particularly tuberculosis and tropical and venereal diseases ;

(b) the necessity for persons suffering from disease to undergo treatment and the facilities available for such treatment ; and

(c) the dangers arising from the habit of using narcotics.

8. The treatment of seamen suffering from disease should be facilitated by suitable measures including—

(a) as wide extension as possible, especially in the dock area, of free and continued treatment for venereal diseases, as provided, for example, by the Agreement concerning Facilities to be given to Merchant Seamen for the Treatment of Venereal Diseases, signed at Brussels, 1 December 1924 ;

(b) the admission of seamen to clinics and hospitals in ports, without difficulty and irrespective of nationality or religious belief ;

(c) as wide application as possible to foreign seamen of the provision made for the protection of nationals against tuberculosis ;

(d) the provision, whenever possible, of arrangements, designed to ensure, when necessary, continuation of treatment with a view to supplementing the medical facilities available to seamen.

Part IV. Accommodation and Recreation

9. Arrangements should be made, at least in the larger ports, for the material and general assistance of seamen while in the port and such arrangements should more particularly include—

(a) the institution or development of seamen's hostels of a satisfactory character and furnishing suitable board and lodging at reasonable prices ;

(b) the institution or development of institutes—which might be distinct from the seamen's hostels, but should keep as far as possible in touch with them—providing meeting and recreation rooms (canteens, rooms for games, libraries, etc.) ;

(c) the organisation, where possible in co-operation with ships' sports clubs, of healthy recreations, such as sports, excursions, etc. ;

(d) the promotion, by every possible means, of the family life of seamen.

Part V. Savings and Remittance of Wages

10. In order to help seamen to save and to transmit their savings to their families—

(a) there should be adopted a simple, rapid and safe system, operating with the assistance of consuls, masters, shipowners' agents or reliable private institutions, for enabling seamen, and more especially those who are in a foreign country, to deposit or remit the whole or part of their wages ;

(b) a system for enabling seamen, at the time of their signing on or during the voyage, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families should be instituted or made of more general application.

Part VI. Information for Seamen

11. In view of the fact that the success of most of the measures recommended above must depend to a large extent on suitable publicity among seamen, such publicity should be organised and undertaken by the public authorities, the bodies referred to in Part I of this Recommendation, and the competent associations, assisted as far as possible by the ship's officers and doctor and by ships' sports clubs.

12. Such publicity might include—

(a) the distribution on shore and, subject to the consent of the master, on board ship, of pamphlets in the most appropriate languages giving clear information as to the

facilities available for seamen in the port of call or in the next ports for which the ship is bound ;

(b) the creation in the larger ports of information offices, either at shipping offices or elsewhere, easily accessible to seamen and staffed by persons capable of giving directly such explanations or guidance as may be useful ;

(c) the inclusion of some useful information for the physical well-being and general protection of seamen in seamen's books, discharge books or other documents habitually carried by seamen, or in notices posted in a conspicuous place in the crew's quarters ;

(d) the frequent publication of articles of general and educational interest to seamen in periodicals read by seamen, both of specialised and general interest, and also the use of the cinema for this purpose ;

(e) the distribution of information concerning the tariffs of local transport and of local places of interest and entertainment.

Part VII. Equality of Treatment

13. Governments, authorities and organisations which may have to administer funds for the welfare of seamen are specially urged not to concern themselves solely with seamen of a particular nationality, but to act as generously as possible in the spirit of international solidarity.

Convention 53

Convention concerning the Minimum Requirement of Professional Capacity for Masters and Officers on Board Merchant Ships [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

[1] Date of coming into force : 29 March 1939.

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Officers' Competency Certificates Convention, 1936 :

Article 1

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

(a) ships of war ;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade ;

(c) wooden ships of primitive build such as dhows and junks.

2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

Article 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them :

(a) " master or skipper " means any person having command or charge of a vessel ;

(b) " navigating officer in charge of a watch " means any person, other than a pilot, who is for the time being actually in charge of the navigation or manœuvring of a vessel ;

(c) " chief engineer " means any person permanently responsible for the mechanical propulsion of a vessel ;

(d) " engineer officer in charge of a watch " means any person who is for the time being actually in charge of the running of a vessel's engines.

Article 3

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of *force majeure.*

Article 4

1. No person shall be granted a certificate of competency unless—

(a) he has reached the minimum age prescribed for the issue of the certificate in question ;

(b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question ; and

(c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall—

(a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate ;

(b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2 *(b)* of this Article who—

(a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question ; and

(b) have no record of any serious technical error against them.

Article 5

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

Article 6

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

(a) a shipowner, shipowner's agent, master or skipper ha engaged a person not certificated as required by thi Convention ;

(b) a master or skipper has allowed any of the duties define in Article 2 of this Convention to be performed by person not holding the corresponding or a superior certi ficate ;

(c) a person has obtained by fraud or forged documents a engagement to perform any of the duties defined in th said Article 2 without holding the requisite certificate.

Article 7

1. In respect of the territories referred to in Article 3 of the Constitution of the International Labour Organisation each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories in respect of which it undertakes to appl the provisions of the Convention without modification ;

(b) the territories in respect of which it undertakes to appl the provisions of the Convention subject to modifications together with details of the said modifications ;

(c) the territories in respect of which the Convention is inap plicable and in such cases the grounds on which it i inapplicable ;

(d) the territories in respect of which it reserves its decision

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be a integral part of the ratification and shall have the force o ratification.

3. Any Member may by a subsequent declaration cance in whole or in part any reservations made in its original decla ration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of para graph 1 of this Article.

Article 8

The formal ratifications of this Convention shall be commu nicated to the Director-General of the International Labou Office for registration.

Article 9

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose rati fications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its rati fication has been registered.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The French and English texts of this Convention shall both be authentic.

Convention 54

Convention concerning Annual Holidays with Pay for Seamen [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to holidays with pay for seamen, which is the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Holidays with Pay (Sea) Convention, 1936 :

Article 1

1. This Convention applies to the master, officers and members of the crew, including wireless operators in the service of a wireless telegraphy company, of all sea-going vessels, whether publicly or privately owned, which are registered in a territory for which the Convention is in force and are engaged in the transport of cargo or passengers for the purpose of trade.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going vessels for the purpose of this Convention.

3. This Convention does not apply to—

(a) persons employed in vessels engaged in fishing, whaling or similar pursuits or in operations directly connected therewith ;

(b) persons employed in any vessel the crew of which consists entirely of members of the owner's family as defined by national laws or regulations ;

(c) persons not remunerated for their services, or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits ;

(d) persons working exclusively or mainly on their own account ;

[1] This Convention had not come into force by 1 January 1949. It was revised in 1946 by Convention 72 (see p. 627).

(e) persons employed in wooden ships of primitive build such as dhows and junks ;

(f) persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master ;

(g) travelling dockers.

Article 2

1. Every person to whom this Convention applies shall be entitled after one year of continuous service with the same undertaking to an annual holiday with pay the duration of which shall be—

(a) in the case of masters, officers, and wireless operators, not less than twelve working days ;

(b) in the case of other members of the crew, not less than nine working days.

2. For the purpose of calculating when a holiday is due—

(a) service off articles shall be included in the reckoning of continuous service ;

(b) short interruptions of service not due to the act or fault of the employee and not exceeding a total of six weeks shall not be deemed to break the continuity of the periods of service which precede and follow them ;

(c) continuity of service shall not be deemed to be interrupted by any change in the management or ownership of the vessel or vessels in which the person concerned has served.

3. The following shall not be included in the annual holiday with pay :

(a) public and customary holidays ;

(b) interruptions of service due to sickness ;

(c) any time off allowed in compensation for weekly rest days and public holidays worked at sea.

4. There may be defined by national laws or regulations or by collective agreement special circumstances in which, subject to conditions prescribed by such laws or regulations or fixed by such agreement—

(a) an annual holiday with pay due in virtue of this Convention may be divided into parts or be accumulated with a subsequent holiday ;

(b) there may be substituted for such a holiday, when in exceptional circumstances the service so requires, a cash payment at least equivalent to the remuneration provided for in Article 4.

Article 3

1. The annual holiday shall be given in the territory in which the vessel is registered at one of the following ports :

(a) the port from which the vessel trades ;

(b) the port at which the person entitled to the holiday was engaged ; or

(c) the port of the vessel's final destination.

2. Provided that the holiday may be given at any other port by mutual consent.

3. When an annual holiday is due it shall be given by mutual agreement at the first opportunity as the requirements of the service allow.

Article 4

1. Every person taking a holiday in virtue of Article 2 of this Convention shall receive in respect of the full period of the holiday his usual remuneration.

2. The usual remuneration payable in virtue of the preceding paragraph shall include a suitable subsistence allowance and shall be calculated in a manner which shall be prescribed by national laws or regulations or fixed by collective agreement.

Article 5

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

Article 6

National laws or regulations may provide that a person who engages in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday.

Article 7

A person who leaves or is discharged from the service of his employer before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in Article 4.

Article 8

Each Member which ratifies this Convention shall require employers to keep records for the purpose of facilitating its effective enforcement.

Article 9

Each Member which ratifies this Convention shall establish a system of penalties to ensure the application of its provisions.

Article 10

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 11

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered by the Director-General of the International Labour Office the ratifications of five Members of the Organisation each of which has more than one million tons gross of sea-going merchant shipping.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 14

As soon as the ratifications of five of the Members mentioned in the second paragraph of Article 13 have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 15

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 16

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The French and English texts of this Convention shall both be authentic.

*

Convention 55

Convention concerning the Liability of the Shipowner in Case of Sickness, Injury or Death of Seamen [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the liability of the shipowner in case of sickness, injury or death of seamen, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 :

Article 1

1. This Convention applies to all persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) persons employed on board,
  (i) vessels of public authorities when such vessels are not engaged in trade ;
  (ii) coastwise fishing boats ;
  (iii) boats of less than twenty-five tons gross tonnage ;
  (iv) wooden ships of primitive build such as dhows and junks ;

(b) persons employed on board by an employer other than the shipowner ;

(c) persons employed solely in ports in repairing, cleaning, loading or unloading vessels ;

(d) members of the shipowner's family ;

(e) pilots.

Article 2

1. The shipowner shall be liable in respect of—

[1] Date of coming into force : 29 October 1939.

(a) sickness and injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement ;

(b) death resulting from such sickness or injury.

2. Provided that national laws or regulations may make exceptions in respect of—

(a) injury incurred otherwise than in the service of the ship ;

(b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased person ;

(c) sickness or infirmity intentionally concealed when the engagement is entered into.

3. National laws or regulations may provide that the shipowner shall not be liable in respect of sickness, or death directly attributable to sickness, if at the time of the engagement the person employed refused to be medically examined.

Article 3

For the purpose of this Convention, medical care and maintenance at the expense of the shipowner comprises—

(a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances ; and

(b) board and lodging.

Article 4

1. The shipowner shall be liable to defray the expense of medical care and maintenance until the sick or injured person has been cured, or until the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to defray the expense of medical care and maintenance to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide—

(a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to medical benefits under the insurance or compensation scheme ;

(b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is

not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

Article 5

1. Where the sickness or injury results in incapacity for work the shipowner shall be liable—

(a) to pay full wages as long as the sick or injured person remains on board ;

(b) if the sick or injured person has dependants, to pay wages in whole or in part as prescribed by national laws or regulations from the time when he is landed until he has been cured or the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a person no longer on board to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide—

(a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to cash benefits under the insurance or compensation scheme ;

(b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of cash benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

Article 6

1. The shipowner shall be liable to defray the expense of repatriating every sick or injured person who is landed during the voyage in consequence of sickness or injury.

2. The port to which the sick or injured person is to be returned shall be—

(a) the port at which he was engaged ; or

(b) the port at which the voyage commenced ; or

(c) a port in his own country or the country to which he belongs ; or

(d) another port agreed upon by him and the master or shipowner, with the approval of the competent authority.

3. The expense of repatriation shall include all charges for the transportation, accommodation and food of the sick or injured person during the journey and his maintenance up to the time fixed for his departure.

4. If the sick or injured person is capable of work, the shipowner may discharge his liability to repatriate him by providing him with suitable employment on board a vessel proceeding to one of the destinations mentioned in paragraph 2 of this Article.

Article 7

1. The shipowner shall be liable to defray burial expenses in case of death occurring on board, or in case of death occurring on shore if at the time of his death the deceased person was entitled to medical care and maintenance at the shipowner's expense.

2. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased person under laws or regulations relating to social insurance or workmen's compensation.

Article 8

National laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured or deceased persons to whom this Convention applies.

Article 9

National laws or regulations shall make provision for securing the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under this Convention.

Article 10

The shipowner may be exempted from liability under Articles 4, 6 and 7 of this Convention in so far as such liability is assumed by the public authorities.

Article 11

This Convention and national laws or regulations relating to benefits under this Convention shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile or race.

Article 12

Nothing in this Convention shall affect any law, award,

custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification ;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 16

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so

notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 19

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 20

The French and English texts of this Convention shall both be authentic.

Convention 56

Convention concerning Sickness Insurance for Seamen [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to sickness insurance for seamen, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Sickness Insurance (Sea) Convention, 1936 :

Article 1

1. Every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing, shall be insured under a compulsory sickness insurance scheme.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) persons employed on board vessels of public authorities when such vessels are not engaged in trade ;

(b) persons whose wages or income exceed a prescribed amount ;

(c) persons who are not paid a money wage ;

(d) persons not resident in the territory of the Member ;

(e) persons below or above prescribed age-limits ;

(f) members of the employer's family ;

(g) pilots.

Article 2

1. An insured person who is rendered incapable of work and deprived of his wages by reason of sickness shall be entitled to a cash benefit for at least the first twenty-six weeks or one hundred and eighty days of incapacity from and including the first day for which benefit is payable.

[1] Date of coming into force : 9 December 1949.

2. The right to benefit may be made conditional upon the completion of a qualifying period and of a waiting period of a few days to be counted from the beginning of the incapacity.

3. The cash benefit granted to the insured person shall never be fixed at a rate lower than that fixed by the general scheme of compulsory sickness insurance, where such a scheme exists but does not apply to seamen.

4. Cash benefit may be withheld—

(a) while the insured person is on board or abroad ;

(b) while the insured person is maintained by the insurance institution or from public funds. Provided that in such case it shall only partially be withheld when the insured person has family responsibilities ;

(c) while in respect of the same illness the insured person receives compensation from another source to which he is entitled by law, so however that in such case benefit shall only be wholly or partially withheld if and so far as such compensation is equal to or less than the amount of the benefit payable under the sickness insurance scheme.

5. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Article 3

1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical practitioner and to the supply of proper and sufficient medicines and appliances.

2. Provided that the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

3. Medical benefit may be withheld while the insured person is on board or abroad.

4. Whenever the circumstances so require, the insurance institution may provide for the treatment of the sick person in hospital and in such case shall grant him full maintenance together with the necessary medical attention and care.

Article 4

1. When the insured person is abroad and by reason of sickness has lost his right to wages, whether previously payable in whole or in part, the cash benefit to which he would have been entitled had he not been abroad shall be paid in whole or in part to his family until his return to the territory of the Member.

2. National laws or regulations may prescribe or authorise the provision of the following benefits :

(a) when the insured person has family responsibilities, a cash benefit additional to that provided for in Article 2 ;

(b) in case of the sickness of members of the insured person's family living in his home and dependent on him, aid in kind or in cash.

Article 5

1. National laws or regulations shall prescribe the conditions under which an insured woman, while in the territory of the Member, shall be entitled to maternity benefit.

2. National laws or regulations may prescribe the conditions under which the wife of an insured man, while in the territory of the Member, shall be entitled to maternity benefit.

Article 6

1. On the death of the insured person, a cash benefit of an amount prescribed by national laws or regulations shall be paid to the members of the family of the deceased or be applied for defraying the funeral expenses.

2. Where there is in force a pension scheme for the survivors of deceased seamen, the grant of the cash benefit provided for in the preceding paragraph shall not be compulsory.

Article 7

The right to insurance benefit shall continue even in respect of sickness occurring during a definite period after the termination of the last engagement, which period shall be fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements.

Article 8

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance scheme.

2. National laws or regulations may provide for a financial contribution by the public authorities.

Article 9

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the public authorities and shall not be carried on with a view to profit.

2. Insured persons, and in the case of insurance institutions set up specially for seamen under laws or regulations the employers also, shall participate in the management of the institutions under such conditions as may be prescribed by national laws or regulations, which may also provide for the participation of other persons concerned.

3. Provided that the administration of sickness insurance may be undertaken directly by the State where and so long as its administration by self-governing institutions is rendered difficult or impossible by reason of national conditions.

Article 10

1. The insured person shall have a right of appeal in case of dispute concerning his right to benefit.

2. The procedure for dealing with disputes shall be rendered rapid and inexpensive for the insured person by means of special courts or any other method deemed appropriate under national laws or regulations.

Article 11

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 12

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification ;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

Article 13

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 14

1. This Convention shall be binding only upon those

Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 15

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of

Article 16 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The French and English texts of this Convention shall both be authentic.

Convention 57

Convention concerning Hours of Work on Board Ship and Manning [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work on board ship and manning in conjunction with hours of work on board ship, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Hours of Work and Manning (Sea) Convention, 1936 :

Part I. Scope and Definitions

Article 1

1. This Convention applies to every sea-going mechanically-propelled vessel, whether publicly or privately owned, which—

(a) is registered in a territory for which the Convention is in force ;

(b) is employed in the transport of cargo or passengers for the purpose of trade ; and

[1] This Convention had not come into force by 1 January 1949. It was revised in 1946 by Convention 76 (see p. 658).

(c) is engaged on an international voyage, by which is meant any voyage from a port of one country to a port outside such country, every colony, overseas territory, protectorate or territory under suzerainty or mandate being regarded as a separate country.

2. This Convention does not apply to—

(a) sailing vessels with auxiliary engines ; or
(b) vessels engaged in fishing, whaling or similar pursuits, or in operations directly connected therewith.

3. Any Member may exempt vessels registered in its territory from the application of this Convention while such vessels are exclusively engaged in voyages upon which they do not proceed further from the country from which they trade than the nearby ports of neighbouring countries within geographical limits which—

(a) are clearly specified by national laws or regulations ;
(b) are uniform in respect of the application of all the provisions of this Convention ;
(c) have been notified by the Member when registering its ratification by a declaration annexed thereto ; and
(d) have been fixed after consultation with the other Members concerned.

Article 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them :

(a) " tons " means gross registered tons ;
(b) " officer " means a person other than a master ranked as an officer by national laws or regulations, collective agreement or custom ;
(c) " rating " means a member of the crew other than an officer ;
(d) " hours of work " means time during which a member of the crew is required by the orders of a superior to do any work on account of the vessel or the owner, or to be at the disposal of a superior outside the crew's quarters.

Part II. Hours of Work

Article 3

This part of this Convention does not apply to—

(a) officers in charge of departments who do not keep watch ;
(b) wireless operators and telephonists ;
(c) pilots ;
(d) doctors ;
(e) nursing staff exclusively engaged on nursing duties or hospital staff ;

(f) persons working exclusively on their own account ;
(g) persons remunerated exclusively by a share of profits ;
(h) persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master ;
(i) travelling dockers ;
(j) crews consisting entirely of members of the family, as defined by national laws or regulations, of the owner of the vessel.

Article 4

1. In vessels of over 2,000 tons the hours of work at sea and on arrival and sailing days of deck ratings whose time is divided into watches shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of deck ratings employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. Hours in excess of the limits prescribed in paragraphs 1 and 2 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

Article 5

1. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of engine-room and stokehold ratings whose time is divided into watches shall not exceed eight in the day nor shall they exceed fifty-six in the week. Provided that extra time may be worked for the normal relieving of watches and the hoisting and dumping of ashes.

2. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of engine-room and stokehold ratings employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. Hours in excess of the limits prescribed in paragraphs 1 and 2 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

Article 6

1. In vessels of over 2,000 tons the hours of work at sea and on arrival and sailing days of deck officers shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. Provided that one additional hour per day may be worked at sea and on arrival and sailing days for navigational or clerical purposes.

3. Provided also that additional hours may be worked occasionally when the master deems it necessary to order two officers to keep watch simultaneously, so however that in no case shall any officer be required in virtue of this paragraph to work more than twelve hours in any day.

4. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of deck officers employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

5. Hours in excess of the limits prescribed in paragraphs 1 and 4 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

6. The provisions of this Article apply to apprentices and cadets in the deck department.

Article 7

1. In vessels required under Article 16 to carry three or more engineer officers the hours of work of such officers at sea and on arrival and sailing days shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. In vessels of over 700 tons the hours of work at sea of engineer officers employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. The provisions of this Article apply to apprentices and cadets in the engine-room department.

Article 8

1. In vessels to which this Convention applies the following provisions shall apply to deck, engine-room and stokehold ratings and to deck and engineer officers, including apprentices and cadets in the deck and engine-room departments, whenever sea watches are suspended in any port :

(a) hours of work shall not exceed eight in the day nor shall they exceed forty-eight in the week ;

(b) the weekly rest day shall be observed and on that day no work shall be required except as overtime or for the purpose of ordinary routine and sanitary duties, any work required for the purpose of such duties to be included in the weekly limit of forty-eight hours ;

(c) exceptions to these provisions may be made in accordance with national laws or regulations or collective agreement

in the case of ratings required for the safety of the vessel or persons on board or for the preservation of the cargo.

2. Sea watches shall normally be suspended if the vessel is expected to stay in the port for more than twenty-four hours following its arrival, unless in the judgment of the master the safety of the vessel would be prejudiced thereby.

3. If sea watches are maintained in port, all time worked in excess of the limits of hours prescribed by or permitted under paragraph 1 of this Article shall, except in the case of—

(a) watches maintained for the safety of the vessel ; and

(b) watches worked within twelve hours after arrival or within twelve hours before sailing,

be regarded as overtime for which the rating or officer shall be entitled to be compensated.

Article 9

1. In all vessels to which this Convention applies in respect of which there is in force—

(a) a safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force ; or

(b) a passenger certificate,

the hours of work at sea of ratings in the catering and clerical departments shall be so arranged as to ensure to each such rating not less than twelve hours' rest during any period of twenty-four hours, including a rest period of at least eight consecutive hours.

2. In all vessels to which this Convention applies, other than vessels in respect of which there is in force one of the certificates referred to in the preceding paragraph, the hours of work at sea and on arrival and sailing days of ratings in the catering and clerical departments shall not exceed ten in the day.

3. In all vessels to which this Convention applies the hours of work in port of ratings in the catering and clerical departments shall not exceed eight in the day, subject to such exceptions as may be permitted by national laws or regulations.

Article 10

1. Ratings and deck and engineer officers including apprentices and cadets may be required to work in excess of the limits of hours prescribed by or permitted under the preceding Articles of this Part of this Convention, subject to the conditions that—

(a) all such time worked shall be regarded as overtime for which they shall be entitled to be compensated ; and

(b) there shall be no consistent working of overtime.

2. The manner or rate or rates of such compensation shall be prescribed by national laws or regulations or be fixed by collective agreement.

Article 11

1. No rating under the age of sixteen years shall work at night.

2. For the purpose of this Article the expression "night" means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations.

Article 12

The provisions of this Part of this Convention do not apply to—

(a) work which the master deems to be necessary and urgent for the safety of the vessel, cargo, or persons on board ;

(b) work required by the master for the purpose of giving assistance to other vessels or persons ;

(c) musters, fire, lifeboat and similar drills of the kind prescribed by the International Convention for the Safety of Life at Sea for the time being in force ;

(d) extra work resulting from the sickness of or from injury to any officer or rating or from any unforeseeable reduction in the number of officers or ratings in the course of the voyage ;

(e) extra work for the purpose of customs, quarantine or other health formalities ;

(f) work by officers for the determination of the position of the vessel at noon.

Part III. Manning

Article 13

Every vessel of over 700 tons shall be sufficiently and efficiently manned for the purposes of—

(a) safety of life at sea ; and

(b) making possible the application of the rules relating to hours set forth in Part II of this Convention,

and more particularly every such vessel shall comply with the minimum requirements as to manning set forth in this Part of this Convention.

Article 14

1. In vessels of over 700 but not exceeding 2,000 tons there shall be carried at least two certificated deck officers in addition to the master.

2. In vessels of over 2,000 tons there shall be carried at least three certificated deck officers in addition to the master.

Article 15

1. In vessels of over 700 tons the number of deck ratings carried shall be sufficient to allow of three ratings being available for each navigational watch.

2. In particular, the following minimum numbers of ratings shall be carried :

(a) in vessels of over 700 but not exceeding 2,000 tons : six ;

(b) in vessels of over 2,000 tons : nine or such larger number as may be prescribed by national laws or regulations or fixed by collective agreement.

3. The following minimum numbers of the ratings required to be carried by paragraph 2 shall comply with the conditions as to physical capacity and efficiency stated in paragraph 4 :

(a) in vessels of over 700 but not exceeding 2,000 tons : four ;

(b) in vessels of over 2,000 tons : five or such larger number as may be prescribed by national laws or regulations or fixed by collective agreement.

4. The conditions as to physical capacity and efficiency to be fulfilled by certain ratings in accordance with paragraph 3 are that each such rating—

(a) is eighteen years of age ; and

(b) either has had at least three years' sea service on deck or holds a certificate, issued by the competent authority, that his standard of efficiency is equal to that of the average rating who has had three years' sea service on deck.

5. National laws or regulations or collective agreement shall limit the number of ratings with less than one year's sea service on deck who may be counted as deck ratings for the purpose of satisfying the requirements of this Article.

6. No rating signed on in a dual capacity whose services may be required in any department other than the deck department shall be counted as a deck rating for the purpose of satisfying the requirements of this Article.

7. Whether or not a wireless operator or telephonist is to be considered as belonging to the deck department for the purpose of the preceding paragraph shall be determined by national laws or regulations or collective agreement.

Article 16

1. In vessels to which this Article applies at least three certificated engineer officers shall be carried.

2. This Article applies either—

(a) to vessels of over 700 tons ; or

(b) to vessels with engines exceeding 800 indicated horse-power,

according as a tonnage or horse-power criterion is prescribed by national laws or regulations.

3. Provided that any Member may postpone the application of this Article for a period not exceeding five years from the coming into force of this Convention in the case of existing vessels not exceeding 1,500 tons or with engines not exceeding 1,000 indicated horse-power according as the Member applies the tonnage or horse-power criterion.

Article 17

If in the course of a voyage as a result of death, accident or any other cause a vessel ceases to have available the number of officers or ratings required by the preceding Articles the master shall make up the deficiency at the first reasonable opportunity.

Part IV. General Provisions

Article 18

The shipowners', officers' and seamen's organisations concerned shall, so far as is reasonable and practicable, be taken into consultation in the framing of all laws or regulations for giving effect to the provisions of this Convention.

Article 19

1. Each Member which ratifies this Convention shall be responsible for the application of its provisions to vessels registered in its territory and shall maintain in force national laws or regulations which—

(a) determine the respective responsibilities of the shipowner and the master for ensuring compliance therewith ;
(b) prescribe adequate penalties for any violation thereof ;
(c) provide for adequate public supervision of compliance with Part III before a vessel leaves a home port on an international voyage ;
(d) require the keeping of records of all overtime worked in pursuance of Article 10 and of the compensation granted in respect thereof ; and
(e) ensure to seamen the same remedies for recovering extra payments in respect of overtime as they have for recovering other arrears of wages.

2. In any case in which it comes to the knowledge of the competent authority of a port that a vessel registered in a territory for which this Convention is in force in virtue of ratification by another Member is not carrying the number of officers and ratings required by Part III of this Convention the said authority shall so notify the consul of the said Member.

Article 20

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 21

1. Vessels existing at the date of the coming into force of this Convention in respect of which the competent authority of the territory of registration is satisfied, after consulting the organisations interested, that the circumstances are such that the provision of fresh accommodation or other permanent equipment necessary for an increased crew is not reasonably possible may be exempted from the application of the Convention.

2. Such exemption shall be granted by the issue of an exemption certificate, which shall be carried on the vessel, exempting the said vessel from such of the requirements of this Convention as are specified in the said certificate.

3. Exemption certificates shall not be issued for a period exceeding four years at a time.

4. Every Member taking advantage of the provisions of this Article shall communicate to the International Labour Office in its annual report upon the application of this Convention—

(a) the texts of all laws and regulations relating to the grant of exemption under this Article ;

(b) particulars as to the number of vessels and total tonnage in respect of which exemption certificates are for the time being in force ; and

(c) any observations as to the grant of exemption made by the shipowners', officers' and seamen's organisations concerned.

Part V. Final Provisions

Article 22

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification ;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inap-

plicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

Article 23

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 24

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered by the Director-General of the International Labour Office the ratifications of five Members of the Organisation each of which has a mercantile marine tonnage of not less than one million tons.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 25

As soon as the ratifications of five of the Members mentioned in the second paragraph of Article 24 have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 26

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the

period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 27

At the expiration of each period of five years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 28

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 26 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 29

The French and English texts of this Convention shall both be authentic.

Recommendation 49

Recommendation concerning Hours of Work on Board Ship and Manning

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work on board ship and manning in conjunction with hours of work on board

ship, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Recommendation, which may be cited as the Hours of Work and Manning (Sea) Recommendation, 1936 :

Having regard to the fact that the Hours of Work and Manning (Sea) Convention, 1936, does not regulate hours of work or manning in vessels engaged only in national coasting trade ;

That it allows each Member to except from the application of its provisions the vessels referred to in Article 1, paragraph 3, of the said Convention ; and

That some of its provisions do not apply to vessels below a certain tonnage ;

The Conference recommends that each Member which has not already regulated hours of work and manning in these different classes of vessels should investigate the conditions obtaining in them in the light of the rules laid down in the said Convention ; and

Further recommends that each such Member should take all necessary measures to prevent overwork and insufficient manning in such vessels.

TWENTY-SECOND SESSION

(Geneva, 22-24 October 1936)

Convention 58

Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea (Revised 1936) [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-second Session on 22 October 1936, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to employment at sea adopted by the Conference at its Second Session, the question forming the agenda of the present Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Minimum Age (Sea) Convention (Revised), 1936 :

Article 1

For the purpose of this Convention, the term " vessel " includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

Article 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

[1] Date of coming into force : 11 April 1939.

Article 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Article 5

This Convention shall not come into force until after the adoption by the International Labour Conference of a Convention revising the Convention fixing the minimum age for admission of children to industrial employment, 1919, and a Convention revising the Convention concerning the age for admission of children to non-industrial employment, 1932.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. Subject to the provisions of Article 5 above it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act com-

municated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 12

The French and English texts of this Convention shall both be authentic.

TWENTY-THIRD SESSION

(Geneva, 3-23 June 1937)

Recommendation 50

Recommendation concerning International Co-operation in respect of Public Works

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to international co-operation in respect of public works, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Recommendation, which may be cited as the Public Works (International Co-operation) Recommendation, 1937 :

Whereas the advance planning of public works is a useful method of preventing unemployment and counteracting economic fluctuations ; and

Whereas action for this purpose can be effective only if it is based on adequate information and international co-operation ;

The Conference recommends that :

1. Each Member of the International Labour Organisation should communicate annually to the International Labour Office, on the most suitable date, statistical and other information concerning public works undertaken or planned on its territory, including orders for plant, equipment and supplies.

2. The information communicated by Members in accordance with paragraph 1 should be supplied as far as possible in accordance with a uniform plan relating more particularly to the expenditure involved, the method of financing the works and the number of workers engaged.

3. Each Member should co-operate in the work of any international committee which may be set up by the Governing Body of the International Labour Office for the purpose, more particularly, of studying the information communicated in

accordance with paragraph 1 and preparing the uniform plan referred to in paragraph 2.

4. Each Member should carefully consider what action to take on the basis of any reports which the Governing Body of the International Labour Office may send it as a result of the discussions of the committee contemplated by paragraph 3.

Recommendation 51

Recommendation concerning the National Planning of Public Works

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the national planning of public works, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Recommendation, which may be cited as the Public Works (National Planning) Recommendation, 1937 :

Whereas in the absence of advance planning expenditure on public works tends to increase in years of prosperity and to diminish in years of depression ;

Whereas fluctuations in the volume of employment of workers engaged on public works are thereby superimposed on the fluctuations in the volume of employment arising out of commercial demand, thus aggravating successively the shortage of certain classes of workers in periods of prosperity and the extent of unemployment in periods of depression ;

Whereas it is desirable to time public works in such a way as to reduce industrial fluctuations as far as possible ;

Whereas the uniform application of such a policy of timing to all public works involves the co-ordination of the administrative and financial methods applied by the various authorities ; and

Whereas it is also desirable, if public works are to be fully effective as a remedy for unemployment, that measures should be adopted relating to the conditions of recruitment and employment of the workers engaged on the works ;

The Conference recommends that each Member should apply the following principles :

PART I. TIMING OF PUBLIC WORKS

1. (1) Appropriate measures should be adopted for the purpose of achieving a suitable timing of all works undertaken or financed by public authorities.

(2) This timing should involve an increase in the volume of such works in periods of depression and for this purpose it is desirable to provide for the preparation in advance, during periods of prosperity, of works capable of being held in reserve or exceeding ordinary requirements and which should be ready for execution as soon as the need is felt.

(3) Special attention should be paid to public works which stimulate heavy industries or public works which create a more direct demand for consumers' goods, as changing economic conditions may require.

2. The policy of timing public works should apply to all such works (including works in colonies) undertaken by central authorities, regional or local authorities, public utility undertakings, or any body or individual in receipt of subsidies or loans from a public authority.

3. There should be established a national co-ordinating body the duties of which should be, more particularly—

(a) to centralise information relating to the various kinds of public works ;

(b) to ensure or encourage the preparation of works in advance ; and

(c) to give instructions or advice as to when works should be held in reserve and when works held in reserve should be undertaken, account being taken of fluctuations in the volume of unemployment, changes in the index of wholesale prices, changes in the rate of interest and any changes in other indices which indicate an alteration in the economic situation.

PART II. FINANCING OF PUBLIC WORKS

4. Among the financial measures necessitated by the policy embodied in the present Recommendation the following should receive special consideration :

(a) the placing to reserve in periods of prosperity of the resources necessary for carrying out works prepared for periods of depression ;

(b) the carrying forward of unexpended balances from one year to another ;

(c) restricted borrowing by public authorities in periods of prosperity and accelerated repayment of loans previously contracted ;

(d) the financing by loan in periods of depression of public works likely to stimulate economic recovery, and, generally speaking, the application of a monetary policy which will make possible the expansion of credit required at such a time for the speeding up of the public works and which will ensure the lowest possible rate of interest on the loans.

5. The co-ordinating body provided for in paragraph 3 or a special body acting in co-operation with it should be entrusted with all or some of the following duties in connection with the financing of public works :

(a) to advise the central authority on financial policy and, if necessary, taxation policy relating to public works ;

(b) to assist in achieving proper co-ordination between the credit policy and market operations of the central bank, or corresponding institution, and the public works policy of the Government ;

(c) to co-ordinate the borrowing policy of the different public bodies referred to in paragraph 2 ; and

(d) to take such measures as may be necessary to ensure that the policy of the central authority in respect of loans and subsidies is made effective.

Part III. Employment of Certain Classes of Workers

6. In applying the policy of timing provided for in this Recommendation, consideration should be given to the possibility of including works which will give employment to special classes of workers such as young workers, women and non-manual workers.

Part IV. Conditions of Recruitment and Employment

7. The recruitment of workers for employment on public works should be effected for preference through the public employment exchanges.

8. Foreign workers authorised to reside in the country concerned should be accepted for employment on public works in the same conditions as nationals, subject to reciprocal treatment.

9. The rates of wages of workers on public works should be not less favourable than those commonly recognised by workers' organisations and employers for work of the same character in the district where the work is carried out ; where there are no such rates recognised or prevailing in the district, those recognised or prevailing in the nearest district in which the general industrial circumstances are similar should be adopted, subject to the condition that the rates should in any case be such as to ensure to the workers a reasonable standard of life as this is understood in their time and country.

Convention 59

Convention Fixing the Minimum Age for Admission of Children to Industrial Employment (Revised 1937) [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment adopted by the Conference at its First Session, which is the sixth item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Minimum Age (Industry) Convention (Revised), 1937 :

Part I. General Provisions

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

[1] Date of coming into force : 21 February 1941.

(d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

Article 3

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

Article 5

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either—

(a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents ; or

(b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall include full information concerning the age or ages prescribed by national laws in pursuance of sub-paragraph *(a)* of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of sub-paragraph *(b)* of the preceding paragraph, as the case may be.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 6

1. The provisions of this Article shall be applicable in Japan in substitution for the provisions of Articles 2 and 5.

2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof. Provided that national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

3. Children under the age of sixteen years shall not be employed or work on dangerous or unhealthy work as defined by national laws or regulations in mines or factories.

Article 7

1. The provisions of Articles 2, 4 and 5 shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under the age of twelve years shall not be employed or work in factories working with power and employing more than ten persons.

3. Children under the age of thirteen years shall not be employed or work in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays or wharves, but excluding transport by hand.

4. Children under the age of fifteen years shall not be employed or work—

(a) in mines, quarries, and other works for the extraction of minerals from the earth ;

(b) in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.

5. Unless they have been medically certified as fit for such work—

(a) persons who have attained the age of twelve years but are under the age of seventeen years shall not be permitted to work in factories working with power and employing more than ten persons ;

(b) persons who have attained the age of fifteen years but are under the age of seventeen years shall not be permitted to work in mines.

Article 8

1. The provisions of this Article shall be applicable in China in substitution for the provisions of Articles 2, 4 and 5.

2. Children under the age of twelve years shall not be employed or work in any factory using machines driven by motor power and regularly employing thirty persons or more.

3. Children under the age of fifteen years shall not be employed or work—

(a) in mines regularly employing fifty persons or more ; or

(b) on dangerous or unhealthy work as defined by national laws or regulations in any factory using machines driven by motor power and regularly employing thirty persons or more.

4. Every employer in an undertaking to which this Article applies shall keep a register of all persons under the age of sixteen employed by him, together with such evidence of their age as may be required by the competent authority.

Article 9

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding Articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

Part III. Final Provisions

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

Convention 60

Convention concerning the Age for Admission of Children to Non-Industrial Employment (Revised 1937) [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning the age of admission of children to non-industrial employment adopted by the Conference at its Sixteenth Session, which is the seventh item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 :

Article 1

1. This Convention applies to any employment not dealt with in the Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921), the Minimum Age (Sea) Convention (Revised), 1936, or the Minimum Age (Industry) Convention (Revised), 1937.

2. The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

[1] This Convention had not come into force by 1 January 1949.

3. This Convention does not apply to—

(a) employment in sea-fishing ;

(b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

4. It shall be open to the competent authority in each country to exempt from the application of this Convention—

(a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 or 5 of this Convention ;

(b) domestic work in the family performed by members of that family.

Article 2

Children under fifteen years of age, or children over fifteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

Article 3

1. Children over thirteen years of age may, outside the hours fixed for school attendance, be employed on light work which—

(a) is not harmful to their health or normal development ; and

(b) is not such as to prejudice their attendance at school or capacity to benefit from the instruction there given.

2. No child under fourteen years of age shall—

(a) be employed on light work for more than two hours per day whether that day be a school day or a holiday ; or

(b) spend at school and on light work a total number of hours exceeding seven per day.

3. National laws or regulations shall prescribe the number of hours per day during which children over fourteen years of age may be employed on light work.

4. Light work shall be prohibited—

(a) on Sundays and legal public holidays ; and

(b) during the night.

5. For the purpose of the preceding paragraph the term " night " means—

(a) in the case of children under fourteen years of age, a period of at least twelve consecutive hours comprising the interval between 8 p.m. and 8 a.m. ;

(b) in the case of children over fourteen years of age, a period which shall be prescribed by national laws or regulations

but the duration of which shall not, except in the case of tropical countries where a compensatory rest is accorded during the day, be less than twelve hours.

6. After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall—

(a) specify what forms of employment may be considered to be light work for the purpose of this Article ; and

(b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed on light work.

7. Subject to the provisions of sub-paragraph *(a)* of paragraph 1 above—

(a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over fourteen years of age ;

(b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

Article 4

1. In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

2. Provided that—

(a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets ;

(b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education ; and

(c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

Article 5

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

Article 6

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

Article 7

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

(a) provide for an adequate system of public inspection and supervision ;

(b) require every employer to keep a register of the names and dates of birth of all persons under the age of eighteen years employed by him in any employment to which this Convention applies other than an employment to which Article 6 applies ;

(c) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6 ; and

(d) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

Article 8

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including—

(a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3 ;

(b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2 ; and

(c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

Article 9

1. The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India the following

provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under thirteen years of age shall not be employed—

(a) in shops, offices, hotels or restaurants ;
(b) in places of public entertainment ; or
(c) in any other non-industrial occupations to which the provisions of this paragraph may be extended by the competent authority.

3. In the interest of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of the preceding paragraph in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

4. Persons under seventeen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals.

5. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to the preceding paragraphs of this Article.

6. Any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

7. India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

8. Any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

Recommendation 52

Recommendation concerning the Minimum Age for Admission of Children to Industrial Employment in Family Undertakings

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment, which is the sixth item on the agenda of the Session, and

Having adopted a Convention revising the said Convention and having decided to supplement the revised Convention by a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Recommendation, which may be cited as the Minimum Age (Family Undertakings) Recommendation, 1937 :

Whereas the Minimum Age (Industry) Convention (Revised), 1937, while restricting the scope of the exception for family undertakings contained in the 1919 Convention, still permits such undertakings to be excluded from its scope except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein ; and

Whereas it is reasonable to hope that it will be possible to suppress this exception completely in the not distant future ;

The Conference recommends that the Members of the Organisation should make every effort to apply their legislation relating to the minimum age of admission to all industrial undertakings, including family undertakings.

Convention 61

Convention concerning the Reduction of Hours of Work in the Textile Industry[1]

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twenty-third Session on 3 June 1937 ;

Considering that the question of the reduction of hours of work in the textile industry is the second item on the agenda of the Session ;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Considering it to be desirable that this principle should be applied by international agreement to the textile industry ;

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Reduction of Hours of Work (Textiles) Convention, 1937 :

Article 1

1. This Convention applies to—

(a) persons employed in an undertaking which fulfils the condition stated in paragraph 2 of this Article, including persons employed in any branch of such an undertaking which branch does not fulfil that condition ; and

(b) persons employed in a branch of an undertaking which branch fulfils the condition stated in paragraph 2 of this Article, even though the undertaking does not fulfil that condition.

2. The condition referred to in the preceding paragraph is that the undertaking or branch of an undertaking is engaged wholly or mainly in one or more of the series of operations delimited in paragraphs 3, 4 and 5 of this Article in the course of the manufacture of any kind of thread, yarn, twine, cord, rope, netting or felt, or any woven, piled, knitted or lacework fabric from any one or more of the following materials : cotton, wool, silk, flax, hemp, jute, rayon or other synthetic fibre, or any other textile material whether of vegetable, animal or mineral origin.

3. The series of operations referred to in paragraph 2 of this Article begins—

[1] This Convention had not come into force by 1 January 1949.

(a) in the case of cotton, with the reception of the bales of ginned cotton for breaking up and cleaning ;
(b) in the case of wool, with the reception of the raw wool for sorting and cleaning (excluding the process of anthrax disinfection) ;
(c) in the case of silk, with the reeling of the silk from the cocoon or the steeping of the silk waste ;
(d) in the case of flax, jute and hemp, with the operation of retting, except where this operation is effected as work accessory to that of an agricultural undertaking ;
(e) in the case of rayon or other synthetic fibre, with the reception of the materials used in the chemical production of the fibre ;
(f) in the case of rags, with the sorting of the rags or the reception of the sorted rags ; and
(g) in the case of any other textile material, with the operation prescribed by the competent authority as corresponding to the operations set out above.

4. The series of operations referred to in paragraph 2 of this Article includes the operations of bleaching, dyeing, printing, and finishing and similar operations, and ends with the packing and despatch of the products specified in that paragraph.

5. The series of operations referred to in paragraph 2 of this Article includes the making in whole or in part of any garment or other article only in the following cases :
(a) the case of hosiery manufacture ; and
(b) cases in which the garment or other article is made by the same process as the fabric thereof.

6. In any case in which it is doubtful whether an undertaking or branch of an undertaking fulfils the condition stated in paragraph 2 of this Article, the question shall be determined by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

7. Where and so long as the principle of a forty-hour week is applied to persons to whom this Convention applies in accordance with the provisions of any international labour Convention other than this Convention, the competent authority may exclude such persons from the application of this Convention.

8. This Convention applies to persons employed in both public and private undertakings.

Article 2

The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention—

(a) persons employed in undertakings in which only members of the employer's family are employed;

(b) classes of persons who by reason of their special responsibilities are not subjected to the normal rules governing the length of the working week.

Article 3

1. For the purpose of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

2. Where at the date of the adoption of this Convention it is the practice not to regard time spent in the cleaning or oiling of machines as part of ordinary working time, the competent authority may permit any time not exceeding one-and-a-half hours in any week which is so spent to be disregarded in reckoning for the purpose of this Convention the hours of work of the persons concerned.

Article 4

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the cases of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average, the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which the average may be calculated and the maximum number of hours that may be worked in any week.

Article 5

The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours authorised by the preceding Article may be exceeded to an extent prescribed by such regulations in the case of—

(a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch or shift;

(b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls ;

(c) persons employed in connection with the transport, delivery or loading or unloading of goods.

Article 6

1. The limits of hours authorised by the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure* ;

(b) in order to make good the unforeseen absence of one or more members of a shift.

2. The employer shall notify the competent authority without delay of all time worked in virtue of this Article and of the reasons therefor.

Article 7

1. The limits of hours authorised by the preceding Articles may be exceeded in cases where the continued presence of particular persons is necessary for the completion of a bleaching, dyeing, finishing or other operation, or of a succession of such operations, which for technical reasons cannot be interrupted without damage to the material worked and which by reason of exceptional circumstances it has not been possible to complete within the normal limit of hours.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which and the conditions subject to which the preceding paragraph applies and the maximum number of hours which may be worked in virtue of that paragraph by the persons concerned.

Article 8

1. Upon application by an employer, the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, grant an allowance of overtime for specified classes of persons in exceptional cases in which overtime on one or more operations is necessary in order to enable the workers engaged in subsequent operations in the same undertaking to be employed up to the authorised limits of hours.

2. The competent authority shall determine, after consultation with the organisations of employers and workers concerned where such exist, the maximum number of hours of overtime which may be worked in virtue of paragraph 1 of this Article, so however that no such allowance shall permit of any person being employed for more than sixty hours of such overtime in any year or for more than four hours of such overtime in any week.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

4. The competent authority may attach to the grant of an allowance of overtime such conditions as it deems expedient with a view to securing a progressive reduction in the amount of overtime.

Article 9

1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded subject to the conditions that—

(a) all time worked in virtue of this Article shall be regarded as overtime and shall be remunerated at not less than one-and-a-quarter times the normal rate ; and

(b) no person shall be employed in virtue of this Article for more than seventy-five hours of overtime in any year.

2. In cases in which national laws or regulations apply the weekly limit of hours as a strict limit applicable to each week, the competent authority may permit not more than one hundred additional hours of overtime in any year to be worked, subject to the condition that such additional hours of overtime shall be remunerated at not less than one-and-a-quarter times the normal rate.

3. When granting permission in virtue of the preceding paragraphs, the competent authority shall satisfy itself that there will be no consistent working of overtime.

4. The competent authority shall only grant permission to work overtime in virtue of this Article in accordance with regulations made after consultation with the organisations of employers and workers concerned where such exist.

5. The regulations referred to in the preceding paragraph shall prescribe—

(a) the procedure by which permission may be granted to employers to work overtime in virtue of this Article ; and

(b) the maximum number of hours for which the competent authority may grant permission and the minimum overtime rate to be paid for such hours.

Article 10

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall—

(a) notify in a manner approved by the competent authority, by the posting of notices or otherwise,

(i) the hours at which work begins and ends ;

(ii) where work is carried on by shifts, the hours at which each shift begins and ends ;

(iii) where a rotation system is applied, a description of the system including a time-table for each person or group of persons ;

(iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks ; and

(v) effective rest periods as defined in Article 3 ; and

(b) keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 7, 8 and 9 of this Convention and of the payments made in respect thereof.

Article 11

Any Member may suspend the operation of the provisions of this Convention during any emergency which endangers the national safety.

Article 12

During a period which shall not exceed two years from the coming into force of this Convention for the Member concerned, the competent authority may approve transitional arrangements in virtue of which—

(a) the reduction of hours of work to the limits authorised by the preceding Articles may be accomplished by stages during the said period ;

(b) specified classes of workers or undertakings may be exempted from all or any of the provisions of the Convention during the said period.

Article 13

The annual reports upon the application of this Convention to be submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning—

(a) decisions taken in virtue of Article 1, paragraph 3 *(g)* ;

(b) exemptions made in virtue of Article 2, and any conditions subject to which such exemptions are made ;

(c) any recourse to the provisions of Article 3, paragraph 2 ;

(d) determinations made in pursuance of Article 4, paragraph 4 ;
(e) regulations made in virtue of Article 5 ;
(f) determinations made in pursuance of Article 7, paragraph 2 ;
(g) allowances of overtime granted in virtue of Article 8 ; and
(h) the extent to which recourse has been had to the provisions of Article 9.

Article 14

In accordance with Article 19, paragraph 11, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention.

Article 15

In the event of the Conference adopting a further Convention determining such modifications of the provisions of this Convention as may be required to meet the case of countries to which Article 19, paragraph 3, of the Constitution of the International Labour Organisation applies, this Convention and the aforesaid further Convention shall be deemed to form one Convention.

Article 16

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 17

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 18

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He

shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 19

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 20

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

The French and English texts of this Convention shall both be authentic.

Convention 62

Convention concerning Safety Provisions in the Building Industry [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Considering that building work gives rise to serious accident risks which it is necessary to reduce both on humanitarian and on economic grounds, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting machinery, which is the first item on the agenda of the Session, and

Considering that, in view of the desirability of standardising minimum safety provisions without prescribing requirements too rigid for general application, the most appropriate form for these proposals is that of an international Convention accompanied by a Recommendation embodying a model code of safety regulations,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Safety Provisions (Building) Convention, 1937 :

Part I. Obligations of Parties to the Convention

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that it will maintain in force laws or regulations—

(a) which ensure the application of the General Rules set forth in Parts II to IV of this Convention ; and

(b) in virtue of which an appropriate authority has power to make regulations for the purpose of giving such effect as may be possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the model code annexed to the Safety Provisions (Building) Recommendation, 1937, or any revised model code subsequently recommended by the International Labour Conference.

[1] Date of coming into force : 4 July 1942.

2. Each such Member further undertakes that it will communicate every third year to the International Labour Office a report indicating the extent to which effect has been given to the provisions of the model code annexed to the Safety Provisions (Building) Recommendation, 1937, or of any revised model code subsequently recommended by the International Labour Conference.

Article 2

1. The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention shall apply to all work done on the site in connection with the construction, repair, alteration, maintenance and demolition of all types of buildings.

2. The said laws or regulations may provide that the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from all or any of their provisions work of such a character that reasonably safe conditions normally obtain.

Article 3

The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention, and regulations made by the appropriate authority for the purpose of giving effect to the model code annexed to the Safety Provisions (Building) Recommendation, 1937, shall—

(a) require employers to bring them to the notice of all persons concerned in a manner approved by the competent authority ;

(b) define the persons responsible for compliance therewith ; and

(c) prescribe adequate penalties for any violation thereof.

Article 4

Each Member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, a system of inspection adequate to ensure the effective enforcement of its laws and regulations relating to safety precautions in the building industry.

Article 5

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of economic development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular localities or particular kinds of building operations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 6

Each Member which ratifies this Convention undertakes to communicate annually to the International Labour Office the latest statistical information relating to the number and classification of accidents occurring to persons occupied on work within the scope of this Convention.

Part II. General Rules as to Scaffolds

Article 7

1. Suitable scaffolds shall be provided for workmen for all work that cannot be safely done from a ladder or by other means.

2. A scaffold shall not be constructed, taken down, or substantially altered, except—

(a) under the supervision of a competent and responsible person ; and

(b) as far as possible by competent workers possessing adequate experience in this kind of work.

3. All scaffolds and appliances connected therewith and all ladders shall—

(a) be of sound material ;

(b) be of adequate strength having regard to the loads and strains to which they will be subjected ; and

(c) be maintained in proper condition.

4. Scaffolds shall be so constructed that no part thereof can be displaced in consequence of normal use.

5. Scaffolds shall not be overloaded and so far as practicable the load shall be evenly distributed.

6. Before installing lifting gear on scaffolds special precautions shall be taken to ensure the strength and stability of the scaffolds.

7. Scaffolds shall be periodically inspected by a competent person.

8. Before allowing a scaffold to be used by his workmen every employer shall, whether the scaffold has been erected by his workmen or not, take steps to ensure that it complies fully with the requirements of this Article.

Article 8

1. Working platforms, gangways and stairways shall—

(a) be so constructed that no part thereof can sag unduly or unequally ;

(b) be so constructed and maintained, having regard to the prevailing conditions, as to reduce as far as practicable risks of persons tripping or slipping ; and

(c) be kept free from any unnecessary obstruction.

2. In the case of working platforms, gangways, working places and stairways at a height exceeding that to be prescribed by national laws or regulations—

(a) every working platform and every gangway shall be closely boarded unless other adequate measures are taken to ensure safety ;

(b) every working platform and gangway shall have adequate width ; and

(c) every working platform, gangway, working place and stairway shall be suitably fenced.

Article 9

1. Every opening in the floor of a building or in a working platform shall, except for the time and to the extent required to allow the access of persons or the transport or shifting of material, be provided with suitable means to prevent the fall of persons or material.

2. When persons are employed on a roof where there is a danger of falling from a height exceeding that to be prescribed by national laws or regulations, suitable precautions shall be taken to prevent the fall of persons or material.

3. Suitable precautions shall be taken to prevent persons being struck by articles which might fall from scaffolds or other working places.

Article 10

1. Safe means of access shall be provided to all working platforms and other working places.

2. Every ladder shall be securely fixed and of such length as to provide secure handhold and foothold at every position at which it is used.

3. Every place where work is carried on and the means of approach thereto shall be adequately lighted.

4. Adequate precautions shall be taken to prevent danger from electrical equipment.

5. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART III. GENERAL RULES AS TO HOISTING APPLIANCES

Article 11

1. Hoisting machines and tackle, including their attachments, anchorages and supports, shall—

(a) be of good mechanical construction, sound material and adequate strength and free from patent defect ; and

(b) be kept in good repair and in good working order.

2. Every rope used in hoisting or lowering materials or as a means of suspension shall be of suitable quality and adequate strength and free from patent defect.

Article 12

1. Hoisting machines and tackle shall be examined and adequately tested after erection on the site and before use and be re-examined in position at intervals to be prescribed by national laws or regulations.

2. Every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering materials or as a means of suspension shall be periodically examined.

Article 13

1. Every crane driver or hoisting appliance operator shall be properly qualified.

2. No person under an age to be prescribed by national laws or regulations shall be in control of any hoisting machine, including any scaffold winch, or give signals to the operator.

Article 14

1. In the case of every hoisting machine and of every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering or as a means of suspension the safe working load shall be ascertained by adequate means.

2. Every hoisting machine and all gear referred to in the preceding paragraph shall be plainly marked with the safe working load.

3. In the case of a hoisting machine having a variable safe working load each safe working load and the conditions under which it is applicable shall be clearly indicated.

4. No part of any hoisting machine or of any gear referred to in paragraph 1 of this Article shall be loaded beyond the safe working load except for the purpose of testing.

Article 15

1. Motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards.

2. Hoisting appliances shall be provided with such means as will reduce to a minimum the risk of the accidental descent of the load.

3. Adequate precautions shall be taken to reduce to a minimum the risk of any part of a suspended load becoming accidentally displaced.

Part IV. General Rules as to Safety Equipment and First Aid

Article 16

1. All necessary personal safety equipment shall be kept available for the use of the persons employed on the site and be maintained in a condition suitable for immediate use.

2. The workers shall be required to use the equipment thus provided and the employer shall take adequate steps to ensure proper use of the equipment by those concerned.

Article 17

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use and all necessary steps shall be taken for the prompt rescue of any person in danger.

Article 18

Adequate provision shall be made for prompt first-aid treatment of all injuries likely to be sustained during the course of the work.

Part V. Final Provisions

Article 19

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 20

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 21

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 23

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 24

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 25

The French and English texts of this Convention shall both be authentic.

Recommendation 53

Recommendation concerning Safety Provisions in the Building Industry

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting machinery, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention accompanied by a Recommendation embodying a model code of safety regulations,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Recommendation, which may be cited as the Safety Provisions (Building) Recommendation, 1937 :

Whereas it is desirable, with a view to intensifying the efforts being made by the Members of the Organisation to reduce the risk of accident in the building industry, to submit for their consideration model safety provisions and to arrange for an exchange upon an international scale of the experience acquired in the application of these provisions ;

Whereas the Safety Provisions (Building) Convention, 1937, embodies a series of general principles which require to be supplemented by detailed safety regulations ;

Whereas it is therefore desirable that Members of the Organisation which ratify that Convention should have at their disposal a model code of safety regulations which have been proved by experience to be calculated to reduce the risk of accidents ; and

Whereas it is also desirable that such a model code should be available for the guidance of any Members which may be unable to ratify immediately the Safety Provisions (Building) Convention, 1937 ;

The Conference recommends that :

1. Each Member of the International Labour Organisation should give the fullest effect possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the annexed Model Code.

2. Any Members of the International Labour Organisation which have not ratified the Safety Provisions (Building) Convention, 1937, should communicate every third year to the International Labour Office on a voluntary basis a report indicating the extent to which effect has been given to the Model Code.

ANNEX

Model Code

Part I : Scaffolds

Regulation 1. Necessity for Scaffolding

Suitable and sufficient scaffolds shall be provided for workmen for all work that cannot safely be done from a ladder or by other means.

Regulation 2. Erection of Scaffolds

A scaffold shall not be constructed, taken down or substantially altered except under the direction of a competent and responsible person and as far as possible by competent workers possessing adequate experience in this kind of work.

Regulation 3. Quality of Materials

1. All scaffolds and appliances connected therewith and all ladders shall be of sound material and be of adequate strength having regard to the loads and strains to which they will be subjected.

2. The wooden parts used for scaffolds, gangways, runs and ladders shall be of good quality, shall have long fibres, shall be in good condition, and shall not be painted or treated in a manner likely to hide defects.

3. Timber used for scaffolds shall have the bark completely stripped off.

4. Where necessary, boards and planks used for scaffolds shall be protected against splitting.

5. Metal parts of scaffolds shall have no cracks and shall be free from any corrosion or other defect likely to affect their strength.

6. Cast-iron nails shall not be used.

Regulation 4. Inspection and Storage of Materials

1. Scaffold parts, including scaffolding machines and ropes and cables, shall be examined by an experienced person on each occasion before erection and shall not be used on any occasion unless in every respect they possess the qualities required for their purpose.

2. Any rope that has been in contact with acids or other corrosive substances or is defective shall not be used.

3. All materials used in the construction of scaffolds shall be stored under good conditions and apart from any material unsuitable for scaffolds.

Regulation 5. Supply and Use of Material and Maintenance of Scaffolds

1. Sufficient material shall be provided for and shall be used in the construction of scaffolds.

2. (1) Every scaffold shall be maintained in good and proper condition and every part shall be kept fixed or secured so that no part can be displaced in consequence of normal use.

(2) No scaffold shall be partly dismantled and left so that it is capable of being used unless it continues to comply with the Regulations.

Regulation 6. Pole and Gabbard Scaffolds

1. Pole standards and the legs of gabbard scaffolds shall be—

(a) vertical or slightly inclined towards the building ; and

(b) fixed sufficiently close together to secure the stability of the scaffolds having regard to all the circumstances.

2. The stability of pole standards shall be secured—

(a) by letting the pole the necessary distance into the ground according to the nature of the soil ; or

(b) by placing the pole on a suitable plank or other adequate sole plate in such a manner as to prevent slipping ; or

(c) in any other sufficient way.

3. When two scaffolds meet at the corner of a building a pole standard shall be placed at the corner on the outside of the scaffolds.

4. (1) Ledgers shall be practically level and securely fastened to the uprights by bolts, dogs, ropes or other efficient means.

(2) The ends of two consecutive ledgers at the same level shall be securely joined together at an upright except when special devices are used which ensure equivalent strength.

5. (1) Putlogs shall be straight and securely fastened to the ledgers.

(2) If ledgers are not used the putlogs shall be fastened to the uprights and supported by securely fastened cleats.

(3) Putlogs which have one end supported by a wall shall have at that end a plane supporting surface at least 10 cm. deep.

(4) The dimensions of the putlogs shall be appropriate to the load to be borne by them.

(5) The distance between two consecutive putlogs on which a platform rests shall be fixed with due regard to the anticipated load and the nature of the platform flooring.

(6) As a general rule the said distance shall not exceed 1 m. with planks less than 40 mm. thick, 1.50 m. with planks less than 50 mm. thick, and 2 m. with planks at least 50 mm. thick.

(7) The requirements of paragraph 5 (6) of this Regulation shall not apply in the case of platforms used for carrying light building materials only, but in the case of such platforms the distance between the putlogs shall not exceed 2 m.

6. No plank used for a platform shall be less than 30 mm. thick.

Regulation 7. Ladder Scaffolds

1. Ladder scaffolds shall be used only for light work requiring little material (renovation, painting and the like).

2. The ladders serving as the uprights of ladder scaffolds—

(a) shall be of adequate strength ; and

(b) shall either—

(i) be let into the ground to the necessary depth according to the nature of the soil ; or

(ii) be placed on sole plates or boards so that the two uprights of each ladder rest evenly on the base, and be suitably fastened at the feet to prevent them from slipping.

3. If a ladder is used to extend another, the two shall overlap at least 1.50 m. and shall be securely fastened together.

Regulation 8. Stability of Pole, Gabbard and Ladder Scaffolds

1. Every scaffold shall be sufficiently and properly braced.

2. Every scaffold shall, unless it is an independent scaffold, be rigidly connected with the building at suitable vertical and horizontal distances.

3. If the scaffold is an independent scaffold, at least one-third of the putlogs shall remain in position until the scaffold is finally dismantled and remain securely fastened to the ledgers or the uprights as the case may be.

4. All structures and appliances used as supports for working platforms shall be of sound construction, have a firm footing, and be suitably strutted and braced to make them stable.

5. Loose bricks, drain pipes, chimney pots or other unsuitable material shall not be used for the construction or support of scaffolds.

Regulation 9. Cantilever or Jib Scaffolds

1. Cantilever or jib scaffolds shall—

(a) be securely fixed and anchored from the inside ;
(b) have outriggers of adequate length and cross-section to ensure their solidity and stability ; and
(c) be properly braced and supported.

2. Only solid parts of the building shall be used as supports for scaffold parts.

3. If working platforms rest on bearers let into the wall the bearers shall be efficiently braced, shall go right through the wall and shall be securely fastened on the far side.

Regulation 10. Bracket Scaffolds

No figure or bracket scaffold supported or held by dogs or spikes driven into the wall shall be used unless the brackets are of suitable strength, are made of suitable metal, and are securely anchored in the wall.

Regulation 11. Heavy Suspended Scaffolds with Movable Platforms

1. Heavy suspended scaffolds shall comply with the provisions of this Regulation.

2. Outriggers shall be—

(a) of adequate strength and cross-section to ensure the solidity and stability of the scaffold ;
(b) installed at right angles to the building face ; and
(c) carefully spaced to suit the putlogs or deck irons.

3. The overhang of the outriggers from the building shall be such that the platform is fixed to hang not more than 10 cm. from the building face.

4. (1) The outriggers shall be securely anchored to the building by bolts or other equivalent means.

(2) Anchor bolts shall be properly tightened and shall securely tie down the outrigger to the framework of the building.

5. No counterweight shall be used as a means of securing the outriggers of such scaffolds.

6. Stop bolts shall be placed at the end of each outrigger.

7. The shackles serving to fasten the cables to the outriggers shall be placed vertically above the drum centres of the winches on the movable platforms. The eye of the cable shall be placed in the centre of the bent shackle bolt.

8. Suitable putlogs or deck irons shall be used to support the platforms and shall be suitably fastened so as to prevent displacement. Deck irons shall be adequately jointed by fish plates.

9. The cables or wire ropes used for suspension shall—

(a) have at all times a factor of safety of at least ten, based on the maximum load that the ropes may have to support, and

(b) be of such length that at the lowest position of the platform there are at least two turns of rope on each drum.

10. The scaffolding machines shall be so constructed and installed that their moving parts are readily accessible for inspection.

Regulation 12. Light Suspended Scaffolds with Movable Platforms

1. Light suspended scaffolds shall comply with the provisions of this Regulation.

2. The outriggers shall be of adequate length and cross-section and shall be properly installed and supported.

3. (1) The inside ends of the outriggers shall be firmly secured.

(2) When the outriggers are anchored by bags of ballast or other loose counterweights the bags or counterweights shall be securely lashed to the outriggers.

(3) The suspension ropes shall have a factor of safety of at least ten.

4. The maximum length of the platform shall be 8 m.

5. The platform shall hang on at least three ropes which shall be not more than 3 m. apart. No intermediate rope shall at any time be tauter than either of the end ropes.

6. The pulley blocks shall be fastened to the platforms by stout iron bands which shall be properly secured, shall be continued round the sides and bottom of the platform, and shall have eyes in the iron to receive the ropes.

7. Suspended scaffolds on which the workers sit to work shall be provided with devices to keep the platform at a distance of at least 30 cm. from the wall and to prevent the workers from knocking their knees against the wall if the scaffold swings.

Regulation 13. Other Suspended Scaffolds

1. A skip, large basket, boatswain's chair or similar equipment shall only be used as a suspended scaffold in exceptional circumstances for work of short duration, and under the supervision of a responsible person.

2. When such equipment is used as a suspended scaffold—

(a) it shall be supported by ropes having a safety factor of at least ten based on the total load including the dead weight ; and

(b) the necessary precautions shall be taken to prevent the workers from falling out.

3. When a skip or large basket is used as a suspended scaffold—

(a) it shall be at least 75 cm. deep ; and

(b) it shall be carried by two strong iron bands which shall be properly fastened, shall be continued round the sides and bottom, and shall have eyes in the iron to receive the ropes.

Regulation 14. Transport and Storage of Materials on Scaffolds : Distribution of the Load

1. In transferring heavy loads on or to a scaffold no sudden shock shall be transmitted to the scaffold.

2. The load on the scaffold shall be evenly distributed as far as is practicable and in any case shall be so distributed as to avoid any dangerous disturbance of the equilibrium.

3. During the use of a scaffold care shall constantly be taken that it is not overloaded and that materials are not unnecessarily kept upon it.

Regulation 15. Installation of Lifting Gear on Scaffolds

1. When lifting gear is to be used on a scaffold—

(a) the parts of the scaffold shall be carefully inspected, and, if need be, adequately strengthened ;

(b) any movement of the putlogs shall be prevented ; and

(c) if possible the uprights shall be rigidly connected to a solid part of the building at the place where the lifting gear is erected.

2. When the platform of the lifting gear does not move in guides or when the load is liable to come into contact with the scaffold during hoisting or lowering, a vertical hoarding shall be erected to the full height of the scaffold to prevent loads from being caught in it.

Regulation 16. Periodic Inspection of Scaffolds

Scaffolds shall be inspected by a competent person—

(a) at least once a week ; and

(b) after every spell of bad weather and every material interruption in the work.

Regulation 17. Examination of Scaffolds before Use, especially Scaffolds constructed by Other Contractors

Every scaffold, whether or not it has been erected by the employer whose workmen are about to use it—

(a) shall before use be examined by a competent person to ensure more particularly—
  (i) that it is in a stable condition ;
  (ii) that the materials used in its construction are sound ;
  (iii) that it is adequate for the purpose for which it is to be used ; and
  (iv) that the required safeguards are in position ; and

(b) shall during use be maintained in good condition.

Regulation 18. Working Platforms

1. Every working platform which is more than 2 m. above the ground or floor shall be closely boarded or planked.

2. (1) The width of the platform shall be adequate having regard to the nature of the work, and shall be such that at every part there is not less than 60 cm. clear passage free from fixed obstacles and deposited material.

(2) In no case shall the width of the platforms be less than—

(a) 60 cm. if the platform is used as a footing only and not for the deposit of any material ;
(b) 80 cm. if the platform is used for the deposit of material ;
(c) 110 cm. if the platform is used for the support of any higher platform ;
(d) 130 cm. if the platform is one upon which stone is dressed or roughly shaped ;
(e) 150 cm. if the platform is used for the support of any higher platform and is one upon which stone is dressed or roughly shaped.

3. The maximum width of a platform supported on putlogs shall as a rule not exceed 160 cm.

4. Every working platform shall, if part of a pole or gabbard scaffold, be at least 1 m. below the top of the standards.

5. Boards or planks which form part of a working platform or which are used as toe-boards shall—

(a) be of a thickness which is such as to afford adequate security having regard to the distance between the putlogs but is in no case less than 30 mm. ; and
(b) be of a width not less than 15 cm.

6. No board or plank which forms part of a working platform shall project beyond its end support to a distance exceeding four times the thickness of the board or plank.

7. Boards or planks shall not overlap one another unless precautions such as the provision of bevelled pieces are taken to reduce the risk of tripping to a minimum and to facilitate the movement of barrows.

8. Every board or plank which forms part of a working platform shall rest on at least three supports, unless the distance between the putlogs and the thickness of the board or plank are such as to exclude all risk of tipping or undue sagging.

9. Platforms shall be so constructed that the boards or planks cannot be displaced in consequence of normal use.

10. Whenever possible a platform shall extend at least 60 cm. beyond the end of the wall of the building.

11. Every part of a working platform or working place from which a person is liable to fall a distance exceeding 2 m. shall be provided—

(a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm.^{2} fixed at least 1 m. above the platform or above any raised standing place on the platform and so that the vertical opening below any guard-rail does not exceed 85 cm. ;

(b) with toe-boards which are of sufficient height to prevent the fall of materials and tools from the platform and in no case less than 15 cm. high and are as close as possible to the platform.

12. Guard-rails, toe-boards and other safeguards used on a scaffold platform shall be maintained in position, except that they may be removed for the time and to the extent required to allow the access of persons or the transport or shifting of materials.

13. The guard-rail and toe-boards used on a scaffold platform shall be placed on the inside of the uprights.

14. The platforms of suspended scaffolds shall be provided with guard-rails and toe-boards on all sides, subject to the reservations that—

(a) on the side facing the wall the guard-rail need not be at a height of more than 70 cm. if the work does not allow of a greater height ;

(b) the guard-rail and toe-boards shall not be compulsory on the side facing the wall if the workers sit on the platform to work, but in such case the platform shall be provided with cables, ropes or chains affording the workers a firm handhold and capable of holding any worker who may slip.

15. The space between the wall and the platform shall be

as small as practically possible except where workmen sit on the platform during their work, in which case it shall not exceed 45 cm.

Regulation 19. Gangways, Runs and Stairs

1. Every gangway or run any part of which is more than 2 m. above the ground or floor shall be—

(a) closely boarded or planked ; and

(b) at least 50 cm. wide.

2. The maximum slope of any gangway or run shall be 60 cm. per metre.

3. Where the gangway or run is used for the passage of materials there shall be maintained a clear passageway which—

(a) is adequate in width for transport of materials without the removal of the guard-rails and toe-boards ; and

(b) is in any case of a width not less than 60 cm.

4. All planks forming a gangway or run shall be so fixed and supported as to prevent undue or unequal sagging.

5. When the slope renders additional foothold necessary, and in every case where the slope is more than 25 cm. per metre, there shall be proper stepping laths which shall—

(a) be placed at suitable intervals ; and

(b) be the full width of the gangway, except that they may be interrupted over a breadth of 10 cm. to facilitate the movement of barrows.

6. Stairs shall be provided with guard-rails throughout their length.

7. Gangways, runs and stairs from which a person is liable to fall a distance exceeding 2 m. shall be provided—

(a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm.^{2} fixed at least 1 m. above the gangway, run or stair and so that the vertical opening below any guard-rail does not exceed 85 cm. ; and

(b) with toe-boards which are of sufficient height to prevent the fall of material and tools from the gangway, run or stair and in no case less than 15 cm. high, and are as close as possible to the gangway, run or stair.

Regulation 20. General Provisions concerning Platforms, Gangways, Runs and Stairs

1. Every platform, gangway, run or stairway shall be kept free from any unnecessary obstruction, rubbish, etc.

2. Suitable precautions shall be taken to prevent any platform, gangway, run or stairway from becoming slippery.

3. No part of a working platform, gangway or run shall be

supported by loose bricks, drain pipes, chimney pots or other loose or unsuitable material.

4. No working platform, gangway or run shall be supported by an eaves gutter, a balcony or its coping, a lightning-conductor or other unsuitable parts of a building.

5. No working platform, gangway or run shall be used for working upon until its construction is completed according to these Regulations and the prescribed safeguards properly fixed.

Regulation 21. Trestle Scaffolds

1. There shall not be used any trestle scaffold which—

(a) is of more than two tiers ; or

(b) exceeds a height of 3 m. from the ground or floor ; or

(c) is erected on a suspended scaffold.

2. The width of a trestle scaffold erected on a platform shall be such as to leave sufficient unobstructed space on the platform for the transport of materials or the passage of persons.

3. Trestles shall be firmly fixed so as to prevent displacement.

Regulation 22. Ladders

1. Every ladder used as a means of communication shall rise at least 1 m. above the highest point to be reached by any person using the ladder, or one of the uprights shall be continued to that height to serve as a hand-rail at the top.

2. Ladders shall not stand on loose bricks or other loose packing but shall have a level and firm footing.

3. Every ladder—

(a) shall be securely fixed so that it cannot move from its top or bottom points of rest ; or

(b) if it cannot be secured at the top, shall be securely fastened at the base ; or

(c) if fastening at the base is also impossible, shall have a man stationed at the foot to prevent slipping.

4. The undue sagging of ladders shall be prevented.

5. Ladders shall be equally and properly supported on each upright.

6. Where ladders connect different floors—

(a) the ladders shall be staggered ; and

(b) a protective landing with the smallest possible opening shall be provided at each floor.

7. A ladder having a missing or defective rung shall not be used.

8. No ladder having any rung which depends for its support on nails, spikes or other similar fixing shall be used.

9. Wooden ladders shall be constructed with—

(a) uprights of adequate strength made of wood free from visible defects and having the grain of the wood running lengthwise ; and

(b) rungs made of wood free from visible defects and mortised into the uprights, to the exclusion of any rungs fixed only by nails.

10. Roofers' and painters' ladders shall not be used by workmen in other trades.

Regulation 23. Fencing of Openings

1. Every opening left in a floor of a building or in a working platform for an elevator shaft or stairway, or for the hoisting of material, or for access by workmen or for any other purpose shall be provided—

(a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm.^{2} fixed at least 1 m. above the floor or platform, and so that the vertical opening below any guard-rail does not exceed 85 cm. ;

(b) with toe-boards which are of sufficient height to prevent the fall of materials and tools from the floor or platform and in no case less than 15 cm. high and are as close as possible to the floor or platform.

2. Every opening in a wall which is less than 1 m. from the floor or platform shall be provided—

(a) with a suitable guard-rail or guard-rails, having a cross-section of at least 30 cm.^{2} and fixed at least 1 m. above the floor or platform ; and so that the vertical opening below any guard-rail does not exceed 85 cm. ; and

(b) when necessary, with toe-boards which are of sufficient height to prevent the fall of material and tools and in no case less than 15 cm. high and are as close as possible to the floor or platform or to the lower side of the opening.

3. The fencing of openings shall, except in so far as its removal is permitted by the following paragraph, remain in position until it becomes necessary to remove it in order to complete the permanent enclosure.

4. The fencing of openings shall not be removed except for the time and to the extent required to allow the access of persons or the transport or shifting of materials and shall be replaced immediately after.

5. When work is done on or over open joisting, the joisting shall be securely boarded over or other effective measures shall be taken to prevent falls of persons.

Regulation 24. Roof Work

1. No person shall be employed on any roof on which, by reason of the pitch, the nature of the surface, or the state of

the weather, there is a risk of falling, unless suitable precautions are taken to prevent the fall of persons or materials.

2. On glass roofs, or roofs covered with fragile materials, special precautions shall be taken to prevent the workers from inadvertently stepping on them and to facilitate the safe carrying out of repairs.

3. (1) Only experienced workmen who are physically and psychologically suitable shall be employed on extensive work on the outside of any roof which has a pitch of over 34° (2 : 3) or is slippery.

(2) When persons are so employed—

(a) whenever possible the following facilities shall be provided :

(i) suitable guard-rails ;

(ii) a suitable working platform, securely supported and of a width of not less than 40 cm. ; and

(iii) suitable, sufficient and properly secured ladders, duck ladders or crawling boards ;

(b) whenever it is impossible to provide the facilities specified in sub-paragraph *(a)*—

(i) safety belts with ropes enabling the wearers to lash themselves to a solid structure shall be supplied to the workers and used by them ; and

(ii) if the safety rope cannot be fixed to a solid structure a second person shall be provided to hold the rope in a secure manner.

Regulation 25. Miscellaneous Provisions

1. Any part of the premises where any person at work or passing is liable to be struck by materials, tools, or other articles falling more than 3.5 m. shall be covered in such a manner as to protect such persons, unless other effective steps are taken to prevent falls of objects from such height.

2. Scaffold materials, tools, or other objects shall not be thrown down, but be properly lowered.

3. Safe means of access shall be provided to all working platforms and other working places.

4. Every working place and other place to which access is required for any person and every means of approach thereto shall be efficiently lighted.

5. When necessary, special lighting shall be provided at all parts of scaffolds and structures where materials are hoisted.

6. During all construction, repair, alteration, maintenance or demolition of buildings, all necessary precautions shall be taken to prevent the workers from coming into contact with electric wires or equipment, including low-tension wires and equipment.

7. Protruding nails shall be knocked in or removed from all materials used in the construction of scaffolding or false-work.

8. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART II : HOISTING APPLIANCES

Regulation 26. General Provisions

1. Every part of the structure, working gear and anchoring and fixing appliances of every crane, crab and winch and of all other hoisting machines and tackle shall—

(a) be of good mechanical construction, sound material and adequate strength and substance and free from defect ;

(b) be kept in good repair and in good working order ; and

(c) as far as the construction permits be examined in position at least once in every week by the driver or other competent person.

2. Adequate steps shall be taken to ascertain the safe working load of every hoisting appliance.

3. The maximum safe working load shall be plainly marked—

(a) upon every crab, winch and pulley block used in the hoisting or lowering of any load ;

(b) upon every derrick pole or mast used in the hoisting or lowering of any load weighing 1,000 kg. or more ; and

(c) upon every crane.

4. In the case of a crane fitted with a derricking jib, the safe working load at various radii of the jib shall be plainly marked upon it.

5. A crane, crab, winch or any other hoisting appliance, or any part of such appliance, shall not, except as permitted by the following paragraph, be loaded beyond the safe working load.

6. For the purpose of making tests of a crane or other hoisting appliance or gear the safe working load may be exceeded by such amount as the competent person appointed to carry out the tests may authorise.

7. During hoisting operations effective precautions shall be taken to prevent any person from standing or passing under the load.

8. No load shall be left suspended from a hoisting appliance unless there is a competent person actually in charge while the load is so suspended.

9. Every crane driver or hoisting appliance operator shall be properly qualified.

10. No person under 18 years of age shall be in control of any hoisting machine, including any scaffold winch, or give signals to the operator.

11. Under normal working conditions one person only shall be appointed as being responsible for the giving of all signals to the crane driver.

12. When any hoisting or lowering is performed by means of a crane and the crane driver or person operating the crane is unable to see the load in all its positions, one or more look-out or signal men shall be stationed so as to see the load throughout its travel and give the necessary signals to the crane driver or person operating the crane.

13. (1) For each operation to be performed there shall be a distinctive signal of such a character that the person to whom it is given shall be able to hear or see it easily.

(2) Where a sound, colour or light signal is used, it shall be made by an efficient device.

(3) Every signal wire shall be adequately protected from accidental interference.

14. Motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards which shall not be removed while the machine or apparatus is in use. If the safeguards have to be removed they shall be replaced as soon as possible by the persons removing them and in any case before the machines and apparatus are again taken into normal service.

15. The driver of every crane or similar hoisting appliance shall be provided with a safe and covered stand, cab or cabin.

16. (1) Where reasonably practicable the driver's cab on every crane or other hoisting machine shall, before the crane or other hoisting machine is put into general use, be completely erected or adequate provision made for the protection of the driver from the weather.

(2) During cold weather the cabin of every power-driven crane or other hoisting appliance in use shall be adequately heated by suitable means.

Regulation 27. Winches, Crabs and Pulleys

1. Every part of the framework of every crab or winch, including the bearers, shall be of metal.

2. When wire ropes are used, the diameter of the pulleys or drums shall not be less than 400 times the diameter of the wires in the rope excluding the core of the rope.

3. When winch drums are grooved—

(a) the radius of the grooves shall be approximately the same as, but not less than, the radius of the rope ; and

(b) the pitch of the grooves shall not be less than the diameter of the rope.

4. Winch drums shall be provided with flanges that prevent the rope from slipping off the drum.

5. Every crane, crab and winch shall be provided with an efficient brake or brakes and with any other safety device required to prevent the fall of the load when suspended.

6. On every crab or winch the control lever shall be provided with a suitable locking device.

7. On steam-driven lifting engines the lever controlling the link motion reversing gear shall be provided with a suitable spring-lock arrangement.

Regulation 28. Suspension and Attachment

1. All cables or ropes used on hoisting appliances for raising or lowering materials shall be long enough to leave at least two turns on the drum at every operating position of the appliance.

2. No rope shall be used over a grooved drum or pulley if its diameter exceeds the pitch of the drum grooves or the width of the pulley groove.

3. Wire ropes shall be such as to have a factor of safety of at least six under the maximum load. In calculating the dimensions of wire ropes the ropes shall be assumed to be under tensile stress only.

4. No chain or wire rope which has a knot tied in it shall be used for raising or lowering any load.

5. Every hoisting or derricking rope or chain shall be securely fastened to the barrel of the crane, crab or winch with which it is used.

6. Each temporary attachment or connection of a rope, chain or other appliance used in the erection or dismantling of a crane shall be adequate and secure.

7. Every rope used in hoisting or lowering or as a means of suspension shall be of suitable quality and adequate strength and in good condition.

8. Every chain, ring, hook, shackle, swivel and pulley block used for hoisting or lowering or as a means of suspension shall have been tested and be marked in plain figures and letters with the safe working load and an identification mark.

9. No gear used for attachment or as a means of suspension shall be loaded beyond its safe working load, except for the purpose of making tests.

10. Every chain, ring, hook, shackle and swivel used in hoisting or lowering or as a means of suspension which has been lengthened, altered or repaired by welding shall be

adequately tested and examined before being again taken into use.

11. Every hook used for hoisting or lowering shall either—

(a) be provided with an efficient catch to prevent the displacement of the sling or load from the hook ; or

(b) be of such shape as to reduce as far as possible the risk of such displacement.

12. The parts of hooks liable to come into contact with ropes or chains during the raising or lowering of loads shall be rounded.

13. Where double or multiple slings are used for hoisting or lowering purposes the upper ends of the slings shall be connected by means of a shackle or ring and not be put separately into a lifting hook ; this requirement shall not apply when the total load lifted is less than one-half of the safe working load of the hook.

14. When bulky objects are being raised or lowered the maximum safe load of slings shall be determined with reference, not only to their strength, but also to the angle of the legs.

15. Sharp edges of a load shall not be in contact with slings, ropes or chains.

16. All chains, ropes, slings and other gear used for hoisting or lowering or as a means of suspension shall be periodically examined by a competent person and this person's findings shall be entered on a certificate or in a special register.

Regulation 29. Cranes

1. The stage for every crane shall be built of sound material and be of good mechanical construction having regard to its height and position and to the lifting and reaching capacity of the crane.

2. The platform of every crane shall—

(a) be close-planked or plated ;

(b) be securely fenced according to these Regulations ;

(c) be provided with safe means of access ; and

(d) be of sufficient area—

(i) in all cases, for the driver or operator and signalman ; and

(ii) in the case of a guy derrick crane, also for the operator of the slewing mechanism.

3. (1) Every fixed crane shall either be securely anchored or be adequately weighted by suitable ballast firmly secured to ensure stability.

(2) When a crane is weighted by ballast a diagram showing the position and size of the counterweights shall be posted up in the driver's cab.

(3) Every travelling crane shall be provided with a device for anchoring it to the rails of the crane track.

4. On every stage, gantry or other place on which a crane moves there shall in so far as practicable be maintained at every position of the crane an unobstructed passageway of a width of at least 60 cm. between the moving parts of the crane and the fixed parts or edge of such stage, gantry or place.

5. If at any time it is impracticable to maintain a passageway of a width of at least 60 cm. at any place or point, all reasonable steps shall be taken to prevent the access of any person to such place or point at such time.

6. All rails on which a travelling crane moves shall be of adequate section and have an even running surface.

7. The following requirements shall apply to every track of a travelling crane, whether resting on the ground or raised above the ground—

(a) the whole track shall be properly laid ;

(b) all the supports shall be of sufficient strength and be maintained in good condition ; and

(c) the ends of the track shall be provided with shoes or buffers.

8. All rails on which a travelling crane moves shall, unless other adequate steps are taken to ensure the proper junction of, and to prevent any material alteration in the gauge of, the rails—

(a) be jointed by fish-plates or double chairs ; and

(b) be securely fastened to sleepers.

9. The track and turntable of every travelling crane shall be installed with the greatest care and in conformity with sound technical principles.

Regulation 30. Examination of Cranes Certificates

1. No crane shall be used unless it has been tested and examined by a competent person acting for the inspection authority and there has been obtained from the person who made the test and examination a certificate thereof specifying the safe working load at various radii of the jib, including the maximum radius at which the jib can be worked.

2. The examinations and tests required by this Regulation shall be repeated—

(a) at such regular intervals as are prescribed by the competent authority ; and

(b) after all substantial alterations or repairs to the crane.

3. The safe working load at any radius specified in the most recent certificate—

(a) shall not be more than 80 per cent. of the maximum load which the crane has stood at that radius during the application of the test ; and

(b) shall not be greater than the working load indicated by the maker.

Regulation 31. Derrick Cranes

1. The maximum radius at which the jib may be worked shall be clearly indicated on every derrick crane.

2. When the jib is at the maximum radius there shall not be less than two dead turns of rope on the derricking drum.

3. The jib of a Scotch derrick crane shall not be erected between the back stays of the crane.

4. Every crane having a derricking jib shall be provided with an effective interlocking arrangement between the derricking clutch and the pawl sustaining the derricking drum, except where—

(a) the hoisting drum and the derricking drum are independently driven ; or

(b) the mechanism driving the derricking drum is self-locking.

5. Where the guys of a guy derrick crane cannot be fixed at approximately equal spacing, such other measures shall be taken as will ensure the safety of the crane.

6. The whole of the appliances for the anchorage of a crane shall be examined on each occasion before the crane is erected.

7. The erection of cranes shall be supervised by a competent person.

8. Each crane shall after each erection on a building site and before use be tested *in situ* for anchorage by a competent person.

9. Cranes shall be tested for anchorage by the imposition on each anchorage of the maximum uplift or pull exerted either—

(a) by a load of 25 per cent. above the maximum load to be lifted by the crane as erected ; or

(b) by a less load arranged to exert an equivalent pull on the anchorage.

10. If the pull applied by the test to any anchorage is less than 25 per cent. in excess of the pull which would be exerted by the maximum safe working load, a loading diagram appropriate to the crane anchorage shall be affixed in a position where it can readily be seen by the crane driver.

Regulation 32. Automatic Safe Load Indicators

1. No jib crane whether having a fixed jib or a derricking jib shall be used unless it is fitted with an automatic indicator which—

(a) indicates clearly to the driver or person operating the crane when the load being moved approaches the safe working load of the crane at any inclination of the jib ; and

(b) gives an efficient sound signal when the load being moved is in excess of the safe working load of the crane at any inclination of the jib.

2. The preceding paragraph does not apply to—

(a) any guy derrick crane ;

(b) any hand crane which is being used solely for erecting or dismantling another crane ; or

(c) any crane having a maximum safe working load of 1,000 kg. or less,

but in all such cases a table showing the safe working loads at varius radii of the jib shall be kept attached to the crane.

Regulation 33. Various Rules concerning Crane Operation

1. (1) A crane shall not be used otherwise than for direct lifting or lowering of a load unless its stability is not thereby endangered.

(2) No load which lies in the angle between the back stays of a Scotch derrick crane shall be moved by that crane.

2. Where more than one crane or winch is required to lift or lower one load—

(a) the machinery, plant and appliances used shall be so arranged and fixed that no such crane or winch shall at any time be loaded beyond its safe working load or be rendered unstable in the hoisting or lowering of the load ; and

(b) a person shall be specially appointed to co-ordinate the operation of the appliances working together.

3. When a load is thought to approach the maximum safe working load a trial shall be made by raising the load a short distance to ensure that the hoisting appliance can carry it safely.

Regulation 34. Hoists

1. Hoists (i.e. lifting appliances provided with a cage or platform that runs in guides) used for raising and lowering materials shall satisfy the requirements of this Regulation.

2. (1) Hoist shafts shall be provided with solid walls or other equally effective fencing—

(a) at the ground level on all sides ; and

(b) at all other levels on all sides to which access is provided.

(2) The walls of hoist shafts, except at approaches, shall extend at least 2 m. above the floor, platform or other place to which access is provided.

3. Approaches to hoists shall be provided with solid gates or other equally effective fencing which—

(a) are at least 1 m. high ; and

(b) close automatically when the hoist platform leaves the landing.

4. Approaches to hoists shall be adequately lighted.

5. The guides of hoist platforms shall offer sufficient resistance to bending and, in the case of jamming by a safety catch, to buckling.

6. The platform shall be so constructed that safe transport is ensured.

7. On platforms for truck transport the trucks shall be efficiently blocked in a safe position on the platform.

8. Counterweights consisting of an assemblage of several parts shall be made of specially constructed parts rigidly connected together.

9. The counterweight shall run in guides.

10. If two or more wire ropes are used the load shall be equally distributed between them.

11. Each suspension rope shall be in one piece.

12. The rope ends shall be fastened to the platform attachment by splicing and tight binding with steel wire, by sealing or by clamping with the aid of rope clamps ; wherever possible, thimbles shall be used.

13. Drum anchorages of suspension ropes shall be adequate and secure.

14. Ropes shall be long enough to leave at least two turns on the drum when the cage or platform is at its lowest position, and be of such diameter as to have a safety factor of at least eight under the maximum load.

15. When wire ropes are used, the diameter of the pulleys or drums shall not be less than 400 times the diameter of the wires in the rope.

16. When winch drums are grooved—

(a) the radius of the grooves shall be approximately the same as, but not less than, the radius of the rope ; and

(b) the pitch of the grooves shall not be less than the diameter of the rope.

17. Winch drums shall be provided with flanges that prevent the rope from slipping off the drum.

18. It shall not be possible to reverse the motion of the hoist without first bringing it to rest.

19. It shall not be possible to set the hoist in motion from the platform.

20. Pawls and ratchet wheels with which the pawl must be disengaged before the platform is lowered shall not be used.

21. Where the person operating the hoist cannot see clearly every position of the platform, arrangements shall be made for effective signals to be given to the hoist operator by a responsible person who can see the platform at each position.

22. (1) When the platform is at rest the brake shall be applied automatically.

(2) During loading and unloading the platform shall be blocked by catches or other devices in addition to the brake.

23. Hoists shall be provided with devices that stop the winding engine as soon as the platform reaches its highest stopping-place.

24. Above the highest stopping-place a clearance shall be provided high enough to allow sufficient unobstructed travel of the cage or platform in case of overwinding.

25. (1) No hoist shall be used unless it has been tested and examined by a competent person and a certificate of such test and examination has been issued by that person in the prescribed form.

(2) Such test and examination shall be repeated—

(a) at such regular intervals as are prescribed by the competent authority ; and

(b) after every substantial alteration or repair and every re-erection.

26. (1) The above provisions apply only to hoists used for raising or lowering materials.

(2) No hoist shall be used for the conveyance of persons unless—

(a) such use has been authorised by the competent authority ; or

(b) the hoist complies with the conditions laid down for the installation and operation of lifts used for the conveyance of persons in industrial undertakings.

27. The following notices shall be posted up conspicuously and in very legible characters :

(a) on all hoists :

(i) *on the platform :* the carrying capacity in kilograms or other appropriate standard term of weight ; and

(ii) *on the winding engine :* the lifting capacity in kilograms or other appropriate standard term of weight ;

(b) on hoists authorised or certified for the conveyance of persons :

on the platform or cage : the maximum number of persons to be carried at one time ;

(c) on hoists for goods only :

on every approach to the hoist : " Goods Hoist ! Use by persons prohibited."

Regulation 35. Miscellaneous Provisions

1. Precautions shall be taken to safeguard the workmen examining or lubricating a crane or hoist.

2. No person shall be lifted or carried by a crane except on the driver's platform or ride in a barrow hoist or in a hod hoist.

3. Every part of a load in course of being hoisted or lowered shall be adequately suspended and supported so as to prevent danger.

4. (1) Every receptacle used for hoisting bricks, tiles, slates or other material shall be so closed as to prevent the fall of any of the material.

(2) If loose materials or loaded wheelbarrows are placed directly on a platform for raising or lowering, the platform shall be closed in.

(3) Materials shall not be raised, lowered or slewed in such a way as to cause sudden jerks.

5. In hoisting a barrow, the wheel shall not be used as a means of support unless efficient steps are taken to prevent the axle from slipping out of the bearings.

6. When a special ginpole is used, it shall be secured by ropes in such a way that it cannot knock against the scaffolds.

7. Jibs for hoisting materials shall not be attached to standards or extension poles.

8. When no jib but only a rope pulley is used the latter may be attached to a cross-beam if the cross-beam—

(a) has sufficient strength and is fixed to at least two standards or extensions in the way prescribed for ledgers ; and

(b) does not at the same time serve as a ledger for the scaffold.

9. If a hoisting appliance or any part thereof moves along a scaffold, adequate measures shall be taken to prevent persons on the scaffold from being struck by the appliance or any part of it.

10. The hoisting of loads at points where there is a regular flow of traffic shall be carried out in an enclosed space, or if this should be impossible (e.g. in the case of bulky objects), measures shall be taken to hold up or divert the traffic for the time being.

11. Adequate steps shall be taken to prevent a load in course of being hoisted or lowered from coming into contact with any objects in such a manner that part of the load or object may become displaced.

Part III : Safety Equipment and First Aid

Regulation 36. Safety Equipment

1. Where necessary the employer shall provide the workmen with a sufficient number of respirators, goggles and safety belts of approved types.

2. Safety belts shall have life lines of sufficient length and strength.

Regulation 37. Rescue Equipment

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use, and all necessary steps taken for the prompt rescue of any person in danger.

Regulation 38. First-Aid Equipment

1. On every place where building work is carried on, adequate provision, such as first-aid boxes or cupboards readily accessible and clearly marked, shall be made for the prompt treatment of all injuries likely to be sustained in the course of the work.

2. Such first-aid boxes or cupboards shall be placed under the charge of a responsible person who shall preferably be trained in first aid.

Part IV : Miscellaneous

Regulation 39. Communication of Regulations to Workers

Copies of these Regulations or such extracts thereof as may be prescribed by the competent authority shall be handed to the workers or conspicuously posted up and maintained at suitable places.

Regulation 40. Duty of Employers to comply with Parts I to III

It shall be the duty of the employer to comply with Parts I to III of these Regulations.

Regulation 41. Co-operation of Workers and Other Persons with the Employer

1. Every person employed and every person in or upon the work shall co-operate with the employer in carrying out these Regulations.

2. Every person employed shall forthwith remedy or report to the employer or foreman any defect that he may discover in the plant or appliances, or any action by any person liable to cause an accident.

3. No person shall interfere with, displace, take away, damage or destroy any of the plant or safeguards required by the foregoing Regulations without the authority of the employer or his responsible foreman.

4. Every person employed shall make proper use of all safeguards, safety devices or other appliances furnished for his protection and shall obey all safety instructions pertaining to his work.

5. Every worker shall take the necessary precautions for his own safety and for the safety of any other person on the site and abstain from any action which might endanger him or other persons.

6. No employed person shall go to or from his workplace otherwise than by the safe means of access and egress provided.

Recommendation 54

Recommendation concerning Inspection in the Building Industry

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to inspection in the building industry, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Recommendation, which may be cited as the Inspection (Building) Recommendation, 1937 :

Whereas the Safety Provisions (Building) Convention, 1937, and the Safety Provisions (Building) Recommendation, 1937, contain provisions relating to labour inspection ;

Whereas the Conference adopted at its Fifth Session (1923) a Recommendation concerning labour inspection ;

Whereas it is nevertheless desirable that as regards the building industry the attention of Members should be drawn to certain other provisions not included in the above-mentioned Convention and Recommendations ;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration as regards inspection in the building industry :

1. All work in connection with the construction, repair, alteration, maintenance and demolition of buildings of all kinds should be subject to inspection.

2. The authority responsible for inspection (hereinafter called the inspection authority) should be a public body and should have all powers necessary to ensure that the laws and regulations in force are strictly applied.

3. Inspectors should have previous technical training and have passed examinations covering all suitable technical and administrative matters which should ensure that they are competent to supervise effectively the enforcement of the safety regulations for the workers employed in the building industry.

4. In order to ensure effective collaboration between the inspection authority and the head of the undertaking, national laws or regulations should make the head of the undertaking responsible—

(a) for providing for constant and adequate supervision of the work so as to ensure compliance with the safety provisions in force ;

(b) for taking all other practicable steps necessary to prevent accidents, and in particular for not employing on work likely to involve risk of accidents any person whom he knows to be deaf, of defective vision, or liable to giddiness ;

(c) for informing the inspection authority, in conformity with the national laws or regulations, of the commencement of all building operations undertaken by him ; and

(d) for reporting to the competent authority, in accordance with the national laws or regulations, accidents occurring in the undertaking.

Recommendation 55

Recommendation concerning Co-operation in Accident Prevention in the Building Industry

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to co-operation in accident prevention in the

building industry, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Recommendation, which may be cited as the Co-operation in Accident Prevention (Building) Recommendation, 1937 :

Whereas it is considered that in addition to the Safety Provisions (Building) Convention, 1937, the Safety Provisions (Building) Recommendation, 1937, the Inspection (Building) Recommendation, 1937, and the Prevention of Industrial Accidents Recommendation, 1929, it is desirable to make a specific recommendation concerning the prevention of accidents in the building industry by means of safety organisations ;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration in connection with accident prevention in the building industry :

1. There should be established safety organisations within the industry to secure the collaboration of all concerned in effecting a reduction in the number and severity of accidents with particular regard to accident risks for which there are no statutory requirements.

2. In order to render this collaboration effective there should be set up within each undertaking, where it is possible, a special safety organisation including representatives of the employer and the persons employed.

3. It would also be desirable to have direct collaboration between the competent inspector, the employer and the representatives of the persons employed in the undertaking in the form and within the limits fixed by the inspection authority.

4. Safety propaganda in the building industry would be more effective if there were constant co-operation between the inspection authority and all the organisations concerned : safety organisations (joint or separate) of employers and workers ; trade unions and employers' associations ; associations of architects or engineers ; standards associations, etc. ; accident insurance institutions (public, semi-official or private).

5. (1) Periodical meetings should be held by representatives of the organisations mentioned in the preceding paragraph and representatives of the inspection authority, together with representatives of any other public bodies concerned.

(2) The purpose of such meetings should be to examine jointly the methods that might be taken to improve accident prevention in the building industry.

6. The inspection authority should promote accident prevention by collaborating with all parties concerned in the necessary propaganda, which might take such forms as safety education by training courses, demonstrations, meetings, lectures and films ; the distribution of manuals, pamphlets, magazines or publications reproducing or analysing accident statistics ; and the distribution of posters and notices which should as far as possible be illustrated.

Recommendation 56

Recommendation concerning Vocational Education for the Building Industry

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to vocational education for the building industry, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Recommendation, which may be cited as the Vocational Education (Building) Recommendation, 1937 :

The Conference,

Recalling that at its Twelfth Session (1929) it adopted a Recommendation concerning the prevention of industrial accidents, one part of which deals with vocational education ;

Considering that, in view of the risk of accident, vocational education is of special importance in the case of the building industry ;

Recommends that technical and vocational school curricula relating to the building industry should include theoretical and practical instruction concerning—

(a) the materials used for the construction of scaffolds and the principles of erecting and maintaining scaffolds ;

(b) the construction and maintenance of the hoisting appliances used in the building industry ;

(c) the organisation and supervision of safety measures on building sites ; and

(d) the safety regulations for building work.

TWENTY-FOURTH SESSION

(Geneva, 2-22 June 1938)

Convention 63

Convention concerning Statistics of Wages and Hours of Work in the Principal Mining and Manufacturing Industries, including Building and Construction, and in Agriculture[1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fourth Session on 2 June 1938, and

Having decided upon the adoption of certain proposals with regard to statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture, which is the sixth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, and

Having determined that, although it is desirable that all Members of the Organisation should compile statistics of average earnings and of hours actually worked which comply with the requirements of Part II of this Convention, it is nevertheless expedient that the Convention should be open to ratification by Members which are not in a position to comply with the requirements of that Part,

adopts this twentieth day of June of the year one thousand nine hundred and thirty-eight the following Convention, which may be cited as the Convention concerning Statistics of Wages and Hours of Work, 1938 :

PART I. GENERAL PROVISIONS

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes that

(a) it will compile as required by this Convention statistics relating to wages and hours of work ;

[1] Date of coming into force : 22 June 1940.

(b) it will publish the data compiled in pursuance of this Convention as promptly as possible and will endeavour to publish data collected at quarterly or more frequent intervals during the succeeding quarter and to publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively ; and

(c) it will communicate the data compiled in pursuance of this Convention to the International Labour Office at the earliest possible date.

Article 2

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude from its acceptance of the Convention :

(a) any one of Parts II, III, or IV ; or

(b) Parts II and IV ; or

(c) Parts III and IV.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the application of the Part or Parts of the Convention excluded from its acceptance.

Article 3

Nothing in this Convention imposes any obligation to publish or to reveal particulars which would result in the disclosure of information relating to any individual undertaking or establishment.

Article 4

1. Each Member which ratifies this Convention undertakes that its competent statistical authority shall, unless it has already obtained the information in some other way, make enquiries relating either to all, or to a representative part, of the wage earners concerned, in order to obtain the information required for the purpose of the statistics which it has undertaken to compile in accordance with this Convention.

2. Nothing in this Convention shall be interpreted as requiring any Member to compile statistics in cases in which, after enquiries made in the manner required by paragraph 1 of this Article, it is found impracticable to obtain the necessary information without the exercise of compulsory powers.

PART II. STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED IN MINING AND MANUFACTURING INDUSTRIES

Article 5

1. Statistics of average earnings and of hours actually worked shall be compiled for wage earners employed in each of the principal mining and manufacturing industries, including building and construction.

2. The statistics of average earnings and of hours actually worked shall be compiled on the basis of data relating either to all establishments and wage earners or to a representative sample of establishments and wage earners.

3. The statistics of average earnings and of hours actually worked shall—

(a) give separate figures for each of the principal industries ; and

(b) indicate briefly the scope of the industries or branches of industry for which figures are given.

Article 6

The statistics of average earnings shall include—

(a) all cash payments and bonuses received from the employer by the persons employed ;

(b) contributions such as social insurance contributions payable by the employed persons and deducted by the employer ; and

(c) taxes payable by the employed persons to a public authority and deducted by the employer.

Article 7

In the case of countries and industries in which allowances in kind, for example in the form of free or cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of average earnings shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

Article 8

The statistics of average earnings shall be supplemented, so far as practicable, by indications as to the average amount of any family allowances per person employed in the period to which the statistics relate.

Article 9

1. The statistics of average earnings shall relate to average earnings per hour, day, week or other customary period.

2. Where the statistics of average earnings relate to average earnings per day, week or other customary period, the statistics of actual hours shall relate to the same period.

Article 10

1. The statistics of average earnings and of hours actually worked, referred to in Article 9, shall be compiled once every year and where possible at shorter intervals.

2. Once every three years and where possible at shorter intervals the statistics of average earnings and, so far as practicable, the statistics of hours actually worked shall be supplemented by separate figures for each sex and for adults and juveniles ; provided that it shall not be necessary to compile these separate figures in the case of industries in which all but an insignificant number of the wage earners belong to the same sex or age group, or to compile the separate figures of hours actually worked for males and females, or for adults and juveniles, in the case of industries in which the normal hours of work do not vary by sex or age.

Article 11

Where the statistics of average earnings and of hours actually worked relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 12

1. Index numbers showing the general movement of earnings per hour and where possible per day, week or other customary period shall be compiled at as frequent and as regular intervals as possible on the basis of the statistics compiled in pursuance of this Part of this Convention.

2. In compiling such index numbers due account shall be taken, *inter alia,* of the relative importance of the different industries.

3. In publishing such index numbers indications shall be given as to the methods employed in their construction.

Part III. Statistics of Time Rates of Wages and of Normal Hours of Work in Mining and Manufacturing Industries

Article 13

Statistics of time rates of wages and of normal hours of work of wage earners shall be compiled for a representative selection of the principal mining and manufacturing industries, including building and construction.

Article 14

1. The statistics of time rates of wages and of normal hours of work shall show the rates and hours—

(a) fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards ;

(b) ascertained from organisations of employers and workers, from joint bodies, or from other appropriate sources of information, in cases where rates and hours are not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards.

2. The statistics of time rates of wages and of normal hours of work shall indicate the nature and source of the information from which they have been compiled and whether it relates to rates or hours fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, or to rates or hours fixed by arrangements between employers and wage earners individually.

3. When rates of wages are described as minimum (other than statutory minimum) rates, standard rates, typical rates, or prevailing rates, or by similar terms, the terms used shall be explained.

4. "Normal hours of work", where not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, shall be taken as meaning the number of hours, per day, week or other period, in excess of which any time worked is remunerated at overtime rates or forms an exception to the rules or custom of the establishment relating to the classes of wage earners concerned.

Article 15

1. The statistics of time rates of wages and of normal hours of work shall give

(a) at intervals of not more than three years, separate figures for the principal occupations in a wide and representative selection of the different industries ; and

(b) at least once a year, and if possible at shorter intervals, separate figures for the main occupations in the most important of these industries.

2. The data relating to time rates of wages and of normal hours of work shall be presented, so far as practicable, on the basis of the same occupational classification.

3. Where the sources of information from which the statistics are compiled do not indicate the separate occupations to which the rates or hours apply, but fix varying rates of wages or hours of work for other categories of workers (such as skilled workers, semi-skilled workers and unskilled workers) or fix normal hours of work by classes of undertakings or bran-

ches of undertakings, the separate figures shall be given according to these distinctions.

4. Where the categories of workers for which figures are given are not separate occupations, the scope of each category shall, in so far as the necessary particulars are given in the sources of information from which the statistics are compiled, be indicated.

Article 16

Where the statistics of time rates do not give the rates per hour but give rates per day, week, or other customary period

(a) the statistics of normal hours of work shall relate to the same period ; and

(b) the Member shall communicate to the International Labour Office any information appropriate for the purpose of calculating the rates per hour.

Article 17

Where the sources of information from which the statistics are compiled give separate particulars classified by sex and age, the statistics of time rates of wages and of normal hours of work shall give separate figures for each sex and for adults and juveniles.

Article 18

Where the statistics of time rates of wages and of normal hours of work relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 19

Where the sources of information from which the statistics of time rates and of normal hours of work are compiled contain such particulars, the statistics shall at intervals not exceeding three years indicate—

(a) the scale of any payment for holidays ;

(b) the scale of any family allowances ;

(c) the rates or percentage additions to normal rates paid for overtime ; and

(d) the amount of overtime permitted.

Article 20

In the case of countries and industries in which allowances in kind, for example in the form of free and cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of time rates of wages shall be supplemented by particulars of such allowances,

together with estimates, so far as practicable, of their money value.

Article 21

1. Annual index numbers showing the general movement of rates of wages per hour or per week shall be compiled on the basis of the statistics compiled in pursuance of this Part of this Convention, supplemented, where necessary, by any other relevant information which may be available (for example, particulars as to changes in piece-work rates of wages).

2. Where only an index number of rates of wages per hour or only an index number of rates of wages per week is compiled, there shall be compiled an index number of changes in normal hours of work constructed on the same basis.

3. In compiling such index numbers due account shall be taken, *inter alia,* of the relative importance of the different industries.

4. In publishing such index numbers indications shall be given as to the methods employed in their construction.

Part IV. Statistics of Wages and Hours of Work in Agriculture

Article 22

1. Statistics of wages shall be compiled in respect of wage earners engaged in agriculture.

2. The statistics of wages in agriculture shall—

(a) be compiled at intervals not exceeding two years ;

(b) give separate figures for each of the principal districts ; and

(c) indicate the nature of the allowances in kind (including housing), if any, by which money wages are supplemented, and, if possible, an estimate of the money value of such allowances.

3. The statistics of wages in agriculture shall be supplemented by indications as to—

(a) the categories of agricultural wage earners to which the statistics relate ;

(b) the nature and source of the information from which they have been compiled ;

(c) the methods employed in their compilation ; and

(d) so far as practicable, the normal hours of work of the wage earners concerned.

PART V. MISCELLANEOUS PROVISIONS

Article 23

1. Any Member the territory of which includes large areas in respect of which, by reason of the difficulty of creating the necessary administrative organisation and the sparseness of the population or the stage of economic development of the area, it is impracticable to compile statistics complying with the requirements of this Convention may exclude such areas from the application of this Convention in whole or in part.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of this Article and no Member shall, after the date of its first annual report, have recourse to the provisions of this Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article.

Article 24

1. The Governing Body of the International Labour Office may, after taking such technical advice as it may deem appropriate, communicate to the Members of the Organisation proposals for improving and amplifying the statistics compiled in pursuance of this Convention or for promoting their comparability.

2. Each Member ratifying this Convention undertakes that it will—

(a) submit for the consideration of its competent statistical authority any such proposals communicated to it by the Governing Body ;

(b) indicate in its annual report upon the application of the Convention the extent to which it has given effect to such proposals.

PART VI. FINAL PROVISIONS

Article 25

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 27

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 28

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 29

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 30

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 31

The French and English texts of this Convention shall both be authentic.

TWENTY-FIFTH SESSION

(Geneva, 8-28 June 1939)

Recommendation 57

Recommendation concerning Vocational Training

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to vocational training, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-seventh day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Vocational Training Recommendation, 1939 :

Considering that the Preamble to the Constitution of the International Labour Organisation mentions the organisation of vocational and technical education among the reforms necessary for improving the conditions of labour ;

Considering that the International Labour Conference has already to a certain extent dealt with this problem, particularly by adopting at its Third Session (1921) a Recommendation concerning the development of technical agricultural education and at its Twenty-third Session the Vocational Education (Building) Recommendation, 1937 ;

Considering that at its Nineteenth Session the Conference, by adopting the Unemployment (Young Persons) Recommendation, 1935, favoured the generalisation of measures for vocational training, and that it was as a result of a resolution adopted during that session that it was decided to include in the agenda of the Conference the question of the vocational training of workers in all its aspects ;

Considering that the effective organisation of vocational training is desirable in the interests of workers and employers alike as well as those of the community as a whole ;

Considering that the rapid transformation of the economic structure of, and conditions in, various countries, the constant changes in the methods of production, and the widening of the conception of vocational training as a factor in social progress and in the general culture of the workers, have in a number of

countries led to a fresh examination of the whole of this question and have given rise to a general desire to reorganise vocational training on the basis of principles better adapted to present requirements ;

Considering that, in these circumstances, it is particularly desirable at the present time to state the principles and methods which each Member should apply on its territory, with due regard to the special requirements of the different branches of its national economy and of the different occupations, as well as the customs and traditions of the country, and subject to further special measures that might be required in respect of vocational training for certain branches of activity such as agriculture or maritime transport ;

The Conference makes the following recommendations :

PART I. DEFINITIONS

1. For the purpose of this Recommendation—

(a) the expression " vocational training " means any form of training by means of which technical or trade knowledge can be acquired or developed, whether the training is given at school or at the place of work ;

(b) the expression " technical and vocational education " means theoretical and practical instruction, of whatever grade, given at school for purposes of vocational training ;

(c) the expression " apprenticeship " means any system by which an employer undertakes by contract to employ a young person and to train him or have him trained systematically for a trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employer's service.

PART II. GENERAL ORGANISATION

2. (1) The work of the various official and private institutions in each country which deal with vocational training should, while ensuring free play to initiative and adaptability to the requirements of the different industries, regions and localities, be co-ordinated and developed on the basis of a general programme.

(2) This programme should be based on—

(a) the occupational interests and cultural and moral requirements of the worker ;

(b) the labour requirements of employers ;

(c) the economic and social interests of the community.

(3) In drawing up this programme due account should also be taken of the following factors :

(a) the stage of development reached in general education and in vocational guidance and selection ;
(b) changes in technique and methods of organisation of work ;
(c) the structure of, and trend of development in, the labour market ;
(d) national economic policy.

(4) The co-ordination and development referred to in sub-paragraph (1) should be undertaken on a national scale with the organised collaboration of the authorities concerned with the different aspects of the problem mentioned in sub-paragraphs (2) and (3), and of the interested parties, including more particularly the occupational organisations of employers and workers.

PART III. PREVOCATIONAL PREPARATION

3. (1) Compulsory education, which should be entirely general in character, should provide for all children a preparation developing an idea of, taste for, and esteem for, manual work, these being an indispensable part of a general education and likely to facilitate future vocational guidance.

(2) The proposed preparation should aim, in particular, at training the eye and hand of the child by means of practical work, but the importance and character of this work should be consistent with the general purposes of compulsory education. In drawing up the programme of practical work, the nature of the principal industries in the locality or district might be taken into account, but any attempt at vocational training should be avoided.

(3) This preparation, which should extend over a period of at least one year, should begin at the latest at the age of thirteen years and continue until the end of the period of compulsory education.

4. (1) In order to determine the occupational aptitudes of the child and to facilitate the selection of the future labour supply, there should be available to children who intend to enter an occupation requiring vocational training of long duration, and in particular to those who propose to become apprentices, a preliminary preparation constituting a transition from general education to vocational training.

(2) This preparation should take place after the completion of the period of compulsory education : Provided that where the laws or regulations in force in the country concerned fix the school-leaving age at not less than fourteen years, this preparation may be undertaken during the last year of compulsory education.

(3) The duration of this preparation should be determined with due regard to the occupation concerned and to the age and educational qualifications of the young person.

(4) In the curricula for this preparation, particular importance should be attached to practical work, but such work should not be given precedence over the theoretical courses or courses in general education. Practical and theoretical instruction should be so arranged as to be mutually complementary. The preparation should, by aiming at the general development of the pupil's intellectual and manual capacities and avoiding undue specialisation, make it possible to determine for which of a group of occupations he is best suited to undergo full training. Practical and theoretical instruction should be so arranged as to secure continuity between this preliminary preparation and subsequent vocational training.

PART IV. TECHNICAL AND VOCATIONAL EDUCATION

5. (1) A network of schools should be established in each country, adjusted as regards number, location and curricula to the economic requirements of each region or locality and affording the workers adequate opportunities for developing their technical or trade knowledge.

(2) Measures should be adopted to ensure that, in the event of economic depression or financial difficulty, the supply of trained workers necessary to meet future requirements is not imperilled by a reduction in the facilities for technical and vocational education. For this purpose, consideration should be given particularly to the grant of subsidies to existing schools and to the provision of special courses to make good the loss of opportunities for training caused by unemployment.

(3) In countries in which a sufficient number of vocational and technical schools has not yet been established, it would be desirable that undertakings of such a size as to make such arrangements practicable should meet the cost of training a certain number of young workers determined according to the number of workers employed by the undertaking.

6. (1) Admission to technical and vocational schools should be free.

(2) Attendance at such schools should be facilitated, as circumstances require, by the grant of economic assistance in such forms as free meals, provision of working clothes and implements, free transport or reduction in the cost of transport, or maintenance allowances.

7. (1) Courses should be organised in several grades, adjusted for each branch of economic activity to the training requirements of *(a)* journeymen and similar grades, *(b)* staff in intermediate grades, *(c)* managerial staff.

(2) The curricula for the courses in the different schools and for the different grades should be so co-ordinated as to facilitate transfer from one school to another and to enable promising pupils with the requisite knowledge to pass from a

lower to a higher grade and to obtain admission to higher technical education at a university or equivalent institution.

8. The curricula for technical and vocational schools should be so drawn up as to protect the future vocational adaptability of the workers and for this purpose it is particularly desirable—

(a) that the primary object of the courses in the earlier years should be to give the pupil a sound basis of theoretical and practical knowledge, avoiding excessive or premature specialisation ; and

(b) that care should be taken to enable the pupil to acquire a wide grasp of the theoretical principles underlying the practice of his occupation.

9. (1) In technical and vocational education of all grades, subjects of general educational value and subjects relating to social questions should be included in the curricula for full-time courses and, so far as the time available permits, for part-time courses, other than special short courses for adults.

(2) The curricula should include courses in domestic subjects, attendance at which might be either compulsory or optional for young workers according to circumstances.

10. (1) Workers of both sexes should have equal rights of admission to all technical and vocational schools, provided that women and girls are not required to engage continuously on work which on grounds of health they are legally prohibited from performing, a short period on such work for the purpose of training being, however, permissible.

(2) Appropriate facilities for technical and vocational training should be provided for occupations in which women and girls are mainly employed, including domestic employments and activities.

Part V. Vocational Training before and during Employment

11. (1) Where the nature of the occupation, the methods of operation of the undertaking, the absence of an adequate system of apprenticeship and traditions of craftsmanship, or other local circumstances, make it impossible for young persons to secure satisfactory vocational training while in employment, such training should be given in full-time schools before they enter employment.

(2) Where young persons are given vocational training in the conditions referred to in the preceding sub-paragraph, the practical training should be given in surroundings as similar as possible to those of an actual undertaking and, where circumstances permit, should be completed by periods of practical work at the place of work.

(3) Where vocational training is given during employment, it is desirable that separate workshops specially adapted for

the purpose of giving training should be set up within the undertaking wherever the size and organisation of the undertaking make such an arrangement practicable.

12. (1) Opportunities for extending their technical and trade knowledge by attending part-time supplementary courses should be provided for all workers, whether or not they had received vocational training before entering employment.

(2) These courses should, as far as possible, be held in establishments near to the place of employment or the workers' homes.

(3) The curricula for these courses should be adjusted to the special requirements of *(a)* apprentices ; *(b)* young workers for whom facilities should be provided to enable them to obtain better posts ; *(c)* adult workers who wish to acquire a technical qualification or to extend or improve their technical or trade knowledge.

(4) The time spent in attending supplementary courses by apprentices and other young workers who are under an obligation to attend such courses should be included in normal working hours.

Part VI. Measures concerning Co-ordination and the Supply of Information

13. Close collaboration should be maintained between technical and vocational schools and the industries or other branches of activity concerned, particularly by the inclusion of employers and workers in the governing bodies of the schools or in advisory bodies to the schools.

14. (1) Local or regional advisory committees should be established to ensure collaboration between the competent administrative authorities and the technical and vocational educational institutions, public employment exchanges and organisations concerned, in particular the occupational organisations of employers and workers.

(2) The duties of these committees should be to advise the competent authorities—

(a) on the promotion and co-ordination of official and private action in regard to vocational training, guidance and selection in the locality or region ;

(b) on the drawing up of curricula and the adjustment of such curricula to changes in practical requirements ;

(c) on the conditions of work of young persons who are receiving vocational training, whether in a technical or vocational school or in an undertaking, and, more particularly, on measures for ensuring—

(i) that the work done by them is suitably restricted and is essentially of an educative character ; and

(ii) that the work of pupils in technical and vocational schools is not intended for commercial profit.

15. (1) Measures should be taken to supply information to interested persons, by means of brochures, articles, talks, films, posters, visits to undertakings, exhibitions, etc., on the occupations for which young persons can obtain training corresponding with their inclinations and aptitudes, on the conditions upon which such training can be obtained and the facilities that are accorded, and on the advantages offered by each type of training in relation to the prospects of employment and a future career.

(2) The primary and secondary schools, vocational guidance offices, public employment exchanges and technical and vocational educational institutions should collaborate in furnishing such information.

Part VII. Certificates and Exchanges

16. (1) The qualifications required in the examination on termination of technical and vocational training for any given occupation should be uniformly fixed, and the certificates issued as a result of these examinations should be recognised throughout the country.

(2) It would be desirable for the occupational organisations of employers and workers to assist the competent authorities in the control of these examinations.

(3) Persons of both sexes should have equal rights to obtain the same certificates and diplomas on completion of the same studies.

17. (1) Regional, national and international exchanges of students who have completed their training would be desirable so as to enable them to acquire wider knowledge and experience.

(2) The occupational organisations of employers and workers should, as far as possible, collaborate in organising these exchanges.

Part VIII. Teaching Staff

18. (1) Teachers responsible for theoretical courses should be recruited from among persons with a university degree or a diploma awarded after training in a technical school or teachers' training college and should possess or acquire practical knowledge of the branch of activity for which they prepare pupils.

(2) Teachers responsible for practical courses should be recruited from among persons qualified by practical experience, should have extensive experience of the subject they teach, and should be fully qualified as regards both theoretical knowledge of their subject and general culture.

(3) Teachers recruited from industry and commerce should as far as possible receive special training for the purpose of developing their teaching ability and where necessary their theoretical knowledge and general culture.

19. The following methods should be taken into consideration with a view to improving the qualifications of teachers and keeping their knowledge up to date :

(a) the establishment of contacts between undertakings and the teachers responsible for giving practical training as, for instance, by the organisation of regular " refresher " periods of work ;

(b) the organisation by educational institutions of special courses which teachers may follow individually and short holiday courses for groups of teachers ;

(c) the granting, in special cases, of travelling or research scholarships or special leave with or without pay.

20. Arrangements should be made between employers and educational authorities for the appointment of persons employed in industry and commerce as part-time teachers of special subjects.

Convention 64

Convention concerning the Regulation of Written Contracts of Employment of Indigenous Workers [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the regulation of contracts of employment of indigenous workers, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-seventh day of June of the year one thousand nine hundred and thirty-nine the following Convention, which may be cited as the Contracts of Employment (Indigenous Workers) Convention, 1939 :

Article 1

For the purpose of this Convention—

(a) the term " worker " means an indigenous worker, that is to say a worker belonging to or assimilated to the

[1] Date of coming into force : 8 July 1948.

indigenous population of a dependent territory of a Member of the Organisation or belonging to or assimilated to the dependent indigenous population of the home territory of a Member of the Organisation ;

(b) the term " employer " includes, unless the contrary intention appears, any public authority, individual, company or association, whether non-indigenous or indigenous ;

(c) the term " regulations " means the law and/or regulations in force in the territory concerned ; and

(d) the term " contract ", when used in an article following Article 3, means, unless the contrary intention appears, a contract which is required by Article 3 to be made in writing.

Article 2

1. This Convention applies to contracts of employment by which a worker enters the service of an employer as a manual worker for remuneration in cash or in any other form whatsoever.

2. The competent authority may exclude from the application of this Convention contracts by which a worker enters the service of an indigenous employer who does not employ more than a limited number of workers prescribed by the regulations or satisfy some other criterion prescribed thereby.

3. This Convention does not apply to contracts of apprenticeship made in accordance with special provisions relating to apprenticeship contained in the regulations.

4. The competent authority may, if necessary, exclude from the application of this Convention any contract of employment under which the only or principal remuneration granted to the worker is the occupancy or use of land belonging to his employer.

Article 3

1. When a contract to which this Convention applies—

(a) is made for a period of or exceeding six months or a number of working days equivalent to six months, or

(b) stipulates conditions of employment which differ materially from those customary in the district of employment for similar work,

the contract shall be made in writing.

2. The method by which the worker shall indicate his assent to the contract shall be prescribed by the regulations.

3. If a contract which is required by paragraph 1 of this Article to be made in writing has not been made in writing it shall not be enforceable except during the maximum period permissible for contracts not made in writing, but each of the

parties shall be entitled to have it drawn up in writing at any time prior to the expiry of the period for which it was made.

4. If the omission to make the contract in writing was due to the wilful act or the negligence of the employer, the worker shall be entitled to apply to the competent authority for the cancellation of the contract and, in appropriate cases, to sue for damages.

Article 4

1. No contract shall be deemed to be binding on the family or dependants of the worker unless it contains an express provision to that effect.

2. The employer shall be responsible for the performance of any contract made by any person acting on his behalf.

Article 5

1. Every contract shall contain all such particulars as may be necessary in conjunction with the provisions of the regulations to define the rights and obligations of the parties.

2. The particulars to be contained in the contract shall in all cases include—

(a) the name of the employer or group of employers and where practicable of the undertaking and of the place of employment ;

(b) the name of the worker, the place of engagement and where practicable the place of origin of the worker, and any other particulars necessary for his identification ;

(c) the nature of the employment ;

(d) the duration of the employment and the method of calculating this duration ;

(e) the rate of wages and method of calculation thereof, the manner and periodicity of payment of wages, the advances of wages, if any, and the manner of repayment of any such advances ;

(f) the conditions of repatriation ; and

(g) any special conditions of the contract.

Article 6

1. Every contract shall be presented for attestation to a public officer duly accredited for the purpose.

2. Before attesting any contract the public officer shall—

(a) ascertain that the worker has freely consented to the contract and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake ; and

(b) satisfy himself that—

(i) the contract is in due legal form ;
(ii) the terms of the contract are in accordance with the requirements of the regulations ;
(iii) the worker has fully understood the terms of the contract before signing it or otherwise indicating his assent ;
(iv) the provisions of the regulations relating to medical examination have been complied with ; and
(v) the worker declares himself not bound by any previous engagement.

3. A contract which the public officer has refused to attest shall have no further validity.

4. A contract which has not been presented to the public officer for attestation shall not be enforceable except during the maximum period permissible for contracts not made in writing, but each of the parties shall be entitled to have it presented for attestation at any time prior to the expiry of the period for which it was made.

5. If the omission to present the contract for attestation was due to the wilful act or the negligence of the employer, the worker shall be entitled to apply to the competent authority for the cancellation of the contract and, in appropriate cases, to sue for damages.

6. Every contract shall be registered by the competent authority or a copy thereof shall be deposited with the said authority.

7. The competent authority shall by the issue to the worker of a copy of the contract, of a work-book, or of an equivalent document or token, or in such other manner as it may deem appropriate, take such measures as may be necessary to enable the worker—

(a) to prove the existence and terms of the contract ; and
(b) to verify at any time the terms of the contract.

Article 7

1. Every worker who enters into a contract shall be medically examined.

2. As a general rule the worker shall be medically examined and a medical certificate issued before the attestation of the contract.

3. Where it has not been possible for the worker to be medically examined before the attestation of the contract, the public officer who attests the contract shall endorse it to this effect and the worker shall be examined at the earliest possible opportunity.

4. The competent authority may exempt from the requirement of medical examination workers entering into contracts for—

(a) employment in agricultural undertakings not employing more than a limited number of workers prescribed by the regulations ;
(b) employment in the vicinity of the workers' homes—
  (i) in agricultural work ;
  (ii) in non-agricultural work which the competent authority is satisfied is not of a dangerous character or likely to be injurious to the health of the workers.

Article 8

1. A non-adult person whose apparent age is less than a minimum age to be prescribed by the regulations shall not be capable of entering into a contract.

2. A non-adult person whose apparent age exceeds the minimum age but is less than a higher age to be prescribed by the regulations shall not be capable of entering into a contract except for employment in an occupation approved by the competent authority as not being injurious to the moral or physical development of non-adults.

Article 9

The maximum period of service that may be stipulated in any contract, and the leave, if any, to be granted during the period of the contract, shall be prescribed by the regulations.

Article 10

1. The transfer of any contract from one employer to another shall be subject to the consent of the worker and the endorsement of the transfer upon the contract by a public officer duly accredited for the purpose.

2. Before endorsing the transfer upon the contract the public officer shall—

(a) ascertain that the worker has freely consented to the transfer and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake ; and
(b) in such cases as may be prescribed by the regulations, satisfy himself that the requirements of Article 6, paragraph 2 *(b)*, of this Convention have been fulfilled.

Article 11

1. A contract shall be terminated—

(a) by the expiry of the term for which it was made ; or
(b) by the death of the worker before the expiry of the term for which it was made.

2. The termination of a contract by the death of a worker shall be without prejudice to the legal claims of his heirs or dependants.

Article 12

1. If the employer is unable to fulfil the contract or if owing to sickness or accident the worker is unable to fulfil the contract, the contract shall be subject to termination under conditions to be prescribed by the regulations, which shall include provisions safeguarding in such cases the right of the worker to any wages earned, any deferred pay due to him, any compensation due to him in respect of accident or disease, and his right to repatriation.

2. A contract shall be subject to termination by agreement between the parties under conditions to be prescribed by the regulations, which shall include provisions—

(a) safeguarding the worker from the loss of his right to repatriation unless the agreement for the termination of the contract otherwise provides ; and

(b) requiring the competent authority to satisfy itself—

(i) that the worker has freely consented to the agreement and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake ; and

(ii) that all monetary liabilities between the parties have been settled.

3. A contract shall be subject to termination on the application of either party in the cases and under conditions to be prescribed by the regulations, which shall include provisions prescribing—

(a) the period of notice, if any, to be given by the party wishing to terminate the contract ; and

(b) an equitable settlement of monetary and other questions arising from such termination, including the question of repatriation.

4. The cases in which a contract shall be subject to termination in accordance with the preceding paragraph shall include cases of ill-treatment of the worker by the employer.

5. The regulations may prescribe other cases in which a contract shall be subject to termination and may provide for cases in which the termination of a contract in accordance with this Article shall be subject to the approval of the competent authority.

Article 13

1. Every worker who is a party to a contract and who has been brought to the place of employment by the employer or by any person acting on behalf of the employer shall have the right to be repatriated at the expense of the employer to his place of origin or engagement, whichever is the nearer to the place of employment, in the following cases :

(a) on the expiry of the period of service stipulated in the contract ;

(b) on the termination of the contract by reason of the inability of the employer to fulfil the contract ;

(c) on the termination of the contract by reason of inability of the worker to fulfil the contract owing to sickness or accident ;

(d) on the termination of the contract by agreement between the parties unless the agreement otherwise provides ;

(e) on the termination of the contract on the application of either of the parties, unless the competent authority otherwise decides.

2. Where the family of the worker has been brought to the place of employment by the employer or by any person acting on behalf of the employer, the family shall be repatriated at the expense of the employer whenever the worker is repatriated or in the event of his death.

3. The expenses of repatriation shall include—

(a) travelling and subsistence expenses during the journey ; and

(b) subsistence expenses during the period, if any, between the date of expiry of the contract and the date of repatriation.

4. The employer shall not be liable for subsistence expenses in respect of any period during which the repatriation of the worker has been delayed—

(a) by the worker's own choice ; or

(b) for reasons of *force majeure,* unless the employer has been able during the said period to use the services of the worker at the rate of wages stipulated in the expired contract.

5. If the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by the competent authority.

Article 14

The competent authority may exempt the employer from liability for repatriation expenses in the following cases :

(a) when the competent authority is satisfied—

(i) that the worker, by a declaration in writing or otherwise, has signified that he does not wish to exercise his right to repatriation ; and

(ii) that the worker has been settled at his request or with his consent at or near the place of employment ;

(b) when the competent authority is satisfied that the worker, by his own choice, has failed to exercise his right to repatriation before the expiry of a prescribed period from the date of expiry or termination of the contract ;

(c) when the contract has been terminated by the competent authority in consequence of a fault of the worker ;

(d) when the contract has been terminated otherwise than by reason of the inability of the worker to fulfil the contract owing to sickness or accident and the competent authority is satisfied—

(i) that in fixing the rates of wages proper allowance has been made for the payment of repatriation expenses by the worker ; and

(ii) that suitable arrangements have been made by means of a system of deferred pay or otherwise to ensure that the worker has the funds necessary for the payment of such expenses.

Article 15

1. The employer shall whenever possible provide transport for workers who are being repatriated.

2. The competent authority shall take all necessary measures to ensure—

(a) that the vehicles or vessels used for transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded ;

(b) that when it is necessary to break the journey for the night, suitable accommodation is provided for the workers ;

(c) that when the workers have to make long journeys on foot, the length of the daily journey is compatible with the maintenance of their health and strength ; and

(d) that in the case of long journeys, all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When the workers have to make long journeys in groups they shall be convoyed by a responsible person.

Article 16

1. The maximum period of service that may be stipulated in any re-engagement contract made on the expiry of a contract shall be prescribed by the regulations, but shall as a general rule be shorter than that prescribed in pursuance of Article 9 of this Convention.

2. Where the period of service to be stipulated in any re-engagement contract, together with the period already served under the expired contract, involves the separation of any worker from his family for more than eighteen months, the worker shall not begin the service stipulated in the re-engagement contract until he has had the opportunity to return home at the employer's expense. Provided that the competent authority may grant exemption from this provision whenever its application is impracticable or undesirable.

3. Except as provided in paragraphs 1 and 2 of this Article, all the provisions of the preceding articles shall apply to re-engagement contracts. Provided that the competent authority may at its discretion exempt such contracts from the provisions of Article 6, paragraphs 1 to 5, and Article 7.

Article 17

1. The competent authority shall, where necessary, cause concise summaries of the regulations relating to contracts to be printed in the official language or languages of the territory concerned and in a language known to the workers and shall make such summaries available to the employers and workers concerned.

2. Where necessary, the employer shall be required to post such summaries in a language known to the workers in conspicuous places.

Article 18

The regulations shall include adequate provisions for the protection of workers when a contract made in one territory relates to employment in a territory under a different administration.

Article 19

1. When a contract made in one territory (hereinafter called the territory of origin) relates to employment in a territory under a different administration (hereinafter called the territory of employment), the provisions of this Convention shall be applied in the following manner :

(a) the attestation of the contract required by Article 6 shall take place before a public officer of the territory of origin before the worker leaves that territory ;

(b) the measures required by paragraph 7 of Article 6 shall be taken by the competent authority of the territory of origin ;

(c) the medical examination required by Article 7 shall take place at latest at the place of the departure of the worker from the territory of origin ;

(d) a non-adult person whose apparent age is less than either the minimum age prescribed by the regulations of the territory of origin or the minimum age prescribed by the regulations of the territory of employment shall not be capable of entering into a contract ;

(e) the endorsement of a transfer on a contract by a public officer as required by Article 10 shall be made by an officer of the territory where the worker consents to the transfer ;

(f) the period of service stipulated in the contract shall not exceed either the maximum period prescribed by the

regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment ;

(g) the conditions under which the contract is subject to termination shall be determined by the regulations of the territory of employment ;

(h) if the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by the competent authority of the territory of employment ;

(i) the competent authority which may exempt the employer from liability for repatriation expenses shall be the competent authority of the territory of employment ;

(j) the competent authorities of the territories of origin and employment shall co-operate to ensure the application of paragraph 2 of Article 15 ;

(k) the period of service stipulated in any re-engagement contract shall not exceed either the maximum period prescribed by the regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment.

2. When the Convention is not in force for both the territory of origin and the territory of employment, the rules set forth in the preceding paragraph shall apply subject to the following provisions :

(a) when the Convention is not in force for the territory of employment, the public officer of the territory of origin shall not attest the contract unless he is satisfied that the worker will be entitled in the territory of employment, either in virtue of the regulations of that territory or in virtue of the terms of the contract, to the rights and protection specified in Articles 10 to 16 of the Convention ;

(b) when the Convention is not in force for the territory of origin, the matters which sub-paragraphs *(a)*, *(b)* and *(c)* of paragraph 1 of this Article require to be dealt with by the competent authority of the territory of origin shall be dealt with by the competent authority of the territory of employment unless the latter authority is satisfied that they have in fact been dealt with in accordance with the terms of the Convention by the competent authority of the territory of origin.

3. The competent authorities of the territories of origin and of employment shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention, and may in any such agreement derogate from the provisions of paragraph 1 of this Article in respect of contracts made in one territory party to the agreement for employment in another such territory.

Article 20

1. This Convention does not apply to contracts entered into before the coming into force of the Convention for the territory where the question of its applicability arises.

2. The denunciation of this Convention shall not affect rights or obligations arising from contracts entered into before the denunciation took effect.

Article 21

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 22

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories to which it undertakes to apply the provisions of the Convention without modification ;

(b) the territories to which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

(c) the territories to which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

Article 23

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 24

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on

which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 25

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation and of all declarations communicated to him in accordance with the provisions of Article 22 of this Convention.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

Article 26

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 27

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention notwithstanding the provisions of Article 24 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 28

The French and English texts of this Convention shall both be authentic.

Convention 65

Convention concerning Penal Sanctions for Breaches of Contracts of Employment by Indigenous Workers [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the progressive abolition of penal sanctions for breaches of contracts of employment by indigenous workers, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-seventh day of June of the year one thousand nine hundred and thirty-nine the following Convention, which may be cited as the Penal Sanctions (Indigenous Workers) Convention, 1939 :

Article 1

1. This Convention applies to all contracts by which a worker belonging to or assimilated to the indigenous population of a dependent territory of a Member of the Organisation, or belonging to or assimilated to the dependent indigenous population of the home territory of a Member of the Organisation, enters the service of any public authority, individual, company or association, whether non-indigenous or indigenous, for remuneration in cash or in any other form whatsoever.

2. For the purpose of this Convention the term " breach of contract " means—

(a) any refusal or failure of the worker to commence or perform the service stipulated in the contract ;

(b) any neglect of duty or lack of diligence on the part of the worker ;

(c) the absence of the worker without permission or valid reason ; and

(d) the desertion of the worker.

[1] Date of coming into force : 8 July 1948.

Article 2

1. All penal sanctions for any breach of contract to which this Convention applies shall be abolished progressively and as soon as possible.

2. All penal sanctions for any such breach by a non-adult person whose apparent age is less than a minimum age to be prescribed by law or regulations shall be abolished immediately.

Article 3

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 4

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories to which it undertakes to apply the provisions of the Convention without modification ;

(b) the territories to which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

(c) the territories to which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

Article 5

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which two Members of the Organisation have registered with the Director-General ratifications to which are appended, in accordance with Article 4 of this Convention, declarations indicating territories to which they undertake to apply the provisions of the Convention.

3. Thereafter this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 6

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 7

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation and of declarations communicated to him in accordance with the provisions of Article 4 of this Convention.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him which fulfils the condition stated in Article 5, paragraph 2, of this Convention, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 8

At the expiration of each period of five years after the coming into force of this Convention the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 9

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 6 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 10

The French and English texts of this Convention shall both be authentic.

Recommendation 58

Recommendation concerning the Maximum Length of Written Contracts of Employment of Indigenous Workers

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the maximum length of written contracts of employment of indigenous workers, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-seventh day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Contracts of Employment (Indigenous Workers) Recommendation, 1939 :

The Conference,

Having adopted the Contracts of Employment (Indigenous Workers) Convention, 1939, Article 9 of which provides that " the maximum period of service that may be stipulated in any contract, and the leave, if any, to be granted during the period of the contract, shall be prescribed by the regulations " ; and

Desiring to supplement this provision by a statement of principles which appear well fitted to guide the policy of the Members concerned in fixing the maximum period of service in different cases and by suggestions regarding the maxima which might be fixed in such cases ;

Recommends that each Member of the International Labour Organisation which ratifies the Contracts of Employment (Indigenous Workers) Convention, 1939, should take the following principles into consideration in fixing the maximum period of service provided for in Article 9 of the Convention :

1. The maximum period of service should always be as short as possible, and should be shorter when the workers will

be separated from their families during the period of service than when they are accompanied by their families.

2. (1) The maximum period of service for employments not involving a long and expensive journey by land or sea should in no case exceed twelve months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

(2) The maximum period of service for employments involving a long and expensive journey by land or sea should in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

3. Exceptions to the above maxima should be made only in the case of workers accompanied by their families and where it is intended, with the prior consent of the workers, to settle them with their families at or near the place of employment.

4. Where the period of service is twelve months or more, the worker should be granted a holiday with pay of at least one week.

Recommendation 59

Recommendation concerning Labour Inspectorates for Indigenous Workers

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to labour inspectorates for indigenous workers, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-seventh day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Labour Inspectorates (Indigenous Workers) Recommendation, 1939 :

The Conference,

Having adopted the Contracts of Employment (Indigenous Workers) Convention, 1939, and

Considering that the law or regulations relating to the employment of indigenous workers can only be satisfactorily administered by labour inspection services,

Recommends that the Members of the International Labour Organisation concerned should establish labour inspection services in any territories where such services do not already exist.

Recommendation 60

Recommendation concerning Apprenticeship

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to apprenticeship, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Apprenticeship Recommendation, 1939 :

The Conference,

Having adopted the Vocational Training Recommendation, 1939, which enumerates the principles and methods which should be applied with regard to the organisation of such training ;

Considering that of the various methods of vocational training, apprenticeship raises special problems, particularly because it is given in undertakings and involves contractual relations between master and apprentice ;

Considering that the efficacy of apprenticeship largely depends on the satisfactory definition and observance of the conditions governing apprenticeship and, in particular, of those relating to the mutual rights and obligations of master and apprentice ;

Recommends that each Member should take into consideration the following principles and rules :

1. For the purpose of the present Recommendation the expression " apprenticeship " means any system by which an employer undertakes by contract to employ a young person and to train him or have him trained systematically for a trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employer's service.

2. (1) Measures should be taken to make apprenticeship as effective as possible in trades in which this system of training seems necessary. These trades should be designated in each

country, having regard to the degree of skill and the length of the period of practical training required.

(2) Subject to there being sufficient co-ordination to guarantee uniformity in the degree of skill required and in the methods and conditions of apprenticeship within each trade throughout the country, the measures referred to in the preceding sub-paragraph may be taken by laws or regulations, or by decisions of public bodies entrusted with the control of apprenticeship, or in virtue of collective agreements, or by a combination of the above methods.

3. (1) The measures referred to in the preceding paragraph should make provision in respect of—

(a) the technical and other qualifications required of employers in order that they may take and train apprentices ;

(b) the conditions governing the entry of young persons into apprenticeship ; and

(c) the mutual rights and obligations of master and apprentice.

(2) In making such provision consideration should be given more particularly to the following principles :

(a) An employer taking apprentices should either himself be qualified to give adequate training or be in a position to provide such training by some other person in his service with the necessary qualifications, and the undertaking in which the training is to be given should be such as will permit of the apprentice securing a proper training in the trade to be learnt.

(b) Young persons should not be allowed to enter into apprenticeship until they have reached a fixed age, which should not be below the age at which school attendance ceases to be compulsory.

(c) Where the minimum standard of general education required for entry into apprenticeship is higher than that normally attained at the end of the period of compulsory school attendance, this minimum standard should be fixed with due regard to the variations in requirements of different trades.

(d) Entry into apprenticeship should in every case be subject to a medical examination, and where the trade in view calls for special physical qualities or mental aptitudes these should be specified and tested by special tests.

(e) Provision should be made for the registration of apprentices with appropriate bodies and, where necessary, for the control of their number.

(f) Arrangements should be made to facilitate the transfer of an apprentice from one employer to another in cases where transfer appears necessary or desirable in order to avoid interruption of the apprenticeship or to complete the training of the apprentice or for some other reason.

(g) The duration of apprenticeship, including that of the probationary period, should be determined in advance, any prior training undergone by the apprentice in a technical or vocational school being duly taken into account.

(h) Provision should be made for the holding of examinations of apprentices on the expiry of the period of apprenticeship and, where necessary, in the course of apprenticeship, for determining the methods of organising such examinations, and for the issue of certificates based on the results thereof. The qualifications required in such examinations for any given trade should be uniformly fixed, and the certificates issued as a result of such examinations should be recognised throughout the country.

(i) Supervision should be established over apprenticeship, particularly with a view to ensuring that the rules governing apprenticeship are observed, that the training given is satisfactory and that there is reasonable uniformity in the conditions of apprenticeship.

(j) Any requirements of form to be complied with by the contract of apprenticeship and the terms to be contained or implied in it should be specified, as for instance by the drawing up of a standard contract, and the procedure for the registration of contracts with the bodies referred to under *(e)* above should be determined.

4. (1) Provision should be made in the contract of apprenticeship as to how any remuneration in cash or otherwise due to the apprentice should be determined and as to the scale of increase in remuneration during the course of the apprenticeship.

(2) Where there are no laws or regulations upon the subject, or the laws or regulations do not apply to apprentices, provision should also be made in the contract of apprenticeship in respect of—

(a) the remuneration referred to in sub-paragraph (1) above during sickness ; and

(b) holidays with pay.

5. (1) It would be desirable that the parties concerned in apprenticeship and more particularly the organisations of employers and workers should collaborate with the official bodies responsible for the supervision of apprenticeship.

(2) Close collaboration should be maintained between the bodies responsible for the supervision of apprenticeship and the general and vocational education authorities, vocational guidance institutions, public employment exchanges and labour inspection authorities.

6. This Recommendation does not apply to the apprenticeship of seamen.

Convention 66

Convention concerning the Recruitment, Placing and Conditions of Labour of Migrants for Employment [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the recruiting, placing and conditions of labour (equality of treatment) of migrant workers, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Convention, which may be cited as the Migration for Employment Convention, 1939 :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes that it will—

(a) enact and enforce penalties for the repression of—

(i) misleading propaganda relating to emigration or immigration ; and

(ii) propaganda relating to emigration or immigration which propaganda is contrary to national laws or regulations ; and

(b) exercise supervision over advertisements, posters, pamphlets and other forms of publicity relating to employment in one territory which is offered to persons in another territory.

Article 2

1. Each Member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, an adequate service to supply information and give assistance to emigrants and immigrants.

2. This service shall be conducted—

(a) by the public authorities ; or

(b) by one or more voluntary organisations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities ; or

[1] This Convention had not come into force by 1 January 1949.

(c) partly by the public authorities and partly by one or more voluntary organisations fulfilling the conditions stated in sub-paragraph *(b)* of this paragraph.

Article 3

1. Each Member which ratifies this Convention undertakes to regulate in accordance with the provisions of this Article the following operations :

(a) recruitment, that is to say—

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii), including the seeking for and selection of intending emigrants and the preparation for departure of the emigrants ;

(b) introduction, that is to say any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of sub-paragraph *(a)* of this paragraph ; and

(c) placing, that is to say any operations for the purpose of supplying an employer with the labour of persons who have been introduced within the meaning of sub-paragraph *(b)* of this paragraph.

2. The right to engage in the operations enumerated in paragraph 1 of this Article shall be restricted to—

(a) public employment exchanges or other public bodies of the territory in which the operations take place ;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by an agreement between the Governments concerned ;

(c) any body established in accordance with the terms of an international instrument ;

(d) the prospective employer or a person in his service acting on his behalf ; and

(e) private employment agencies, whether fee-charging or not, which are not conducted with a view to profit.

3. The right to engage in the operations enumerated in paragraph 1 of this Article shall be subject to the prior authorisation of the competent authority of the territory where the said operations are to take place in such cases and under such conditions as may be prescribed by the laws or regulations of that territory or by agreement between the country of emigration and the country of immigration.

4. The competent authorities of the territory where the operations take place shall supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of the preceding paragraph.

Article 4

1. Each Member ratifying this Convention which maintains a system of supervision over contracts of employment between an employer, or person acting on his behalf, and a migrant for employment which are concluded before the departure of the migrant undertakes to require contracts subject to such supervision to comply with the provisions of this Article.

2. The contract shall be drawn up in or translated into a language which the migrant understands.

3. The contract shall, in addition to any other terms, specify the following particulars :

(a) the duration of the contract and if the contract is renewable the method of renewal, or in the case of a contract of indeterminate duration the procedure for the denunciation of the contract and the notice of denunciation required ;

(b) the exact date on which and place at which the migrant is required to report ;

(c) the method of meeting the travelling expenses—

(i) of the migrant on the outward journey ;

(ii) of the migrant on the return journey, if such journey takes place on the expiry of the period for which the contract was concluded or before the expiry of the said period in consequence of the denunciation or termination of the contract not due to the fault of the migrant ;

(iii) of members of the migrant's family authorised to accompany him to or join him in the country of immigration ;

(d) any deductions which the employer may make from remuneration in accordance with the laws or regulations of the country of immigration or an agreement between the country of emigration and the country of immigration ;

(e) the housing conditions, if housing is to be provided or obtained by the employer ;

(f) any arrangements to ensure the maintenance of the migrant's family in the country of origin, more particularly with a view to preventing desertion of his family by the migrant.

Article 5

Each Member which ratifies this Convention undertakes to take measures to ensure that, if any migrant introduced into its territory fails, for a reason for which he is not responsible, to

secure the employment for which he has been recruited, or an equivalent employment, the cost of his return and that of the members of his family, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, does not fall upon the migrant.

Article 6

1. Each Member which ratifies this Convention undertakes that it will apply to foreigners treatment no less favourable than that which it applies to its own nationals with respect to the following matters :

(a) in so far as such matters are regulated by law or regulations or are subject to the control of administrative authorities—
  (i) conditions of work and more particularly remuneration, and
  (ii) the right to be a member of a trade union ;
(b) employment taxes, dues or contributions payable by the person employed ; and
(c) legal proceedings relating to contracts of employment.

2. The equality of treatment provided for in the preceding paragraph may be granted subject to reciprocity, which shall be deemed to exist—

(a) as between all Members bound by this Convention ; and
(b) as between each Member bound by this Convention and any other State with which it has concluded a reciprocity agreement relating to the matter in question.

Article 7

1. Personal effects and tools belonging to recruited migrants for employment and members of their families shall be exempt from customs duties on arrival in the country of immigration.

2. Personal effects and tools belonging to migrants for employment and members of their families shall be exempt from customs duties on the return of the said persons to their country of origin if they have retained the nationality of that country at the time of their return there.

Article 8

This Convention does not apply to—

(a) migration within the territory of a Member or from one territory of a Member to another territory of the same Member ;
(b) frontier workers whose place of employment is in the territory of one State and whose place of residence is in the territory of another State ;
(c) seamen ;

(d) indigenous workers as defined in Article 2 *(b)* of the Recruiting of Indigenous Workers Convention, 1936.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

Article 13

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General

Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 14

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 15

The French and English texts of this Convention shall both be authentic.

Recommendation 61

Recommendation concerning the Recruitment, Placing and Conditions of Labour of Migrants for Employment

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the recruiting, placing and conditions of labour (equality of treatment) of migrant workers, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Migration for Employment Recommendation, 1939 :

The Conference,

Having adopted the Migration for Employment Convention, 1939, and

Desiring to supplement its provisions by a Recommendation ;

Recommends as follows :

I

1. (1) For the purpose of this Recommendation—

(a) the term " recruitment " means—

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of would-be emigrants and the preparation for departure of the emigrants ;

(b) the term " introduction " means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of *(a)* ;

(c) the term " placing " means any operations for the purpose of supplying an employer with the labour of persons who have been introduced within the meaning of *(b)*.

(2) This Recommendation does not apply to—

(a) migration within the territory of a Member or from one territory of a Member to another territory of the same Member ;

(b) frontier workers whose place of employment is in the territory of one State and whose place of residence is in the territory of another State ;

(c) seamen ;

(d) indigenous workers as defined in Article 2 *(b)* of the Recruiting of Indigenous Workers Convention, 1936.

II

2. The service provided in each country to supply information and give assistance to migrants should have the following duties :

(a) to supply information to migrants and their families and advise them, in their languages or dialects or at least in a language which they can understand, on matters relating to emigration, immigration, employment and living conditions in the place of destination, return to the country of origin, and generally speaking on any other question which may be of interest to them in their capacity as migrants ;

(b) to provide facilities for migrants and their families with regard to the fulfilment of administrative formalities and other steps to be taken in connection with their departure, journey, admission into the country of destination, residence there and, should the case arise, return to the country of origin.

3. There should, whenever possible, be a reasonable interval between the publication and coming into force of any modification of the conditions on which emigration or immigration or the employment of foreigners is permitted in order that these conditions may be notified in good time to persons who are preparing to emigrate.

4. Provision should be made for the display at the places of departure, transit and arrival, of the texts of the principal measures referred to in the preceding paragraph or of notices relating thereto in the languages most commonly known to the migrants.

III

5. (1) With a view to safeguarding the interests of migrants for employment and ensuring the equilibrium of the employment market, the competent authorities of the country of emigration and the country of immigration should, when the volume of migration justifies it, require applications for the recruitment and introduction of migrants for employment to be submitted in advance for examination and endorsement.

(2) Before authorising the introduction of migrants for employment the country of immigration should ascertain whether there is not a sufficient number of capable persons already available to do the work in question.

6. (1) The conditions under which authorisations for the recruitment, introduction or placing of migrants for employment are granted and maintained in force should be determined either by national laws or regulations or by agreement between the country of emigration and the country of immigration.

(2) The persons to whom or bodies to which authorisations are granted should furnish guarantees, which might take the form of a deposit, for the payment of compensation in respect of any damage suffered by a migrant for employment through the fault of the said persons or bodies.

7. (1) Any intermediary who undertakes the recruitment, introduction or placing of migrants for employment on behalf of an employer should be required to obtain a written warrant from the employer or some other document proving that he is acting on the employer's behalf.

(2) This document should be drawn up in, or translated into, the official language of the country of emigration, and should set forth all necessary particulars concerning the employer, concerning the nature and scope of the recruitment, introduction or placing which the intermediary is to undertake, and concerning the employment offered, including the remuneration offered.

8. (1) It is desirable that in each country where migrants for employment are recruited, introduced or placed, the compe-

tent authorities should fix maximum scales for the expenditure that may be charged to the migrant or to his employer in respect of recruitment, introduction (including maintenance during the journey), placing, repatriation or any other operations connected therewith.

(2) The expenditure mentioned in the preceding sub-paragraph should not, as a rule, be borne by the migrant and in all cases any deductions from remuneration which the employer may make for this purpose should be limited by national laws or regulations or by agreement between the country of emigration and the country of immigration.

9. (1) Intending migrants for employment should, as far as possible, be examined before their departure from the country of emigration by a representative of the country of immigration responsible for satisfying himself that they are eligible for admission into that country.

(2) If recruitment takes place on a sufficiently large scale to be considered as collective recruitment under the law or regulations of the country of emigration, an expert official of that country should be present.

(3) It is desirable that the examinations and the recruitment referred to in the preceding sub-paragraphs of this paragraph should, as far as possible, be carried out in the neighbourhood of the intending migrant's home.

10. (1) The members of the family of a migrant for employment who desire to accompany or join him should receive special facilities for this purpose, more particularly—

(a) priority over other applications for permission to leave the country of emigration and to enter and reside in the country of immigration ;

(b) a simplification of the administrative formalities and a reduction in the payments required either for leaving the country of emigration or for entering and residing in the country of immigration.

(2) For the purpose of this paragraph the members of the family of a migrant for employment should be deemed to consist of his wife and minor children and of other members of his family dependent upon him.

IV

11. Equality of treatment for nationals and foreigners, as laid down in Article 6 of the Migration for Employment Convention, 1939, should be applied as far as possible to all foreigners.

12. (1) Foreigners authorised to reside in a territory with a view to employment, and the members of their families authorised to accompany or join them, should as far as possible be admitted to employment in the same conditions as nationals.

(2) In countries in which the employment of foreigners

authorised to be employed there is subject to restrictions, these restrictions should as far as possible—

(a) cease to be applied to such persons who have regularly resided in the country for a period, the length of which should not, as a rule, exceed five years ; and

(b) be waived, without any condition as to length of residence, in favour of the wife and children of an age to work who have been authorised to accompany or join the migrant.

13. It is desirable that Members which have not ratified the international labour Conventions relating to social insurance should grant to foreign employed persons and their survivors the treatment defined in the said Conventions.

14. (1) It is desirable that, in countries where the number of immigrants for employment is sufficiently large, the conditions of employment of such immigrants should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specialising in this work.

(2) The administrative services entrusted with the supervision referred to in the preceding sub-paragraph should co-operate as far as possible with voluntary organisations for the assistance of migrants which have been approved by the authorities.

V

15. (1) When a foreign employed person has been regularly admitted to the territory of a State the said State should, as far as possible, refrain from removing such person or the members of his family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between this country and the country of origin.

(2) A State which feels obliged to remove from its territory, for the reasons indicated in the previous sub-paragraph, foreign employed persons who have been regularly admitted or members of the families of such persons, should at all events—

(a) take into account the length of time the said persons have been in its territory and in no case remove persons who have been there for more than five years ;

(b) satisfy itself that the person concerned has exhausted his rights to unemployment insurance benefit ;

(c) satisfy itself that the person concerned has been given reasonable notice so as to give him time, more particularly, to dispose of his property ; that suitable arrangements have been made for his transport and that of the members of his family ; and that the necessary arrangements have been made to ensure that he and the members of his family are treated in a humane manner ;

(d) satisfy itself that the costs of the return of the employed person and the members of his family and of the transport of their household belongings to their final destination shall not fall on him.

16. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any condition as to previous residence or employment in the country or place.

Recommendation 62

Recommendation concerning Co-operation between States relating to the Recruitment, Placing and Conditions of Labour of Migrants for Employment

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to co-operation between States relating to the recruiting, placing and conditions of labour of migrants for employment, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Migration for Employment (Co-operation between States) Recommendation, 1939 :

The Conference,

Having adopted the Migration for Employment Convention, 1939, and the Migration for Employment Recommendation, 1939 :

Recommends as follows :

1. Members between which the volume of migration is fairly considerable, or between which collective migration takes place, should supplement the measures which they take to ensure the application of the provisions of the Migration for Employment Convention, 1939, and the Migration for Employment Recommendation, 1939, by concluding bilateral or plurilateral agreements which might usefully deal, according to circumstances, with the following questions :

(a) the supply of information to migrants for employment and the exchange of information between the competent Government departments ;

(b) the repression of illegal and misleading propaganda ;

(c) the issue of certificates and identification papers required by migrants for employment and the recognition in the territory of each of the contracting parties of the validity of such documents and of contracts of employment issued or concluded in the territory of another party ;

(d) the methods of recruitment, introduction and placing of migrants for employment ;

(e) the methods of preventing the separation of families or the desertion of their families by migrants for employment, of facilitating the reunion of families and of securing that the migrant will carry out any legal obligations which he may have towards dependants in the country of origin ;

(f) any measures which may be necessary to enable migrants for employment to take the money they require out of the country of emigration and to transfer their savings to the country of origin, and the adoption of the most favourable exchange rate for such money and savings ;

(g) the repatriation of migrants for employment and their families and the method of covering the cost thereof ;

(h) the guarantees subject to which the nationals of one of the contracting States residing in the territory of another may be recruited for undertakings situated in non-metropolitan territories under the administration of the latter ;

(i) the settlement of pension rights of migrants for employment under old-age, invalidity and survivors' insurance schemes if the maintenance of such rights is not otherwise provided for as between the States concerned.

2. Apart from or in addition to the agreements referred to in the preceding paragraph, Members should co-operate in the practical solution of problems concerning the recruitment, placing and conditions of labour of migrants for employment, more particularly by such of the following methods as may be appropriate in the circumstances :

(a) the drafting of standard forms of application and contract for the recruitment and introduction of migrants for employment ;

(b) the determination and revision of the quotas of nationals of one country who may be introduced into the territory of another during a year or season, and, if necessary, their distribution by sex, age and occupation ;

(c) agreement on a procedure of co-operation with a view to the recruitment and the protection of the interests of migrants for employment ;

(d) periodical meetings of a joint committee of the country of emigration and the country of immigration for the application or adaptation of proposals or measures for the recruitment, introduction, placing, employment, protection, and, where the case arises, repatriation of migrants for employment and their families.

Convention 67

Convention concerning the Regulation of Hours of Work and Rest Periods in Road Transport [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work and rest periods of professional drivers (and their assistants) of vehicles engaged in road transport, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Convention, which may be cited as the Hours of Work and Rest Periods (Road Transport) Convention, 1939 :

Article 1

1. This Convention applies to—

(a) persons who drive in a professional capacity a road transport vehicle ; and

(b) attendants and other persons who travel with a road transport vehicle in a professional capacity connected with the vehicle, its passengers or its load.

2. For the purpose of this Convention, the term " road transport vehicle " includes all vehicles, whether publicly or privately owned, propelled by mechanical power, including trams, trolley-cars and trailers drawn by mechanically-propelled vehicles, which are engaged in the transport of passengers or goods by a public highway for payment or for the purposes of the undertaking operating the vehicle.

[1] This Convention had not come into force by 1 January 1949.

Article 2

The competent authority may exempt from the application of this Convention—

(a) persons who drive or travel with private vehicles used solely for personal services ;

(b) persons who drive or travel with vehicles engaged in—

(i) transport by agricultural or forestry undertakings in so far as such transport is directly connected with and exclusively used for the work of the undertaking ;

(ii) the transport of sick and injured persons by hospitals and nursing homes ;

(iii) transport for the purposes of national defence, police services and other transport effected in the administration of public authority ;

(iv) transport for rescue or salvage work.

Article 3

The competent authority may exclude from the application of all or any of the provisions of this Convention owners of vehicles and members of their families who are not employed for wages, or prescribed classes of such persons, if and so long as the authority—

(a) is satisfied that such exclusion will not—

(i) expose to unreasonable competition the conditions of employment of the persons to whom the provisions in question remain applicable ; or

(ii) expose to unreasonable risk of accident the persons to whom the Convention applies or endanger public safety ; or

(b) is satisfied that in view of the conditions in the country concerned the application of the provisions in question to the persons proposed to be excluded is impracticable.

Article 4

For the purpose of this Convention—

(a) the term " hours of work " means the time during which the persons concerned are at the disposal of the employer or of any other person entitled to claim their services, or in the case of owners of vehicles and members of their families, the time during which they are engaged on their own account in work connected with a road transport vehicle, its passengers or its load, and includes—

(i) time spent in work done during the running time of the vehicle ;

(ii) time spent in subsidiary work ;

(iii) periods of mere attendance ; and

(iv) breaks for rest and interruptions of work, which breaks or interruptions do not exceed a duration to be prescribed by the competent authority ;

(b) the term " running time of the vehicle " means the time from the moment when the vehicle starts at the beginning of the working day until the moment when the vehicle stops at the end of the working day, excluding any time during which the running of the vehicle is interrupted for a period exceeding a duration to be prescribed by the competent authority during which period the persons who drive or travel with the vehicle are free to dispose of their time as they please or are engaged in subsidiary work ;

(c) the term " subsidiary work " means work in connection with the vehicle, its passengers or its load which is done outside the running time of the vehicle, including more particularly—

(i) work in connection with accounts, the paying in of cash, the signing of registers, the handing in of service sheets, the checking of tickets and other similar work ;

(ii) the taking over and garaging of the vehicle ;

(iii) travelling from the place where a person signs on to the place where he takes over the vehicle and from the place where he leaves the vehicle to the place where he signs off ;

(iv) work in connection with the upkeep and repair of the vehicle ; and

(v) the loading and unloading of the vehicle ;

(d) the term " periods of mere attendance " means periods during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the timetable.

Article 5

1. The hours of work of persons to whom this Convention applies shall not exceed forty-eight in the week.

2. The competent authority may authorise higher weekly limits of hours for persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 6

1. The competent authority may permit weekly hours of work to be calculated as an average.

2. Where the competent authority permits weekly hours of work to be calculated as an average, it shall determine the number of weeks over which the average may be calcu-

lated and the maximum number of hours that may be worked in any week.

Article 7

1. The hours of work of persons to whom this Convention applies shall not exceed eight in the day.

2. Where by law, custom, or agreement between the employers' and workers' organisations concerned, or where no such organisations exist between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent authority, or by agreement between such organisations or representatives, so however that in no case shall the daily limit of eight hours be exceeded in virtue of the provisions of this paragraph by more than one hour.

3. The competent authority may authorise higher daily limits—

(a) in respect of persons whose weekly hours of work do not exceed forty-eight in any week as provided in Article 5, paragraph 1, or an average of forty-eight as provided in Article 6 ; and

(b) in respect of persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 8

The competent authority shall prescribe the maximum number of hours which may separate the beginning and end of the working day.

Article 9

1. The competent authority may permit time lost as a result of accidental causes to be made up within a prescribed period.

2. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded in cases in which the provisions of this Article are applied.

Article 10

The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded to a prescribed extent in cases in which it is satisfied that there is a shortage of indispensable skilled labour.

Article 11

1. This Article applies in the following cases :

(a) in case of accident, breakdown, unforeseen delay, dislo-

cation of services, interruption of traffic, or *force majeure* ;

(b) in order to make good the unforeseen absence of a person employed upon indispensable work for whom it is impossible to find a substitute ;

(c) in case of rescue or relief work necessitated by earthquake, flood, fire, epidemic, or any other calamity or disaster ;

(d) in case of urgent and exceptional necessity for ensuring the working of services of public utility.

2. In the cases in which this Article applies—

(a) the limits of hours authorised by the preceding Articles may be exceeded,

(b) the period of five hours prescribed by Article 14 may be extended, and

(c) the periods of rest prescribed by Articles 15 and 16 may be reduced,

but only in so far as may be necessary for the performance of indispensable work.

3. The employer or the owner of the vehicle shall notify the competent authority, within a period and in a manner to be prescribed by the said authority, of all time worked in virtue of this Article and of the reasons therefor.

Article 12

1. The limits of hours authorised by the preceding Articles may be exceeded, but only in so far as may be necessary for the performance of indispensable work, in order to meet exceptional requirements in respect of—

(a) the transport by hotels of passengers and their luggage between the hotel and the station or port of arrival or departure ; and

(b) transport by funeral undertakings.

2. The competent authority shall determine the conditions subject to which the preceding paragraph applies.

Article 13

1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded by the working of overtime in accordance with the provisions of this Article.

2. The competent authority may grant permission to work overtime in accordance with regulations prescribing—

(a) the procedure by which permission shall be granted ;

(b) the minimum overtime rate of remuneration, which shall in no case be less than one and a quarter times the normal rate ; and

(c) the maximum number of hours for which permission may be granted, which shall in no case exceed—

(i) seventy-five hours in any year in cases in which weekly hours of work are calculated as an average over a period exceeding a week ; or

(ii) one hundred hours in any year in cases in which the weekly limit of hours of work is applied as a strict limit applicable to each week.

3. In any country in which it is not desired to place a fixed number of hours of overtime in the year at the disposal of undertakings, the competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded, subject to the condition that all time worked in virtue of this paragraph shall be paid for at not less than one and a half times the normal rate.

Article 14

1. No driver may drive for any continuous period of more than five hours.

2. For the purpose of the preceding paragraph any two periods of time shall be deemed to be a continuous period unless separated by an interval of a duration to be prescribed by the competent authority.

3. The competent authority may exempt from the application of paragraph 1 drivers for whom adequate intervals are ensured by stops provided for in the timetable or by the intermittent nature of the work.

Article 15

1. Every person to whom this Convention applies shall be granted in every period of twenty-four hours a period of rest comprising at least twelve consecutive hours.

2. The competent authority may permit the period of rest required by paragraph 1 to be reduced in the case of certain services subject to breaks of considerable duration.

3. The competent authority may permit the period of rest to be reduced on a prescribed number of days in the week, so however that the average rest calculated over the week is not less than the minimum required by paragraph 1.

Article 16

1. Every person to whom this Convention applies shall be granted in every period of seven days a period of rest comprising at least thirty consecutive hours of which not less than twenty-two fall within the same calendar day.

2. The competent authority may permit a number of periods of rest fulfilling the requirements of paragraph 1 to

be granted in the course of a number of weeks not exceeding a prescribed maximum in lieu of one such period of rest in every period of seven days. In such case the number of periods of rest granted in the course of the number of weeks over which the said periods of rest are distributed shall be at least equal to the number of weeks and the time separating any two periods of rest shall not exceed ten days.

Article 17

Decisions taken by the competent authority in pursuance of the provisions of this Convention enumerated below shall be taken after consultation with the employers' and workers' organisations concerned where such exist :

Article	*Article*
2 ;	10 ;
3 ;	11, paragraph 3 ;
4 *(a)* and *(b)* ;	12, paragraph 2 ;
5, paragraph 2 ;	13 ;
6 ;	14, paragraphs 2 and 3 ;
7, paragraphs 2 and 3 ;	15, paragraphs 2 and 3 ;
8 ;	16, paragraph 2 ;
9 ;	18.

Article 18

1. With a view to the effective enforcement of the provisions of this Convention, the competent authority shall maintain a system of supervision by labour inspectors, the police, traffic commissioners or other appropriate administrative authorities, both in garages, depots and other premises and on the roads.

2. Every employer shall keep a record in a form approved by the competent authority of the hours of work and rest periods of the persons employed by him, and such records shall be available for inspection by the supervisory authorities under conditions laid down by the competent authority.

3. The competent authority shall prescribe a standard form of individual control book and the manner in which the book shall be issued to every person to whom this Convention is applied, and every such person shall be in possession of his book during his hours of work, and particulars of his hours of work and rest periods shall be entered in the book in a manner prescribed by the competent authority.

Article 19

1. The operation of the provisions of this Convention may be suspended by the competent authority, but only for the period during which such suspension is strictly indispensable, in case of necessity for meeting the requirements of national safety.

2. The International Labour Office shall be notified immediately of—

(a) any suspension of the operation of the provisions of this Convention, together with the reasons for such suspension ; and

(b) the date from which such suspension has been terminated.

Article 20

The annual reports upon the application of this Convention to be submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning—

(a) any decisions taken in virtue of Article 2 ;

(b) any decisions taken in virtue of Article 3, together with a statement of the grounds on which the competent authority is satisfied that such decisions are justified ;

(c) any recourse to the provisions of Article 5, paragraph 2 ;

(d) any recourse to the provisions of Article 6 ;

(e) any recourse to the provisions of Article 7, paragraphs 2 or 3 ;

(f) any determinations made in pursuance of Article 8 ;

(g) the extent to which recourse has been made to the provisions of Articles 10 and 13 and any regulations made thereunder.

Article 21

In accordance with Article 19, paragraph 11, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by the Convention.

Article 22

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 23

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 24

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 25

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

Article 26

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 27

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 24 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 28

The French and English texts of this Convention shall both be authentic.

Recommendation 63

Recommendation concerning Individual Control Books in Road Transport

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to individual control books in road transport, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Control Books (Road Transport) Recommendation, 1939 :

1. Each Member of the International Labour Organisation should provide for the drawing up of a standard form of individual control book to facilitate the supervision of the hours of work and rest periods of persons to whom the Hours of Work and Rest Periods (Road Transport) Convention, 1939, applies.

2. The individual control book should contain entries relating to the following points :

(a) the time at which the working day begins and the time at which it ends ;

(b) time spent in work done during the running time of the vehicle ;

(c) time spent in subsidiary work ;

(d) periods of mere attendance ;

(e) the duration of breaks for rest and interruptions of work during which the driver or attendant is free to dispose of his time as he pleases ;

(f) periods of continuous driving time ;

(g) weekly periods of rest ;

(h) any extensions of hours of work beyond the normal limits and the circumstances in which such hours have been worked.

3. The competent authority should determine the conditions in which individual control books shall be issued.

4. (1) The driver or attendant, as the case may be, or the employer should be required to enter daily the prescribed particulars under the various entries of the individual control book.

(2) In the case of classes of transport in respect of which it would be difficult to give the particulars specified in *(b)*, *(c)*, *(d)* and *(f)* of paragraph 2, the particulars required to be entered might be limited to those specified in *(a)*, *(e)*, *(g)* and *(h)*.

(3) In the case of classes of transport running to a fixed time-table, a statement of the time-table to which the driver or the attendant works might be permitted to be substituted for the detailed particulars specified in *(a)* to *(f)* of paragraph 2.

5. (1) Drivers and attendants should be required to carry their control books with them during their hours of work and to produce them on demand to the supervisory authorities.

(2) During the driver's or attendant's rest days the individual control book should be left at the garage and should be kept available for inspection by the supervisory authorities.

Recommendation 64

Recommendation concerning the Regulation of Night Work in Road Transport

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the regulation of night work in road transport, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Night Work (Road Transport) Recommendation, 1939 :

Whereas in certain classes of road transport for the conveyance of passengers or goods it is necessary to operate at night ;

Whereas in order to afford road transport workers the necessary protection under labour regulations and in order to

ensure safety on the road, it is desirable to regulate the conditions under which transport at night is carried on ;

The Conference recommends every Member of the International Labour Organisation to apply the following principles concerning the regulation of night work for travelling staff engaged in road transport :

1. The competent authority in each country should—

(a) determine the classes of transport for which it authorises night work to be regularly worked ; and

(b) define what constitutes night work.

2. When night work is organised on a rota system, the number of turns of night work worked by any worker during any rotation period should not exceed the number of turns of day work worked during the same period.

Recommendation 65

Recommendation concerning the Methods of Regulating Hours of Work in Road Transport

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the methods of regulating hours of work in road transport, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Methods of Regulating Hours (Road Transport) Recommendation, 1939 :

Whereas in many countries the system of collective negotiation has proved of great value in the regulation of conditions of work ;

Whereas this system is also to some extent applied as regards the regulation of hours of work in road transport and has worked well in this connection ;

The Conference recommends that :

Each Member of the International Labour Organisation, in taking such measures as may be necessary to promote the effective regulation of the weekly and daily hours of persons to whom the Hours of Work and Rest Periods (Road Transport)

Convention, 1939, applies, should consider the following methods :

(a) the active encouragement of voluntary joint collective machinery established by agreement between the employers' and workers' organisations concerned ; or, failing this,

(b) the establishment of statutory machinery operated in consultation with such organisations.

Recommendation 66

Recommendation concerning Rest Periods of Professional Drivers of Private Vehicles

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to rest periods for professional drivers of private vehicles, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Recommendation, which may be cited as the Rest Periods (Private Chauffeurs) Recommendation, 1939 :

Whereas the Hours of Work and Rest Periods (Road Transport) Convention, 1939, authorises the competent authority in each country to exempt from the application of the Convention persons who drive private vehicles used solely for personal services ;

Whereas the exercise by the competent authority of this power of exemption should not result in depriving professional drivers of private vehicles of the rest periods to which they are no less entitled than the persons who may not be exempted from the application of the Convention ; and

Whereas, for reasons of road safety, it is necessary to apply provisions relating to rest periods to professional drivers of private vehicles ;

The Conference

Recommends each Member of the International Labour Organisation to draw up regulations applicable to professional drivers of private vehicles used solely for personal services providing for the observance of minimum daily and weekly rest periods.

TWENTY-SIXTH SESSION

(Philadelphia, 20 April-12 May 1944)

Recommendation 67

Recommendation concerning Income Security

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to income security, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four the following Recommendation, which may be cited as the Income Security Recommendation, 1944 :

Whereas the Atlantic Charter contemplates " the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security " ; and

Whereas the Conference of the International Labour Organisation, by a Resolution adopted on 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in its implementation ; and

Whereas income security is an essential element in social security ; and

Whereas the International Labour Organisation has promoted the development of income security—

by the adoption by the International Labour Conference of Conventions and Recommendations relating to workmen's compensation for accidents and occupational diseases, sickness insurance, provision for maternity, old-age, invalidity, and widows' and orphans' pensions, and provision for unemployment,

by the adoption by the First and Second Labour Conferences of American States of the Resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American

Conference on Social Security established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures ; and

Whereas some Members have not taken such steps as are within their competence to promote the well-being and development of their people although their need for improved labour standards, economic advancement and social security is greatest ; and

Whereas it is now highly desirable that such Members take all necessary steps as soon as possible to reach the accepted international minimum standards and develop those standards ; and

Whereas it is now desirable to take further steps towards the attainment of income security by the unification or co-ordination of social insurance schemes, the extension of such schemes to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies ; and

Whereas the formulation of certain general principles which should be followed by Members of the Organisation in developing their income security schemes along these lines on the foundation of the existing Conventions and Recommendations, pending the unification and amplification of the provisions of the said Conventions and Recommendations, will contribute to this end ;

The Conference—

(a) recommends the Members of the Organisation to apply progressively the following general guiding principles, as rapidly as national conditions allow, in developing their income security schemes with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office from time to time as requested by the Governing Body, concerning the measures taken to give effect to the said general guiding principles ;

(b) calls the attention of the Members of the Organisation to the suggestions for the application of these general guiding principles submitted to the Conference and contained in the Annex to this Recommendation.

GUIDING PRINCIPLES

General

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to

obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance ; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

Social Insurance

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involved extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows :

(a) sickness ;
(b) maternity ;
(c) invalidity ;
(d) old age ;
(e) death of breadwinner ;
(f) unemployment ;
(g) emergency expenses ; and
(h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim, which results in temporary or permanent incapacity or death.

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable—

(a) to collect contributions without incurring disproportionate administrative expenditure ; and

(b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the

presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death, under the same conditions as employed persons, as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed : Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions : Provided that a person should not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be

represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

Social Assistance

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

ANNEX

GUIDING PRINCIPLES ACCOMPANIED BY SUGGESTIONS FOR APPLICATION

(The paragraphs in bold type are the general guiding principles and the sub-paragraphs are the suggestions for application.)

General

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

I. Social Insurance

A. Contingencies Covered

Range of Contingencies to be Covered

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involve extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows :

(a) sickness ;
(b) maternity ;
(c) invalidity ;
(d) old age ;
(e) death of breadwinner ;
(f) unemployment ;
(g) emergency expenses ; and
(h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies : invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

Sickness

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

(1) The necessity for abstention from work should be judged, as a rule, with reference to the previous occupation of the insured person, which he may be expected to resume.

(2) Benefit need not be paid for the first few days of a period of sickness, but if sickness recurs within a few months, a fresh waiting period should not be imposed.

(3) Benefit should preferably be continued until the beneficiary is fit to return to work, dies or becomes an invalid.

If, however, it is considered necessary to limit the duration of benefit, the maximum period should not be less than 26 weeks for a single case, and provision should be made for extending the duration of benefit in the case of specified diseases, such as tuberculosis, which often involve lengthy, though curable, sickness : Provided that at the outset of the operation of an insurance scheme it may be necessary to provide for a shorter period than 26 weeks.

Maternity

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

(1) A woman should have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks, and no woman should be permitted to work during the six weeks following her confinement.

(2) During these periods maternity benefit should be payable.

(3) Absence from work for longer periods or on other occasions may be desirable on medical grounds, having regard to the physical condition of the beneficiary and the exigencies of her work ; during any such periods sickness benefits should be payable.

(4) The payment of maternity benefit may be made conditional on the utilisation by the beneficiary of health services provided for her and her child.

Invalidity

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

(1) A handicapped person should be expected to engage in any occupation which may reasonably be indicated for him, having regard to his remaining strength and ability, his previous experience, and any facilities for training available to him.

(2) A person for whom such an occupation can be indicated but is not yet available, and a person following a training course, should receive provisional invalidity benefit, training benefit or unemployment benefit, if he is otherwise qualified for it.

(3) A person for whom no such occupation can be indicated should receive invalidity benefit.

(4) Beneficiaries whose permanent inability to engage regularly in any gainful occupation has been confirmed should be allowed to supplement their invalidity benefit by casual earnings of small amount.

(5) Where the rate of invalidity benefit is related to the rate of the previous earnings of the insured person, the right to benefit should be admitted if the handicapped person is not able to earn by ordinary effort as much as one-third of the normal earnings in his previous occupation of able-bodied persons having the same training.

(6) Invalidity benefit should be paid, from the date when sickness benefit ceases, for the whole duration of invalidity, provided that when the beneficiary reaches the age at which old-age benefit may be claimed the latter may be substituted for invalidity benefit.

Old Age

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

(1) The minimum age at which old-age benefit may be claimed should be fixed at not more than sixty-five in the case of men and sixty in the case of women : Provided that a lower age may be fixed for persons who have worked for many years in arduous or unhealthy occupations.

(2) Payment of old-age benefit may, if the basic benefit can be considered sufficient for subsistence, be made conditional on retirement from regular work in any gainful occupation ; where such retirement is required, the receipt of casual earnings of relatively small amount should not disqualify for old-age benefit.

Death of Breadwinner

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

(1) Survivors' benefits should be paid : *(a)* to the widow of an insured man ; *(b)* for the children, stepchildren, adopted children and, subject to their previous registration as dependants, illegitimate children of an insured man or of an insured woman who supported the children ; and *(c)* under conditions to be defined by national laws, to an unmarried woman with whom the deceased cohabited.

(2) Widow's benefit should be paid to a widow who has in her care a child for whom child's benefit is payable or who, at her husband's death or later, is an invalid or has attained the minimum age at which old-age benefit may be claimed ; a widow who does not fulfil one of these conditions should be paid widow's benefit for a minimum period of several months, and thereafter if she is unemployed until suitable employment can be offered to her, after training if necessary.

(3) Child's benefit should be paid for a child who is under the school-leaving age, or who is under the age of eighteen and is continuing his general or vocational education.

Unemployment

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

(1) Benefit need not be paid for the first few days of a period of unemployment reckoned from the date on which the claim is registered, but if unemployment recurs within a few months, a fresh waiting period should not be imposed.

(2) Benefit should continue to be paid until suitable employment is offered to the insured person.

(3) During an initial period reasonable in the circumstances of the case, only the following should be deemed to be suitable employment :

(a) employment in the usual occupation of the insured person in a place not involving a change of residence and at the current rate of wages, as fixed by collective agreements where applicable ; or

(b) another employment acceptable to the insured person.

(4) After the expiration of the initial period—

(a) employment involving a change of occupation may be deemed to be suitable if the employment offered is one which may reasonably be offered to the insured person, having regard to his strength, ability, previous experience and any facilities for training available to him ;

(b) employment involving a change of residence may be deemed to be suitable if suitable accommodation is available in the new place of residence ;

(c) employment under conditions less favourable than the insured person habitually obtained in his usual occupation and district may be deemed to be suitable if the conditions offered conform to the standard generally observed in the occupation and district in which the employment is offered.

Emergency Expenses

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

(1) Necessary domestic help should be provided, or benefit paid for hiring it, during the hospitalisation of the mother of dependent children, if she is an insured woman or the wife of an insured man and is not receiving any benefit in lieu of earnings.

(2) A lump sum should be paid at childbirth to insured women and the wives of insured men towards the cost of a layette and similar expenses.

(3) A special supplement should be paid to recipients of invalidity or old-age benefit who need constant attendance.

(4) A lump sum should be paid on the death of an insured person, or of the wife, husband or dependent child of an insured person, towards the cost of burial.

Employment Injuries

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim which results in temporary or permanent incapacity or death.

(1) Injuries resulting from employment should be deemed to include accidents occurring on the way to or from the place of employment.

(2) Where compensation for an employment injury is payable, the foregoing provisions should be subject to appropriate modifications as indicated in the following paragraphs.

(3) Any disease which occurs frequently only to persons employed in certain occupations or is a poisoning caused by a substance used in certain occupations, should, if the person suffering from such a disease was engaged in such an occupation, be presumed to be of occupational origin and give rise to compensation.

(4) A list of diseases presumed to be of occupational origin should be established and should be revised from time to time by a simple procedure.

(5) In fixing any minimum period of employment in the occupation required to establish the presumption of occupational origin and any maximum period during which the presumption of occupational origin will remain valid after leaving the employment, regard should be had to the length of time required for the contraction and manifestation of the disease.

(6) Temporary incapacity compensation should be payable under conditions similar to those applicable to the payment of sickness benefit.

(7) Consideration should be given to the possibility of paying compensation from the first day of temporary incapacity if the incapacity lasts longer than the waiting period.

(8) Permanent incapacity compensation should be payable in respect of the loss or reduction of earning capacity by reason of the loss of a member or function or by reason of a chronic condition due to injury or disease.

(9) A person who becomes permanently incapacitated should be expected to resume employment in any occupation

which may reasonably be indicated for him, having regard to his remaining strength and ability, his previous experience, and any facilities for training available to him.

(10) If no such employment can be offered, the person should receive compensation for total incapacity on a definitive or provisional basis.

(11) If such employment can be offered, but the sum which the person is able to earn by ordinary effort in the employment is significantly less than that which he would probably have earned had he not suffered the injury or disease, he should receive compensation for partial incapacity proportionate to the difference in earning capacity.

(12) Consideration should be given to the possibility of paying suitable compensation in every case of loss of a member or function or disfigurement, even where no reduction of capacity can be proved.

(13) Persons exposed to the risk of an occupational disease of gradual development should be examined periodically, and those for whom a change of occupation is indicated should be eligible for compensation.

(14) Compensation for permanent incapacity, total or partial, should be paid from the time when temporary incapacity compensation ceases for the whole duration of permanent incapacity.

(15) Persons receiving compensation for permanent partial incapacity should be able to qualify for other benefits under the same conditions as able-bodied persons, where the rates of such benefits are related to the previous earnings of the insured person.

(16) Where the rates of such benefits are not related to the previous earnings of the insured person, a maximum may be fixed for the combined rate of compensation and other benefit.

(17) Survivors' compensation should, subject to the provisions of the following sub-paragraphs, be paid to the same dependants as could otherwise qualify for survivors' benefits.

(18) A widow should receive compensation for the whole duration of her widowhood.

(19) A child should receive compensation until the age of eighteen, or twenty-one if he is continuing his general or vocational education.

(20) Provision should be made for compensating other members of the family of the deceased who were dependent upon him, without prejudice to the claims of the widow and children.

(21) The survivors of a person permanently incapacitated in the degree of two-thirds or more who dies otherwise than from the effects of an employment injury should be entitled

to basic survivors' benefits, whether or not the deceased fulfilled the contribution conditions for such benefit at the time of his death.

B. Persons Covered

Range of Persons to be Covered

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable—

(a) to collect contributions without incurring disproportionate administrative expenditure; and

(b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

(1) Dependent wives (that is to say, wives who are not employed or self-employed) and dependent children (that is to say, persons who are under the school-leaving age, or who are under the age of eighteen and are continuing their general or vocational education) should be protected in virtue of the insurance of their breadwinners.

Collection of Contributions

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

(1) Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

(2) The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

(3) Pending the development of agencies to enforce payment of contributions, provision should be made for enabling self-employed persons to contribute voluntarily, either as individuals or as members of associations.

Administration of Benefits

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

Employed Persons

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

(1) Persons whose employment is so irregular, or likely to be so short in its total duration, that they are unlikely to qualify for benefit confined to employed persons, may be excluded from insurance for such benefits. Special provision should be made on behalf of persons who ordinarily work for a very short period for the same employer.

(2) Apprentices who receive no remuneration should be insured against employment injuries, and, as from the date at which they would have completed their apprenticeship for their trade, compensation based on the wages current for workers in that trade should become payable.

Self-Employed Persons

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death under the same conditions as employed persons as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

(1) Members of the employer's family living in his house, other than his dependent wife or dependent children, should be insured against the said contingencies on the basis of either their actual wages or, if these cannot be ascertained, the market value of their services ; the employer should be responsible for the payment of contributions in respect of such persons.

(2) Self-employed persons whose earnings are ordinarily so low that they can be presumed to be a merely subsidiary or casual source of income, or that payment of the minimum contribution would be a hardship for them, should be excluded provisionally from insurance and referred for counsel to the employment service or to any special service that may exist for promoting the welfare of the occupational group to which they may belong.

(3) Persons who, after completing the contribution period prescribed as a qualification for invalidity and survivors' benefits, cease to be compulsorily insured, either as employed or as self-employed persons, should be given the option, to be exercised within a limited period, of continuing their insurance under the same conditions as self-employed persons, subject to such modifications as may be prescribed.

C. Benefit Rates and Contribution Conditions

Benefit Rates

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed : Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

(1) Sickness and unemployment benefits should, in the case of unskilled workers, be not less than 40 per cent. of the previous net earnings of the insured person if he has no dependants, or 60 per cent. thereof if he has a dependent wife or housekeeper for his children ; for each of not more than two dependent children, an additional 10 per cent. of such earnings, less the amount of any children's allowances for these children, should be payable.

(2) In the case of workers with high earnings, the foregoing proportions of benefit to previous earnings may be somewhat reduced.

(3) Maternity benefit should in all cases be sufficient for the full and healthy maintenance of the mother and her child ; it should be not less than 100 per cent. of the current net wage for female unskilled workers or 75 per cent. of the previous net earnings of the beneficiary, whichever is the greater, but may be reduced by the amount of any child's allowance payable in respect of the child.

(4) Basic invalidity and old-age benefits should be not less than 30 per cent. of the current wage commonly recognised for male unskilled workers in the district in which the beneficiary resides, if the beneficiary has no dependants, or 45 per cent. thereof if he has a dependent wife who would be qualified for widow's benefit or a housekeeper for his children ; for each of not more than two dependent children, an additional 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(5) Basic widow's benefit should be not less than 30 per cent. of the current minimum wage commonly recognised for male unskilled workers in the district in which the beneficiary

resides ; for each of not more than three dependent children, child's benefit at the rate of 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(6) In the case of an orphan, basic child's benefit should be not less than 20 per cent. of the current minimum wage commonly recognised for male unskilled workers, less the amount of any child's allowance payable in respect of the orphan.

(7) A portion of every contribution additional to those paid as a qualification for basic invalidity, old-age and survivors' benefits may be credited to the insured person for the purpose of increasing the benefits provided for in sub-paragraphs (4), (5) and (6).

(8) In every case in which retirement is deferred beyond the minimum age at which old-age benefit could have been claimed, basic old-age benefit should be equitably increased.

(9) Compensation for employment injuries should not be less than two-thirds of the wages lost, or estimated to have been lost, as the result of the injury.

(10) Such compensation should take the form of periodical payments, except in cases in which the competent authority is satisfied that the payment of a lump sum will be more advantageous to the beneficiary.

(11) Periodical payments in respect of permanent incapacity and death should be adjusted currently to significant changes in the wage level in the insured person's previous occupation.

Contribution Conditions

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions : Provided that a person shall not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

(1) The contribution conditions for sickness, maternity and unemployment benefits may include the requirement that contributions shall have been paid in respect of at least a quarter of a prescribed period, such as two years, completed before the contingency occurs.

(2) The contribution conditions for maternity benefit may include the requirement that the first contribution shall have been paid at least ten months before the expected date of confinement, but even though the contribution conditions are not fulfilled, maternity benefit at the minimum rate should be paid during the period of compulsory abstention from work

after confinement, if the claimant's normal status appears, after consideration of the case, to be that of an employed person.

(3) The contribution conditions for basic invalidity, old-age and survivors' benefits may include the requirement that contributions shall have been paid in respect of at least two-fifths of a prescribed period, such as five years, completed before the contingency occurs ; payment of contributions in respect of not less than three-quarters of a prescribed period, such as ten years, or of any longer period which has elapsed since entry into insurance, should be recognised as an alternative qualification for benefit.

(4) The contribution conditions for old-age benefit may include the requirement that the first contribution shall have been paid at least five years before the claim for benefit is made.

(5) The right to benefit may be suspended where an insured person wilfully fails to pay any contribution due by him in respect of any period of self-employment or to pay any penalty imposed for late payment of contributions.

(6) The insurance status of an insured person at the date when he becomes entitled to invalidity or old-age benefit should be maintained during the currency of such benefit for the purposes of ensuring him, in the event of recovery from invalidity, as full protection under the scheme as he was entitled to on the occurrence of the invalidity, and of entitling his survivors to survivors' benefits.

D. Distribution of Cost

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers, in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

(1) The contribution of an insured person should not exceed such proportion of his earnings taken into account for reckoning benefits as, applied to the estimated average earnings of all persons insured against the same contingencies, would yield a contribution income the probable present value of which would equal the probable present value of the benefits to which they may become entitled (excluding compensation for employment injuries).

(2) In accordance with this principle the contributions of employed persons and self-employed persons for the same benefits may, as a rule, represent the same proportion of their respective earnings.

(3) A minimum absolute rate, based on the minimum rate of earnings which may be deemed to be indicative of substantial gainful work, may be prescribed for the insured per-

son's contribution with respect to benefits the whole or part of which does not vary with the rate of previous earnings.

(4) Employers should be required to contribute, particularly by subsidising the insurance of low-wage earners, not less than half the total cost of benefits confined to employed persons, excluding compensation for employment injuries.

(5) The entire cost of compensation for employment injuries should be contributed by employers.

(6) Consideration should be given to the possibility of applying some method of merit rating in the calculation of contributions in respect of compensation for employment injuries.

(7) The rates of contribution of insured persons and employers should be kept as stable as possible, and for this purpose a stabilisation fund should be constituted.

(8) The cost of benefits which cannot properly be met by contributions should be covered by the community.

(9) Among the elements of cost which may be charged to the community may be mentioned—

(a) the contribution deficit resulting from bringing persons into insurance when already elderly ;

(b) the contingent liability involved in guaranteeing the payment of basic invalidity, old-age and survivors' benefits and the payment of adequate maternity benefit ;

(c) the liability resulting from the continued payment of unemployment benefit when unemployment persists at an excessive level ; and

(d) subsidies to the insurance of self-employed persons of small means.

E. Administration

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

(1) Social insurance should be administered under the direction of a single authority, subject, in federal countries, to the distribution of legislative competence ; this authority should be associated with the authorities administering social assistance, medical care services and employment services in a co-ordinating body for matters of common interest, such as the certification of inability to work or to obtain work.

(2) The unified administration of social insurance should be compatible with the operation of separate insurance schemes, compulsory or voluntary in character, providing supplementary, but not alternative, benefits for certain occupational groups,

such as miners and seamen, public officials, the staffs of individual undertakings and members of mutual benefit societies.

(3) The law and regulations relating to social insurance should be drafted in such a way that beneficiaries and contributors can easily understand their rights and duties.

(4) In devising procedures to be followed by beneficiaries and contributors, simplicity should be a primary consideration.

(5) Central and regional advisory councils, representing such bodies as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies, should be established for the purpose of making recommendations for the amendment of the law and administrative methods, and generally of maintaining contact between the administration of social insurance and groups of contributors and beneficiaries.

(6) Employers and workers should be closely associated with the administration of compensation for employment injuries, particularly in connection with the prevention of accidents and occupational diseases and with merit rating.

(7) Claimants should have a right of appeal in case of dispute with the administrative authority concerning such questions as the right to benefit and the rate thereof.

(8) Appeals should preferably be referred to special tribunals, which should include referees who are experts in social insurance law, assisted by assessors, representative of the group to which the claimant belongs, and, where employed persons are concerned, by representatives of employers also.

(9) In any dispute concerning liability to insurance or the rate of contribution, an employed or self-employed person, and, where an employer's contribution is in question, an employer should have a right of appeal.

(10) Provision for uniformity of interpretation should be assured by a superior appeal tribunal.

II. Social Assistance

A. Maintenance of Children

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

(1) Public subsidies in kind or in cash or in both should be established in order to assure the healthy nurture of children, help to maintain large families, and complete the provision made for children through social insurance.

(2) Where the purpose in view is to assure the healthy nurture of children, subsidies should take the form of such advantages as free or below-cost infants' food and school meals and below-cost dwellings for families with several children.

(3) Where the purpose in view is to help to maintain large families or to complete the provision made for children by subsidies in kind and through social insurance, subsidies should take the form of children's allowances.

(4) Such allowances should be payable, irrespective of the parents' income, according to a prescribed scale, which should represent a substantial contribution to the cost of maintaining a child, should allow for the higher cost of maintaining older children, and should, as a minimum, be granted to all children for whom no provision is made through social insurance.

(5) Society as a whole should accept responsibility for the maintenance of dependent children in so far as parental responsibility for maintaining them cannot be enforced.

B. Maintenance of Needy Invalids, Aged Persons and Widows

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

(1) The persons who should be entitled to maintenance allowances should include—

(a) persons belonging to occupational groups, or residing in districts to which social insurance does not yet apply, or has not yet applied for as long as the qualifying period for basic invalidity, old-age or survivors' benefits, as the case may be, and the widows and dependent children of such persons ; and

(b) persons who are already invalids at the time when they would normally enter insurance.

(2) Maintenance allowances should be sufficient for full, long-term maintenance ; they should vary with the current cost of living, and may vary as between urban and rural areas.

(3) Maintenance allowances should be paid at the full rate to persons whose other income does not exceed a prescribed level and at reduced rates in other cases.

(4) The provisions of the present Recommendation defining the contingencies in which invalidity, old-age and survivors' benefits should be paid should be applied, in so far as they are relevant, to maintenance allowances.

C. General Assistance

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

(1) The range of cases in which the amount of the allowance is entirely discretionary should be gradually nar-

rowed as the result of the improved classification of cases of want and the establishment of budgets corresponding to the cost of maintenance in short-term and long-term indigency.

(2) The grant of allowance may be subject to compliance by the recipient with directions given by the authorities administering medical or employment services in order that the assistance may yield its greatest constructive effect.

Recommendation 68

Recommendation concerning Income Security and Medical Care for Persons Discharged from the Armed Forces and Assimilated Services and from War Employment

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to income security and medical care for persons discharged from the armed forces and assimilated services and from war employment, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four the following Recommendation, which may be cited as the Social Security (Armed Forces) Recommendation, 1944 :

Whereas persons discharged from the armed forces and assimilated services have been obliged to interrupt their careers and will be faced with initial expenditure in re-establishing themselves in civil life ; and

Whereas persons discharged from the armed forces or assimilated services or from war employment may in certain cases remain unemployed for a time before obtaining suitable employment ; and

Whereas it is undesirable that persons discharged from the armed forces and assimilated services should find themselves at a disadvantage in respect of pension insurance as compared with persons who have remained in civil employment, and the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933, while providing for the maintenance of the rights under pension insurance schemes of persons engaged in military service who were insured before beginning such service, does not provide for the attribution of any rights under such schemes to persons not insured before entering military service ; and

Whereas it is desirable that persons discharged from the armed forces and assimilated services should be protected by insurance in respect of sickness occurring between their discharge and their re-establishment in civil life by entry into insurable employment or otherwise ; and

Whereas it is necessary to make equitable provision in regard to these matters, without prejudice to the satisfaction of other essential needs, such as those of military and civilian war victims, which must also be a charge on the national income ;

The Conference recommends the Members of the Organisation to apply the following principles and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles :

I. Mustering-out Grant

1. Persons discharged from the armed forces and assimilated services should, except in cases in which they have, in virtue of national laws or regulations, continued to receive a substantial part of their remuneration, receive on their discharge a special grant, which may be related to their length of service and should be paid in the form of a lump sum, in the form of periodical payments, or partly in the form of a lump sum and partly in the form of periodical payments.

II. Unemployment Insurance and Assistance

2. Persons discharged from the armed forces and assimilated services should, so far as is administratively practicable, be treated under unemployment insurance schemes as insured contributors in respect of whom contributions have been paid for a period equal to their period of service. The resulting financial liability should be borne by the State.

3. Where persons discharged from the armed forces and assimilated services or from war employment, as defined by national laws or regulations, exhaust their right to benefit before suitable employment is offered to them, or are not covered by an unemployment insurance scheme, an allowance financed wholly from State funds should be paid until suitable employment is available ; the allowance should, if possible, be paid irrespective of need.

III. Pension and Sickness Insurance

4. (1) Where a compulsory insurance scheme providing pensions in case of invalidity, old age or death and covering a substantial part of the working population is in force, periods

of service in the armed forces and assimilated services should be reckoned as contribution periods for the purpose of determining whether any requirement in regard to a minimum qualifying period has been fulfilled.

(2) Where the rate of pension varies with the number of contributions credited to the insured person, the period of service should be taken into account for the purpose of increasing the rate of pension.

(3) Where contributions are graduated according to remuneration, contributions should be credited in respect of periods of service on the basis of a uniform hypothetical remuneration of reasonable amount: Provided that contributions credited to persons insured immediately before beginning their service may be based on the remuneration which they were receiving at the time if such remuneration was higher than the hypothetical remuneration.

(4) Persons discharged from the armed forces and assimilated services should retain, during the period between their discharge and the time at which they can be considered to be re-established in civil life, their rights in respect of the contributions credited to their account ; these rights should be maintained for a period of not less than twelve months.

5. (1) Where a compulsory insurance scheme providing sickness, maternity and medical benefits and covering a substantial part of the working population is in force, persons discharged from the armed forces and assimilated services should be entitled to such benefits in respect of sickness or childbirth occurring during the period between their discharge and the time at which they can be considered to be re-established in civil life ; these rights should be maintained for a period of not less than twelve months.

(2) Where the compulsory insurance scheme provides maternity and medical benefits for the dependants of insured persons, discharged persons protected by the scheme should be entitled to such benefits for their dependants.

(3) Where the rate of sickness benefits is proportional to the remuneration of the insured person, the rate of benefit payable to discharged persons should be based on a uniform hypothetical remuneration of reasonable amount.

6. (1) The State should bear the liability created by crediting persons serving in the armed forces or assimilated services with pension insurance contributions and insuring them against sickness pending their re-establishment in civil life : Provided that, where the pay of any class of such persons may, having regard to the value of their subsistence and of dependants' allowances, be considered at least equivalent on the whole to the wages prevailing in industry, a portion of the pension insurance contribution may be deducted from their service pay.

(2) The provisions of sub-paragraph (1) shall not apply in cases where, in virtue of national laws or regulations, such persons continue to receive, during their service, a substantial part of their remuneration, and the normal contributions required by law continue to be payable in respect of them.

Recommendation 69

Recommendation concerning Medical Care

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the question of medical care services, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four the following Recommendation, which may be cited as the Medical Care Recommendation, 1944 :

Whereas the Atlantic Charter contemplates " the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security " ; and

Whereas the Conference of the International Labour Organisation, by a Resolution adopted on 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in its implementation ; and

Whereas the availability of adequate medical care is an essential element in social security ; and

Whereas the International Labour Organisation has promoted the development of medical care services—

by the inclusion of requirements relating to medical care in the Workmen's Compensation (Accidents) Convention, 1925, and the Sickness Insurance (Industry, etc.) and (Agriculture) Conventions, 1927,

by the communication to the Members of the Organisation by the Governing Body of the conclusions of meetings of experts relating to public health and health insurance in periods of economic depression, the economical administration of medical and pharmaceutical benefits under sickness insurance schemes, and guiding principles for curative and preventive action by invalidity, old-age and widows' and orphans' insurance,

by the adoption by the First and Second Labour Conferences of American States of the Resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American Conference on Social Security, established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures ; and

Whereas some Members have not taken such steps as are within their competence to improve the health of the people by the extension of medical facilities, the development of public health programmes, the spread of health education, and the improvement of nutrition and housing, although their need in that respect is greatest, and it is highly desirable that such Members take all steps as soon as possible to reach the international minimum standards and to develop these standards ; and

Whereas it is now desirable to take further steps for the improvement and unification of medical care services, the extension of such services to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies, without prejudice to the right of any beneficiary of the medical care service who so desires to arrange privately at his own expense for medical care ; and

Whereas the formulation of certain general principles which should be followed by Members of the Organisation in developing their medical care services along these lines will contribute to this end ;

The Conference recommends the Members of the Organisation to apply the following principles, as rapidly as national conditions allow, in developing their medical care services with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles :

I. General

Essential Features of a Medical Care Service

1. A medical care service should meet the need of the individual for care by members of the medical and allied profes-

sions and for such other facilities as are provided at medical institutions—

(a) with a view to restoring the individual's health, preventing the further development of disease and alleviating suffering, when he is afflicted by ill health (curative care) ; and

(b) with a view to protecting and improving his health (preventive care).

2. The nature and extent of the care provided by the service should be defined by law.

3. The authorities or bodies responsible for the administration of the service should provide medical care for its beneficiaries by securing the services of members of the medical and allied professions and by arranging for hospital and other institutional services.

4. The cost of the service should be met collectively by regular periodical payments which may take the form of social insurance contributions or of taxes, or of both.

Forms of Medical Care Service

5. Medical care should be provided either through a social insurance medical care service with supplementary provision by way of social assistance to meet the requirements of needy persons not yet covered by social insurance, or through a public medical care service.

6. Where medical care is provided through a social insurance medical care service—

(a) every insured contributor, the dependent wife or husband and dependent children of every such contributor, such other dependants as may be prescribed by national laws or regulations, and every other person insured by virtue of contributions paid on his behalf, should be entitled to all care provided by the service ;

(b) care for persons not yet insured should be provided by way of social assistance if they are unable to obtain it at their own expense ; and

(c) the service should be financed by contributions from insured persons, from their employers, and by subsidies from public funds.

7. Where medical care is provided through a public medical care service—

(a) every member of the community should be entitled to all care provided by the service ;

(b) the service should be financed out of funds raised either by a progressive tax specifically imposed for the purpose of financing the medical care service or of financing all health services, or from general revenue.

II. Persons Covered

Complete Coverage

8. The medical care service should cover all members of the community, whether or not they are gainfully occupied.

9. Where the service is limited to a section of the population or to a specified area, or where the contributory mechanism already exists for other branches of social insurance and it is possible ultimately to bring under the insurance scheme the whole or the majority of the population, social insurance may be appropriate.

10. Where the whole of the population is to be covered by the service and it is desired to integrate medical care with general health services, a public service may be appropriate.

Coverage Through a Social Insurance Medical Care Service

11. Where medical care is provided through a social insurance medical care service, all members of the community should have the right to care as insured persons or, pending their inclusion in the scope of insurance, should have the right to receive care at the expense of the competent authority when unable to provide it for themselves.

12. All adult members of the community (that is to say, all persons other than children as defined in paragraph 15) should be required to pay insurance contributions if their income is not below the subsistence level. The dependent wife or husband of a contributor should be insured in virtue of the contribution of her or his breadwinner, without any addition on that account.

13. Other adults who prove that their income is below the subsistence level, including indigents, should be entitled to care as insured persons, the contribution being paid on their behalf by the competent authority. Rules defining the subsistence level in each country should be laid down by the competent authority.

14. If and so long as adults unable to pay a contribution are not insured as provided for in paragraph 13, they should receive care at the expense of the competent authority.

15. All children (that is to say, all persons who are under the age of sixteen years, or such higher age as may be prescribed, or who are dependent on others for regular support while continuing their general or vocational education) should be insured in virtue of the contributions paid by or on behalf of adult insured persons in general, and no additional contribution should be payable on their behalf by their parents or guardians.

16. If and so long as children are not insured as provided for in paragraph 15, because the service does not yet extend

to the whole population, they should be insured in virtue of the contribution paid by or on behalf of their father or mother without any additional contribution being payable on their behalf. Children for whom medical care is not so provided should, in case of need, receive it at the expense of the competent authority.

17. Where any person is insured under a scheme of social insurance for cash benefits or is receiving benefit under such a scheme, he and his qualified dependants, as defined in paragraph 6, should also be insured under the medical care service.

Coverage Through a Public Medical Care Service

18. Where medical care is provided through a public medical care service, the provision of care should not depend on any qualifying conditions, such as payment of taxes or compliance with a means test, and all beneficiaries should have an equal right to the care provided.

III. The Provision of Medical Care and its Co-ordination with General Health Services

Range of Service

19. Complete preventive and curative care should be constantly available, rationally organised and, so far as possible, co-ordinated with general health services.

Constant Availability of Complete Care

20. Complete preventive and curative care should be available at any time and place to all members of the community covered by the service, on the same conditions, without any hindrance or barrier of an administrative, financial or political nature, or otherwise unrelated to their health.

21. The care afforded should comprise both general-practitioner and specialist out- and in-patient care, including domiciliary visiting ; dental care ; nursing care at home or in hospital or other medical institutions ; the care given by qualified midwives and other maternity services at home or in hospital ; maintenance in hospitals, convalescent homes, sanatoria or other medical institutions ; so far as possible, the requisite dental, pharmaceutical and other medical or surgical supplies, including artificial limbs ; and the care furnished by such other professions as may at any time be legally recognised as belonging to the allied professions.

22. All care and supplies should be available at any time and without time limit, when and as long as they are needed, subject only to the doctor's judgment and to such reasonable limitations as may be imposed by the technical organisation of the service.

23. Beneficiaries should be able to obtain care at the centres or offices provided, wherever they happen to be when the need arises, whether at their place of residence or elsewhere within the total area in which the service is available, irrespective of their membership in any particular insurance institution, arrears in contributions or of other factors unrelated to health.

24. The administration of the medical care service should be unified for appropriate health areas sufficiently large for a self-contained and well-balanced service, and should be centrally supervised.

25. Where the medical care service covers only a section of the population or is at present administered by different types of insurance institutions and authorities, the institutions and authorities concerned should provide care for their beneficiaries by securing collectively the services of members of the medical and allied professions, and by the joint establishment or maintenance of health centres and other medical institutions, pending the regional and national unification of the services.

26. Arrangements should be made by the administration of the service for securing adequate hospital and other residential accommodation and care, either by contracts with existing public and approved private institutions, or by the establishment and maintenance of appropriate institutions.

Rational Organisation of Medical Care Service

27. The optimum of medical care should be made readily available through an organisation that ensures the greatest possible economy and efficiency by the pooling of knowledge, staff, equipment and other resources and by close contact and collaboration among all participating members of the medical and allied professions and agencies.

28. The wholehearted participation of the greatest possible number of members of the medical and allied professions is essential for the success of any national medical care service. The numbers of general practitioners, specialists, dentists, nurses and members of other professions within the service should be adapted to the distribution and the needs of the beneficiaries.

29. Complete diagnostic and treatment facilities, including laboratory and X-ray services, should be available to the general practitioner, and all specialist advice and care, as well as nursing, maternity, pharmaceutical and other auxiliary services, and residential accommodation, should be at the disposal of the general practitioner for the use of his patients.

30. Complete and up-to-date technical equipment for all branches of specialist treatment, including dental care, should be available, and specialists should have at their disposal all necessary hospital and research facilities, and auxiliary out-

patient services such as nursing, through the agency of the general practitioner.

31. To achieve these aims, care should preferably be furnished by group practice at centres of various kinds working in effective relation with hospitals.

32. Pending the establishment of, and experiments with, group practice at medical or health centres, it would be appropriate to obtain care for beneficiaries from members of the medical and allied professions practising at their own offices.

33. Where the medical care service covers the majority of the population, medical or health centres may appropriately be built, equipped and operated by the authority administering the service in the health area, in one of the forms indicated in paragraphs 34, 35 and 36.

34. Where no adequate facilities exist or where a system of hospitals with out-patient departments for general-practitioner and specialist treatment already obtains in the health area at the time when the medical care service is introduced, hospitals may appropriately be established as, or developed into, centres providing all kinds of in- and out-patient care and complemented by local outposts for general-practitioner care and for auxiliary services.

35. Where general practice is well developed outside the hospital system while specialists are mainly consultants and working at hospitals, it may be appropriate to establish medical or health centres for non-residential general-practitioner care and auxiliary services, and to centralise specialist in-patient and out-patient care at hospitals.

36. Where general and specialist practice are well developed outside the hospital system, it may be appropriate to establish medical or health centres for all non-residential treatment, general-practitioner and specialist, and all auxiliary services, while cases needing residential care are directed from the centres to the hospitals.

37. Where the medical care service does not cover the majority of the population but has a substantial number of beneficiaries, and existing hospital and other medical facilities are inadequate, the insurance institution, or insurance institutions jointly, should establish a system of medical or health centres which affords all care, including hospital accommodation at the main centres, and, so far as possible, transport arrangements ; such centres may be required more particularly in sparsely settled areas with a scattered insured population.

38. Where the medical care service covers too small a section for complete health centres to be an economical means of serving its beneficiaries, and existing facilities for specialist treatment in the area are inadequate, it may be appropriate for the insurance institution, or the institutions jointly, to

maintain posts at which specialists attend beneficiaries as required.

39. Where the medical care service covers a relatively small section of the population concentrated in an area with extensive private practice, it may be appropriate for the members of the medical and allied professions participating in the service to collaborate at centres rented, equipped and administered by the members, at which both beneficiaries of the service and private patients receive care.

40. Where the medical care service covers only a small number of beneficiaries who are scattered over a populated area with adequate existing facilities, and voluntary group practice as provided for in paragraph 39 is not feasible, beneficiaries may appropriately receive care from members of the medical and allied professions practising at their own offices, and at public and approved private hospitals and other medical institutions.

41. Travelling clinics in motor vans or aircraft, equipped for first-aid, dental treatment, general examination and possibly other health services such as maternal and infant health services, should be provided for serving areas with a scattered population and remote from towns or cities, and arrangements should be made for the free conveyance of patients to centres and hospitals.

Collaboration with General Health Services

42. There should be available to the beneficiaries of the medical care service all general health services, being services providing means for the whole community and/or groups of individuals to promote and protect their health while it is not yet threatened or known to be threatened, whether such services be given by members of the medical and allied professions or otherwise.

43. The medical care service should be provided in close co-ordination with general health services, either by means of close collaboration of the social insurance institutions providing medical care and the authorities administering the general health services, or by combining medical care and general health services in one public service.

44. Local co-ordination of medical care and general health services should be aimed at either by establishing medical care centres in proximity to the headquarters for general health services, or by establishing common centres as headquarters for all or most health services.

45. The members of the medical and allied professions participating in the medical care service and working at health centres may appropriately undertake such general health care as can with advantage be given by the same staff, including immunisation, examination of school children and other groups,

advice to expectant mothers and mothers with infants, and other care of a like nature.

IV. The Quality of Service

Optimum Standard

46. The medical care service should aim at providing the highest possible standard of care, due regard being paid to the importance of the doctor-patient relationship and the professional and personal responsibility of the doctor, while safeguarding both the interests of the beneficiaries and those of the professions participating.

Choice of Doctor and Continuity of Care

47. The beneficiary should have the right to make an initial choice, among the general practitioners at the disposal of the service within a reasonable distance from his home, of the doctor by whom he wishes to be attended in a permanent capacity (family doctor) ; he should have the same right of choice for his children. These principles should also apply to the choice of a dentist as family dentist.

48. Where care is provided at or from health centres, the beneficiary should have the right to choose his centre within a reasonable distance from his home and to select for himself or his children a doctor and a dentist among the general practitioners and dentists working at this centre.

49. Where there is no centre, the beneficiary should have the right to select his family doctor and dentist among the participating general practitioners and dentists whose office is within a reasonable distance from his home.

50. The beneficiary should have the right subsequently to change his family doctor or dentist, subject to giving notice within a prescribed time, for good reasons, such as lack of personal contact and confidence.

51. The general practitioner or the dentist participating in the service should have the right to accept or refuse a client, but may not accept a number in excess of a prescribed maximum nor refuse such clients as have not made their own choice and are assigned to him by the service through impartial methods.

52. The care given by specialists and members of allied professions, such as nurses, midwives, masseurs and others, should be available on the recommendation, and through the agency, of the beneficiary's family doctor who should take reasonable account of the patient's wishes if several members of the specialty or other profession are available at the centre or within a reasonable distance of the patient's home. Special provision should be made for the availability of the specialist

when requested by the patient though not recommended by the family doctor.

53. Residential care should be made available on the recommendation of the beneficiary's family doctor, or on the advice of the specialist, if any, who has been consulted.

54. If residential care is provided at the centre to which the family doctor or specialist is attached, the patient should preferably be attended in the hospital by his own family doctor or the specialist to whom he was referred.

55. Arrangements for the general practitioners or dentists at a centre to be consulted by appointment should be made whenever practicable.

Working Conditions and Status of Doctors and Members of Allied Professions

56. The working conditions of doctors and members of allied professions participating in the service should be designed to relieve the doctor or member from financial anxiety by providing adequate income during work, leave and illness and in retirement, and pensions to his survivors, without restricting his professional discretion otherwise than by professional supervision, and should not be such as to distract his attention from the maintenance and improvement of the health of the beneficiaries.

57. General practitioners, specialists and dentists, working for a medical care service covering the whole or a large majority of the population, may appropriately be employed whole time for a salary, with adequate provision for leave, sickness, old age and death, if the medical profession is adequately represented on the body employing them.

58. Where general practitioners or dentists, engaged in private practice, undertake part-time work for a medical care service with a sufficient number of beneficiaries, it may be appropriate to pay them a fixed basic amount per year, including provision for leave, sickness, old age and death, and increased if desired by a capitation fee for each person or family in the doctor's or dentist's charge.

59. Specialists engaged in private practice who work part time for a medical care service with a considerable number of beneficiaries may appropriately be paid an amount proportionate to the time devoted to such service (part-time salary).

60. Doctors and dentists engaged in private practice who work part time for a medical care service with few beneficiaries only may appropriately be paid fees for services rendered.

61. Among the members of allied professions participating in the service, those rendering personal care may appropriately be employed whole time for salary, with adequate provision for leave, sickness, old age and death, while members furnishing supplies should be paid in accordance with adequate tariffs.

62. Working conditions for members of the medical and allied professions participating in the service should be uniform throughout the country or for all sections covered by the service, and agreed on with the representative bodies of the profession, subject only to such variations as may be necessitated by differences in the exigencies of the service.

63. Provision should be made for the submission of complaints by beneficiaries concerning the care received, and by members of the medical or allied professions concerning their relations with the administration of the service, to appropriate arbitration bodies under conditions affording adequate guarantees to all parties concerned.

64. The professional supervision of the members of the medical and allied professions working for the service should be entrusted to bodies predominantly composed of representatives of the professions participating, with adequate provision for disciplinary measures.

65. Where, in the proceedings referred to in paragraph 63, a member of the medical or allied professions working for the service is deemed to have neglected his professional duties, the arbitration body should refer the matter to the supervisory body referred to in paragraph 64.

Standard of Professional Skill and Knowledge

66. The highest possible standard of skill and knowledge should be achieved and maintained for the professions participating both by requiring high standards of education, training and licensing and by keeping up to date and developing the skill and knowledge of those engaged in the service.

67. Doctors participating in the service should be required to have an adequate training in social medicine.

68. Students of the medical and dental professions should, before being admitted as fully qualified doctors or dentists to the service, be required to work as assistants at health centres or offices, especially in rural areas, under the supervision and direction of more experienced practitioners.

69. A minimum period as hospital assistant should be prescribed among the qualifications for every doctor entering the service.

70. Doctors wishing to furnish specialist service should be required to have certificates of competence for their specialty.

71. Doctors and dentists participating should be required periodically to attend post-graduate courses organised or approved for this purpose.

72. Adequate periods of apprenticeship at hospitals or health centres should be prescribed for members of allied professions, and post-graduate courses should be organised and attendance periodically required for those participating in the service.

73. Adequate facilities for teaching and research should be made available at the hospitals administered by or working with the medical care service.

74. Professional education and research should be promoted with the financial and legal support of the State.

V. Financing of Medical Care Service

Raising of Funds under Social Insurance Service

75. The maximum contribution that may be charged to an insured person should not exceed such proportion of his income as, applied to the income of all insured persons, would yield an income equal to the probable total cost of the medical care service, including the cost of care given to qualified dependants as defined in paragraph 6.

76. The contribution paid by an insured person should be such part of the maximum contribution as can be borne without hardship.

77. Employers should be required to pay part of the maximum contribution on behalf of persons employed by them.

78. Persons whose income does not exceed the subsistence level should not be required to pay an insurance contribution. Equitable contributions should be paid by the public authority on their behalf : Provided that in the case of employed persons, such contributions may be paid wholly or partly by their employers.

79. The cost of the medical care service not covered by contributions should be borne by taxpayers.

80. Contributions in respect of employed persons may appropriately be collected by their employers.

81. Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

82. The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

83. Where a scheme of social insurance for cash benefits is in operation, contributions both under such scheme and under the medical care service may appropriately be collected together.

Raising of Funds under Public Medical Care Service

84. The cost of the medical care service should be met out of public funds.

85. Where the whole population is covered by the medical care service and all health services are under unified central

and area administration, the medical care service may appropriately be financed out of general revenue.

86. Where the administration of the medical care service is separate from that of general health services, it may be appropriate to finance the medical care service by a special tax.

87. The special tax should be paid into a separate fund reserved for the purpose of financing the medical care service.

88. The special tax should be progressively graded and should be designed to yield a return sufficient for financing the medical care service.

89. Persons whose income does not exceed the subsistence level should not be required to pay the tax.

90. The special tax may appropriately be collected by the national income tax authorities or, where there is no national income tax, by authorities responsible for collecting local taxes.

Raising of Capital Funds

91. In addition to providing the normal resources for financing the medical care service, measures should be taken to utilise the assets of social insurance institutions, or funds raised by other means, for financing the extraordinary expenditure necessitated by the extension and improvement of the service, more particularly by the building or equipment of hospitals and medical centres.

VI. Supervision and Administration of Medical Care Service

Unity of Health Services and Democratic Control

92. All medical care and general health services should be centrally supervised and should be administered by health areas as defined in paragraph 24, and the beneficiaries of the medical care service, as well as the medical and allied professions concerned, should have a voice in the administration of the service.

Unification of Central Administration

93. A central authority, representative of the community, should be responsible for formulating the health policy or policies and for supervising all medical care and general health services, subject to consultation of, and collaboration with, the medical and allied professions on all professional matters, and to consultation of the beneficiaries on matters of policy and administration affecting the medical care service.

94. Where the medical care service covers the whole or the majority of the population and a central government agency supervises or administers all medical care and general health

services, beneficiaries may appropriately be deemed to be represented by the head of the agency.

95. The central government agency should keep in touch with the beneficiaries through advisory bodies comprising representatives of organisations of the different sections of the population, such as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies.

96. Where the medical care service covers only a section of the population, and a central government agency supervises all medical care and general health services, representatives of the insured persons should participate in the supervision, preferably through advisory committees, as regards all matters of policy affecting the medical care service.

97. The central government agency should consult the representatives of the medical and allied professions, preferably through advisory committees, on all questions relating to the working conditions of the members of the professions participating, and on all other matters primarily of a professional nature, more particularly on the preparation of laws and regulations concerning the nature, extent and provision of the care furnished under the service.

98. Where the medical care service covers the whole or the majority of the population and a representative body supervises or administers all medical care and general health services, beneficiaries should be represented on such body, either directly or indirectly.

99. In this event, the medical and allied professions should be represented on the representative body, preferably in numbers equal to those of the beneficiaries or the government as the case may be ; the professional members should be elected by the profession concerned, or nominated by their representatives and appointed by the central government.

100. Where the medical care service covers the whole or the majority of the population and a corporate body of experts established by legislation or by charter supervises or administers all medical care and general health services, such body may appropriately consist of an equal number of members of the medical and allied professions and of qualified laymen.

101. The professional members of the expert body should be appointed by the central government from among candidates nominated by the representatives of the medical and allied professions.

102. The representative executive body or the expert body supervising or administering medical care and general health services should be responsible to the government for its general policy.

103. In the case of a federal State, the central authority

referred to in the preceding paragraphs may be either a federal or a State authority.

Local Administration

104. Local administration of medical care and general health services should be unified or co-ordinated within areas formed for the purpose as provided for in paragraph 24, and the medical care service in the area should be administered by or with the advice of bodies representative of the beneficiaries and partly composed of, or assisted by, representatives of the medical and allied professions, so as to safeguard the interests of the beneficiaries and the professions, and secure the technical efficiency of the service and the professional freedom of the participating doctors.

105. Where the medical care service covers the whole or the majority of the population in the health area, all medical care and general health services may appropriately be administered by one area authority.

106. Where, in this event, the area government administers the health services on behalf of the beneficiaries, the medical and allied professions should participate in the administration of the medical care service, preferably through technical committees elected by the professions or appointed by the area or central government from among nominees of the professions concerned.

107. Where a medical care service covering the whole or the majority of the population in the health area is administered by a representative body, the area government, on behalf of the beneficiaries, and the medical and allied professions in the area, should be represented on such body, preferably in equal numbers.

108. Where the medical service is administered by area offices or officers of the central authority, the medical and allied professions in the area should participate in the administration, preferably through executive technical committees, elected or appointed in the manner provided for in paragraph 106.

109. Whatever the form of the area administration, the authority administering the medical care service should keep in constant touch with the beneficiaries in the area through advisory bodies, elected by representative organisations of the different sections of the population, in the manner provided for in paragraph 95.

110. Where the social insurance medical care service covers only a section of the population, administration of that service may appropriately be entrusted to a representative executive body responsible to the government, and comprising representatives of the beneficiaries, of the medical and allied professions participating in the service and of the employers.

Administration of Health Units

111. Health units owned and operated by the medical care service, such as medical or health centres or hospitals, should be administered under democratic control with adequate provisions for the participation of the medical profession, or wholly or predominantly by doctors elected by, or appointed after consultation of, the members of the medical and allied professions participating in the medical care service, in co-operation with all the doctors working at the unit.

Right of Appeal

112. Beneficiaries or members of the medical or allied professions who have submitted complaints to the arbitration body referred to in paragraph 63 should have a right of appeal from the decisions of such body to an independent tribunal.

113. Members of the medical and allied professions against whom disciplinary measures have been taken by the supervisory body referred to in paragraph 64 should have a right of appeal from the decisions of such body to an independent tribunal.

114. Where the supervisory body referred to in paragraph 64 takes no disciplinary action on a matter referred to it by the arbitration body, in accordance with paragraph 65, the interested parties should have a right of appeal to an independent tribunal.

Recommendation 70

Recommendation concerning Minimum Standards of Social Policy in Dependent Territories

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to minimum standards of social policy in dependent territories, which is the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four the following Recommendation, which may be cited as the Social Policy in Dependent Territories Recommendation, 1944 :

Whereas the economic advancement and social progress of the peoples of dependent territories have become increasingly a matter of close and urgent concern to the States responsible for their administration ; and

Whereas the International Labour Organisation has from its inception endeavoured to assist the efforts towards this end of governments, employers and workers ; and

Whereas the Atlantic Charter has expressed the desire of the signatories " to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labour standards, economic advancement and social security " ; and

Whereas the Conference of the International Labour Organisation, by a Resolution adopted on 5 November 1941, endorsed the principles of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in their implementation ; and

Whereas the International Labour Organisation has from time to time adopted Conventions and Recommendations dealing with special aspects of the conditions of life and labour in dependent territories and has promoted the application to such territories, in accordance with Article 35 of the Constitution of the Organisation, of Conventions and Recommendations of general application ; and

Whereas the progress of the well-being and development of dependent peoples is influenced by the economic relations between the dependent territories and the rest of the world, as well as by measures taken within the dependent territories ; and

Whereas it is desirable to state the fundamental principles of social policy in dependent territories, and to provide for the extension of the application to such territories of accepted international minimum standards and for the improvement of these standards, in order to promote the attainment of the aforesaid objects ;

The Conference makes the following recommendations :

1. Each Member of the International Labour Organisation should take or continue to take such steps as are within its competence to promote the well-being and development of the peoples of dependent territories through the effective application of the general principles set forth in Part I of the Annex to this Recommendation.

2. Each Member of the Organisation which is responsible for any dependent territory should take all steps within its competence to secure the effective application in each such territory of the minimum standards set forth in Part II of the Annex to this Recommendation, and in particular should bring this Recommendation before the authority or authorities com-

petent to make effective in each such territory the minimum standard set forth in Part II of the Annex.

3. Each Member of the Organisation should, if it approves this Recommendation, notify the Director of the International Labour Office of its acceptance of the general principles set forth in Part I of the Annex ; should communicate to the Director at the earliest possible date particulars of the action taken to make effective the minimum standards set forth in Part II of the Annex in respect of each dependent territory for which the Member in question is responsible ; and thereafter should report to the International Labour Office from time to time, as requested by the Governing Body, concerning the action taken to give effect to the Recommendation.

4. The standards set forth in Part II of the Annex to this Recommendation should be regarded as minimum standards, which do not qualify or impair any obligation to apply higher standards incumbent upon any Member of the Organisation under the Constitution of the Organisation or under any international labour Convention which the Member may have ratified, and should in no case be so interpreted or applied as to lessen the protection afforded by existing legislation to the workers concerned.

ANNEX

PART I. GENERAL PRINCIPLES

Article 1

1. All policies designed to apply to dependent territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of dependent peoples.

Article 2

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national or territorial basis, financial and technical assistance in the economic development of dependent territories under the control of the local administrations, in such a way as to safeguard the interests of the peoples of dependent territories.

2. It shall be an aim of policy for all government authorities to ensure that adequate funds are made available to provide capital for development purposes on terms which secure to the peoples of the dependent territories the full benefits of such development.

3. In appropriate cases international, regional or national action shall be taken with a view to establishing conditions of trade sufficient for the maintenance of reasonable standards of living for producers efficiently producing the essential export products of dependent territories.

Article 3

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, migratory labour, social security, standards of public services and general production. These steps shall include the adoption of appropriate commercial and trading policies by countries on which dependent territories depend.

Article 4

All possible steps shall be taken effectively to associate the peoples of the dependent territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

PART II. MINIMUM STANDARDS

SECTION 1. SLAVERY

Article 5

In pursuance of the objective of free labour in a free world, the principle is affirmed that the slave trade and slavery in all its forms shall be prohibited and effectively suppressed in all dependent territories.

SECTION 2. OPIUM

Article 6

1. In recognition of the menace which the use of opium may represent to the health, productivity and general welfare of the peoples of dependent territories, the principle is affirmed that the traffic in opium and other dangerous drugs shall be strictly regulated in such manner as to protect fully the interests of the workers.

2. Consideration shall be given to the prohibition of opium smoking and the abolition of government opium monopolies in all dependent territories where opium smoking is still authorised.

Section 3. Forced or Compulsory Labour

Article 7

1. The use of forced or compulsory labour in dependent territories, which may have been inaugurated during the present war emergency, shall be eliminated entirely within the shortest possible period. In the meantime measures shall be adopted in dependent territories to increase the spontaneous offer of labour.

2. The use of forced or compulsory labour in all its forms shall be suppressed within the shortest possible period.

3. Where forced or compulsory labour is used in dependent territories as a temporary and exceptional measure the conditions and guarantees provided for in the Forced Labour Convention, 1930, shall be respected. In no case shall the use of forced or compulsory labour by private employers be permitted, irrespective of whether or not the State contracts with the employers.

4. Consideration shall be given to the possibility of eliminating or withdrawing any exceptions to the application in dependent territories of all the provisions of the Forced Labour Convention, 1930.

5. Consideration shall be given to the application of the Forced Labour Convention, 1930, to those dependent territories where forced or compulsory labour may occur in respect of which the Convention is not already in force.

6. Consideration shall be given to the desirability of ratifying the Forced Labour Convention, 1930, by such States responsible for dependent territories where forced or compulsory labour may occur as have not already done so.

Article 8

With a view to avoiding the development of indirect compulsion to labour, consideration shall be given to the application of the principles set forth in the Forced Labour (Indirect Compulsion) Recommendation, 1930.

Section 4. Recruiting of Workers

Article 9

1. It shall be an aim of policy to eliminate the recruiting of workers and to replace such recruiting by arrangements which, though based upon the spontaneous offer of labour through free agencies controlled by government, provide for medical inspection, transport, food and shelter and all other benefits accruing to workers under existing systems.

2. Pending the formulation of any new proposals concerning the methods of obtaining labour and with a view to the more rapid promotion of a change-over to the new methods contemplated, consideration shall be given to the application of the principles contained in the Elimination of Recruiting Recommendation, 1936.

Article 10

1. Consideration shall be given to the application of the Recruiting of Indigenous Workers Convention, 1936, to those dependent territories where recruiting may occur in respect of which the Convention is not already in force.

2. Consideration shall be given to the desirability of ratifying the Recruiting of Indigenous Workers Convention, 1936, by such States responsible for dependent territories where recruiting may occur as have not already done so.

SECTION 5. SPECIAL TYPES OF CONTRACT OF EMPLOYMENT

Article 11

1. It shall be an aim of policy to regulate long-term employment by a system of written contracts in the cases required by and in accordance with the provisions of the Contracts of Employment (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Contracts of Employment (Indigenous Workers) Convention, 1939, to those dependent territories where employment under long-term contract may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Contracts of Employment (Indigenous Workers) Convention, 1939, by such States responsible for dependent territories where employment under long-term contract may occur as have not already done so.

Article 12

With a view to the definite limitation of periods of service under contract, consideration shall be given to the application of the principles set forth in the Contracts of Employment (Indigenous Workers) Recommendation, 1939.

Article 13

1. All practicable steps shall be taken to equate supply and demand in areas where some casual employment is inevitable and to guard against undesirable attraction of casual labour to centres of potential employment.

2. Measures, such as short-term labour agreements, shall be considered in order to secure the maximum employment for labour normally available at such centres.

Article 14

1. The practice of entering statements of a subjective nature on the worker's conduct or ability in work-cards or work-books required by law to be carried on the person of the worker shall be eliminated.

2. The use of work-cards or work-books shall be regulated to prevent their use as a device of intimidation or compulsion in employment.

Article 15

Where a married man is employed on contract within his own country but at a considerable distance from his home, the competent authority shall take all practical steps in appropriate cases to afford him full opportunity to be accompanied if he so desires by his wife and family.

SECTION 6. PENAL SANCTIONS

Article 16

1. It shall be an aim of policy to abolish penal sanctions for breach of contract of employment as defined in Article 1 of the Penal Sanctions (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Penal Sanctions (Indigenous Workers) Convention, 1939, to those dependent territories where the imposition of penal sanctions may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Penal Sanctions (Indigenous Workers) Convention, 1939, by such States responsible for dependent territories where the imposition of penal sanctions may occur as have not already done so.

SECTION 7. EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

Article 17

1. Adequate provision shall be made in dependent territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the elimination of illiteracy among children and young persons and to their effective preparation for a useful occupation.

2. In order that the child population may be able to profit by existing facilities for education and in order that the extension of these facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age shall be prohibited in any area where educational facilities are provided on a scale adequate for the majority of the children of school age.

Article 18

1. Children under the age of twelve years shall not be employed in any employment, except on light work of an agricultural or domestic character in which only members of the employer's family are employed or except on agricultural light work carried on collectively by the local community. This age shall be progressively raised along with the school-leaving age.

2. Where the transfer of children to the family of an employer is permitted by custom, the conditions of transfer and of employment shall be closely regulated and supervised, whether the children are above or below twelve years of age. The progressive abolition of all such transfers shall be an aim of policy for all dependent territories.

Article 19

Children under the age of fifteen years shall not be employed or work in any industrial undertaking, or in any branch thereof.

Article 20

Children under the age of fifteen years shall not be employed or work on vessels.

Article 21

1. Young persons under the age of sixteen years shall not be employed underground in mines.

2. The employment underground in mines of young persons who have attained the age of sixteen years but not that of eighteen years shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Article 22

1. Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

2. When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

3. Provided that the provisions of this Article do not apply—

(a) to the employment of young persons on vessels mainly propelled by other means than steam ;

(b) to young persons of not less than sixteen years of age who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in coastal trade.

Article 23

The provisions of Articles 18 (1), 19 and 20 do not apply to work, approved and supervised by the competent authority, done by children or young persons in *bona fide* State or private technical schools or school ships or training ships having prescribed courses of study and reasonable limits on the length of time in which students may remain in training or apprenticeship.

Article 24

1. In the case of unhealthy, dangerous or onerous work, minimum ages higher than those required in virtue of Articles 18 (1) and 19 shall be fixed, or the hours of work of children between the minimum age of employment and an appropriate higher age shall be subject to special limitations, or other special protection shall be afforded.

2. Special protection shall be provided for children who are permitted to undertake employment away from their homes.

Article 25

1. Young persons under eighteen years of age shall not be employed during the night in any industrial undertaking, or in any branch thereof.

2. Provided that young persons over the age of sixteen years may be employed during the night in exceptional circumstances defined by the competent authority.

Article 26

1. The employment of any young person under eighteen years of age on any vessel shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

2. In urgent cases the competent authority may allow a young person below the age of eighteen years to embark without having undergone medical examination, always provided that such an examination shall be undergone, at the expense of the employer, at the first port at which the vessels calls, and that failing satisfactory medical attestation the young person shall be returned as a passenger to the port or place where he

was engaged or to his home, whichever is the nearer, at the expense of the employer.

Article 27

In developing systems of education suited to the economic and social interests of the communities, consideration shall be given to the application of the principles set forth in the Vocational Training Recommendation, 1939, so far as this is practicable and appropriate to local circumstances.

Article 28

To assist in the application of the provisions of this Section, administrative bodies or officers shall be appointed. The appointment and establishment of these administrative bodies or officers shall be made in accordance with practices successfully adopted in metropolitan or independent countries.

SECTION 8. EMPLOYMENT OF WOMEN

Article 29

It shall be an aim of policy for all competent authorities to take such measures as, having due regard to local conditions, are appropriate and practicable to secure for women : adequate opportunities of general education, vocational training and employment ; safeguards against physically harmful conditions of employment and economic exploitation, including safeguards for motherhood ; protection against any special forms of exploitation ; and fair and equal treatment between men and women as regards remuneration and other conditions of employment.

Article 30

All practicable steps shall be taken to improve the social and economic status of women in any dependent territory where, whether by law or custom, arrangements survive which in effect maintain women in, or reduce women to, a condition of servitude.

Article 31

1. Provision shall be made as rapidly as possible for maternity protection for women employed in industrial and commercial undertakings.

2. In so doing the aim shall be to give effect, subject to such modifications as may be necessary in the light of local conditions, to the provisions of the Childbirth Convention, 1919, and in particular to the following principles :

(a) the right to be absent from employment before and after childbirth ;

(b) the right to medical assistance and benefits during such absence.

Article 32

1. Women shall not be employed during the night in any industrial undertaking, or in any branch thereof.

2. Provided that women may be employed during the night—

(a) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration ; and

(b) when in any undertaking an emergency occurs which it was impossible to foresee and which is not of a recurring character.

3. Provided also that the prohibition of night work may be suspended when in case of serious emergency the public interest demands it.

4. The provisions of this Article do not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Article 33

1. Women shall not be employed on underground work in any mine.

2. Provided that the competent authority may grant exemptions from the above prohibition in respect of—

(a) women holding positions of management who do not perform manual work ;

(b) women employed in health and welfare services ;

(c) women who, in the course of their studies, spend a period of training in the underground parts of a mine ; and

(d) any other woman who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

Article 34

In order to promote the application of measures relating to the employment and economic status of women and their welfare, use shall be made of women advisers where questions especially affecting women are to be considered. The women advisers shall, whenever possible, be drawn from the local population.

SECTION 9. REMUNERATION

Article 35

1. The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

2. All practicable measures appropriate to local conditions shall be taken to secure for independent producers and wage earners conditions which will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions and will give scope to independent producers and wage earners to improve those standards by their own efforts.

3. Forms of economic enterprise which require the labour of workers living away from their homes shall take account of the normal family needs of the workers.

4. Where the labour resources of other areas are used on a temporary basis for the benefit of one area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the areas of labour supply.

5. Where workers and their families move from low-cost to higher cost areas, account shall be taken of the increased cost of living resulting from the change.

6. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the workers shall be prohibited.

Article 36

All public works, whether undertaken directly by a public authority or through a contract entered into between a public authority and an employer, shall be subject to the requirement that the rates of wages and the general conditions of employment shall be not less than the prevailing rates and conditions, and shall where practicable be fixed after consultation with any employers' and workers' organisations concerned.

Section 10. Health, Housing and Social Security

Article 37

1. All practicable measures shall be taken to improve the health of the people by the extension of medical facilities, by the development of public health programmes, by surveys of epidemic and endemic diseases prevalent in tropical dependent territories and by the introduction of appropriate measures of combating them, by the spread of health education and the improvement of nutrition and housing.

2. All practicable measures shall be taken to ascertain by nutritional surveys the food requirements of the people and the ways of improving nutrition and to give effect to the food policies which such surveys indicate. National nutritional organisations shall be set up and shall be provided with adequate funds, facilities and authority.

3. The competent authority shall be responsible for ensuring the establishment of satisfactory housing conditions. The general aim of policy shall be to provide workers normally dependent on wage earning with the opportunity of securing satisfactory housing accommodation on premises not the property of the employer.

4. Where an undertaking employing labour is situated in an area where satisfactory housing accommodation is not available, the provision of housing may be made an obligation on the undertaking on an equitable basis. In such cases the competent authority shall define the minimum standards of accommodation and shall exercise strict control over the enforcement of these standards. The competent authority shall also define the rights of the worker who may be required to vacate his house on leaving employment and shall take all necessary steps to secure the enforcement of these rights.

Article 38

Such arrangements as are practicable, having due regard to local conditions, shall be made for the maintenance and treatment of the sick and for the care of the aged, of the incapacitated and of the dependent survivors of deceased persons.

Article 39

1. Provision shall be made by law for the payment of compensation to employed persons in case of incapacity for work caused by accidents arising out of and in the course of their employment, and to their dependent survivors in case of death caused by such accidents, and for the medical care of persons injured by such accidents.

2. The laws and regulations concerning workmen's compensation shall apply to all workers, employees and apprentices employed on vessels and by industrial, commercial and agricultural undertakings.

3. Provided that exceptions may be made in respect of—

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business ;

(b) outworkers ;

(c) members of the employer's family who work exclusively on his behalf and who live with him ;

(d) non-manual workers whose renumeration exceeds a limit to be determined by laws or regulations.

Article 40

1. Compensation shall be payable to workers incapacitated by occupational diseases, or, in case of death from any such

disease, to their dependants, in accordance with the general principles of workmen's compensation.

2. Provided that such compensation may be limited to the occupational diseases of chief importance in the territory concerned.

Section 11. Prohibition of Colour and Religious Bars and Other Discriminatory Practices

Article 41

1. The standards set by law in each territory with respect to conditions of labour shall have due regard to the equitable economic treatment of all workers lawfully resident or working therein.

2. Discrimination directed against workers for reason of race, colour, confession or tribal association, as regards their admission to public or private employment, shall be prohibited.

3. All measures practicable under local conditions shall be taken to promote effective equality of treatment in employment by the provision of facilities for training, by the discouragement of discrimination in the negotiation of collective agreements or on grounds of trade union membership, and by other appropriate means.

Section 12. Inspection

Article 42

1. Labour inspection services shall be established in territories where such services do not already exist. Inspectors shall be required to inspect conditions of employment at frequent intervals.

2. The inspectors shall have no direct or indirect interest in undertakings subject to their supervision.

3. Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

Section 13. Industrial Organisation

Article 43

1. The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

2. All practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of machinery for conciliation, arbitration, minimum wage-fixing and labour inspection. Where representative organisations of workers have

not developed, the competent authority shall appoint persons specially qualified to act on behalf of the workers and by advice and guidance to assist in the early development of workers' organisations.

3. All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations.

Article 44

1. As rapidly as possible, machinery shall be created for the settlement of collective disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall, where practicable, be associated in the operation of the machinery in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

SECTION 14. CO-OPERATIVE ORGANISATIONS

Article 45

1. The assistance and development of co-operative societies, including co-operative organisations of workers for the promotion of health, housing and education, shall be accepted as part of the economic programme of competent authorities in dependent territories, and the measures to be taken shall include financial assistance wherever this is appropriate.

2. To this end consideration shall be given to—

(a) the adoption of adequate legislation, simple and inexpensive in application, covering all forms of co-operative organisations ;

(b) the creation of special services to promote and supervise the development of co-operative organisations and to encourage education in co-operation.

3. In appropriate cases co-operative organisations shall be effectively represented on public boards and agencies affecting their interests.

SECTION 15. DEFINITIONS AND SCOPE

Article 46

For the purposes of this Part of the present Annex—

(a) the term " agricultural undertaking " may be defined so as to include processes conducted on the undertaking for the preservation and despatch of the agricultural products of the undertaking, unless it is desired to classify these processes as parts of an industrial undertaking ;

(b) the term " commercial undertaking " includes—
  (i) commercial establishments and offices, including establishments engaging wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan or administration of goods or services of any kind ;
  (ii) establishments for the treatment or care particularly of the aged, infirm, sick, destitute, or mentally unfit ;
  (iii) hotels, restaurants, boarding houses, clubs, cafés and other refreshment houses ;
  (iv) theatres and places of public amusement ; and
  (v) any establishment similar in character to those enumerated in sub-paragraphs (i), (ii), (iii), and (iv) above ;

(c) the term " industrial undertaking " includes—
  (i) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, in the generation, transformation, or transmission of electricity, in the production or distribution of gas or motive power of any kind, in the purification or distribution of water, or in heating ;
  (ii) undertakings engaged in the construction, reconstruction, maintenance, repair, alteration, or demolition of any one or more of the following : buildings, railways, tramways, airports, harbours, docks, piers, works of protection against floods or coast erosion, canals, works for the purpose of inland, maritime or aerial navigation, roads, tunnels, bridges, viaducts, sewers, drains, wells, irrigation or drainage works, telecommunication installations, works for the production or distribution of electricity or gas, pipelines, waterworks, and undertakings engaged in other similar work or in the preparation for or laying the foundations of any such work or structure ;
  (iii) mines, quarries or other works for the extraction of minerals from the earth ; and
  (iv) undertakings engaged in the transport of passengers or goods, excluding transport by hand, unless such undertakings are regarded as parts of the operation of an agricultural or commercial undertaking ;

(d) the terms " agricultural undertaking ", " commercial undertaking " and " industrial undertaking " include both public and private undertakings ;

(e) the term " vessel " includes all ships and boats, of any nature whatsoever, engaged in maritime navigation,

whether publicly or privately owned, excluding ships of war ; it may be interpreted as excluding vessels of less than a specified tonnage and carrying a crew of less than a specified number ;

(f) the term "night" signifies a period of at least eleven consecutive hours : Provided that in those tropical countries in which work is suspended during the middle of the day, the night period may be shorter if compensatory rest is accorded during the day ;

(g) provisions prescribing a minimum age may be interpreted as relating to an apparent minimum age where records of birth are inadequate.

Article 47

The competent authority may exclude from the application of the provisions of this Part of the present Annex undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

Recommendation 71

Recommendation concerning Employment Organisation in the Transition from War to Peace

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the organisation of employment in the transition from war to peace, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four the following Recommendation, which may be cited as the Employment (Transition from War to Peace) Recommendation, 1944 :

Whereas the promotion of full employment with a view to satisfying the vital needs of the population and raising the standard of living throughout the world is a primary objective of the International Labour Organisation ;

Whereas in order to achieve full employment economic measures providing employment opportunities must be supplemented by effective organisation to help employers to secure the most suitable workers, to help workers to find the most

suitable employment, and generally to ensure that, at any given moment, the necessary skills are available and are distributed satisfactorily among the various branches of production and the various areas ; and

Whereas the character and magnitude of the employment adjustments required during the transition from war to peace will necessitate special action, more particularly for the purpose of facilitating the re-employment of demobilised members of the armed forces, discharged war workers, and all persons whose usual employment has been interrupted as a result of the war, enemy action, or resistance to the enemy or enemy-dominated authorities, by assisting the persons concerned to find without delay the most suitable employment ;

The Conference recommends the Members of the Organisation to apply the following general principles, and in so doing to take into account, according to national conditions, the suggested methods of application, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles :

GENERAL PRINCIPLES

I. Each Government should collect whatever information is necesssary regarding workers seeking or likely to be seeking employment and regarding prospective employment opportunities, with a view to ensuring the most rapid reabsorption or redistribution in suitable employment of all persons who desire to work.

II. The demobilisation of the armed forces and of assimilated services and the repatriation of prisoners of war, persons who have been deported, and others, should be planned with the objective of maximum fairness to individuals and maximum opportunities for satisfactory re-establishment in civil life.

III. National programmes for industrial demobilisation and reconversion should be planned, in co-operation with employers' and workers' organisations, and other adequate measures taken, in such manner as to facilitate the most rapid attainment of full employment for the production of needed goods and services.

IV. In the organisation of full employment in the transition period and thereafter, the widest possible use of employment service facilities by employers seeking workers and by workers seeking employment should be encouraged by the competent authorities and by employers' and workers' organisations.

V. Each Government should, to the maximum extent possible, provide public vocational guidance facilities, available to persons seeking work, with a view to assisting them to find the most suitable employment.

VI. Training and retraining programmes should be developed to the fullest possible extent in order to meet the needs of the workers who will have to be re-established in employment or provided with new employment.

VII. With a view to avoiding the need for excessive movements of workers from one area to another and preventing localised unemployment in particular areas, each Government should, in co-operation with employers' and workers' organisations, formulate a positive policy in regard to the location of industry and the diversification of economic activity. Governments should also take steps to facilitate any necessary mobility of labour, both occupational and geographical.

VIII. Efforts should be made during the transition period to provide the widest possible opportunities for acquiring skill for juveniles and young workers who were unable, because of the war, to undertake or to complete their training, and efforts should also be made to improve the education and health supervision of young persons.

IX. The redistribution of women workers in each national economy should be carried out on the principle of complete equality of opportunity for men and women in respect of admission to employment on the basis of their individual merit, skill and experience, and steps should be taken to encourage the establishment of wage rates on the basis of job content, without regard to sex.

X. Disabled workers, whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialised vocational guidance, training and retraining, and employment on useful work.

XI. Measures should be taken to regularise employment within the industries and occupations in which work is irregular, in order to achieve full use of the capacities of the workers.

METHODS OF APPLICATION

I. Advance Collection of Information

1. Each Government should arrange for the co-ordinated collection and utilisation of as complete and up-to-date information as possible on—

(a) the number, educational and occupational backgrounds, past and present skills, and occupational wishes of members of the armed forces and of assimilated services, and as far as possible of all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities ;

(b) the number, location, industrial distribution, sex distribution, skills and occupational wishes of workers who will

have to change their employment during the transition from war to peace; and

(c) the number and distribution of older workers, women and juveniles who are likely to withdraw from gainful employment after the war emergency and the number of juveniles who are likely to be seeking employment on leaving school.

2. (1) Comprehensive material on prospective labour requirements, showing the probable extent and timing of the demand for workers from each major industry, both in total and by major skills, should be collected and analysed before the end of the war.

(2) Where such information is in the possession of any administrative authority, it should be made available to the authorities primarily responsible for the collection or utilisation of advance information on labour supply and requirements.

(3) The material on labour requirements should cover more particularly—

(a) the probable contraction of labour requirements resulting from the closing of certain munitions undertakings;

(b) the probable rate of contraction of the armed forces and of assimilated services upon the termination of hostilities;

(c) probable fluctuations and changes by areas in the labour force of industries or undertakings which will, with or without a period of conversion, continue in operation to meet peacetime needs;

(d) probable labour requirements in industries which will be expanding to meet peacetime needs, in particular in industries the output of which is most urgently needed to improve the standard of living of the workers, and in public works, including works of a normal character and works held in reserve for the provision of supplementary employment in periods of declining economic activity; and

(e) the probable demand for workers in the main industries and occupations under conditions of full employment.

3. Prospective labour supply and demand in the various areas should be kept under constant review by the appropriate authorities, in order to show the effect of the war and the probable effect of the termination of hostilities on the employment situation in each of these areas.

4. Members should co-operate in collecting the information referred to in sub-paragraphs *(a)*, *(b)* and *(c)* of paragraph 1 in respect of persons transferred out of their own countries as a result of Axis aggression. Each Government should supply such information in respect of nationals of other Members living in its territory, in Axis territories, or in territory occupied by the Axis, who are awaiting repatriation, even where the information available is merely of a general character.

II. Demobilisation of the Armed Forces

5. Close contact should be organised and maintained between the employment service and the authorities responsible for the demobilisation of the armed forces and assimilated services and for the repatriation of prisoners of war and persons who have been deported, in order to ensure the speediest re-employment of the men and women concerned.

6. (1) The rate and order of demobilisation should be controlled according to clearly expressed principles which should be given wide publicity in order that they may be clearly understood.

(2) In the process of demobilisation, which should in general be as rapid as military necessity and transportation facilities permit, consideration should be given to—

(a) the desirability of regulating the rate and distributing the flow of demobilisation so as to avoid local concentrations of ex-service men and women disproportionate to the capacity of their community to provide opportunity for employment or training ; and

(b) the desirability of arranging, where necessary, for an early release of workers whose qualifications make them indispensable for urgent reconstruction work.

7. (1) Schemes for reinstating in their former employment persons whose usual employment has been interrupted by military mobilisation, enemy action, or resistance to the enemy or enemy-dominated authorities, should be adopted and carried out so far as changed post-war circumstances allow.

(2) The fullest possible employment and advancement opportunities for these men and women, on the basis of their qualifications, should be assured through Government action and collective agreements.

(3) Immediate alternative employment should be secured for the workers displaced by the operation of these schemes.

8. In addition to schemes for re-employment, immediate consideration should be given to the provision, wherever justified by prospective opportunities to make a living, of adequate financial and other assistance to enable qualified demobilised persons to settle or resettle on the land, to enter or re-enter a profession, or to take up other independent work.

III. Industrial Demobilisation and Conversion

9. (1) Each Government should, in co-operation with employers' and workers' organisations, formulate a national industrial demobilisation and reconversion programme to facilitate the rapid and orderly conversion of the economy from war-

time to peacetime requirements during the period of reconstruction, account being taken of the urgent need of countries devastated by the war, with a view to attaining full employment with the least possible delay. All information in regard to the demobilisation and reconversion programme should be made available to the authorities responsible for collecting advance information on labour supply and requirements.

(2) The co-operation of employers' and workers' organisations should be invited with a view to working out comprehensive industry and area demobilisation and reconversion programmes to facilitate the change-over from war to peace production in a manner that will minimise transitional unemployment.

10. (1) Each Government should, so far as possible before the end of the war, determine its policy in regard to the peacetime use of Government-owned war production capacity and equipment and in regard to the disposition of surplus materials.

(2) Special consideration should be given to the early release of factories and equipment urgently needed for peacetime production or training.

(3) In general, factories, equipment or materials should not be destroyed or kept out of use where human needs are unsatisfied or where no excess production would exist at reasonable prices under conditions of demand associated with full employment.

11. Each Government should, in formulating its policy and procedure for the termination or adjustment of war contracts, give special consideration to the possibilities of continued employment or rapid re-employment of the workers affected or of favourable opportunities for employment in other areas. Governments should also arrange for the prompt settlement of claims under terminated contracts, so that employment will not be held back by needless financial difficulties of contractors. Contractors in countries at present occupied who have worked voluntarily in the interest of the enemy should not be granted the benefit of such arrangements.

12. (1) Arrangements should be made to ensure that administrative authorities give information at the earliest possible moment to the employment service and contractors regarding any circumstances likely to cause dismissals or layoffs.

(2) Procurement agencies should give contractors both at home and abroad and the employment service as long advance notice as possible of cut-backs in war orders. In no case should the notice given be less than two weeks.

(3) Employers should give the employment service at least two weeks' advance notice of proposed dismissals affecting more than a specified number of workers, in order to enable the

employment service to make plans for alternative employment for the workers concerned.

(4) Employers should give the employment service at least two weeks' advance notice of proposed temporary lay-offs affecting more than a specified number of workers, together with information to show the probable duration of such lay-offs, in order to enable the employment service to find temporary public or private employment or training for the laid-off workers. Employers should so far as possible inform the laid-off workers of the expected duration of such lay-offs.

IV. Applications for Work and for Workers

13. (1) Vacancies on public works and in undertakings working on public orders to the extent of 75 per cent. or more of their operations should be filled through the employment service.

(2) Consideration should be given to the advisability of requiring employers in specified industries or areas to engage their workers through the employment service in order to facilitate the readjustment of employment.

(3) Employers should be encouraged to give advance notice of their labour requirements to the employment service.

14. Persons applying for employment on Government-sponsored projects, as well as persons applying for publicly supported training programmes or transfer assistance, or claiming unemployment benefit or allowance, should be required to register with the employment service.

15. Special efforts should be made to assist demobilised members of the forces and war workers to find the most suitable work of which they are capable, making use wherever possible of the skills acquired by them during the war.

16. Every effort should be made by the authorities, and in particular by the employment service, in co-operation with employers' and workers' organisations, to encourage as wide a use as possible of the employment service by employers and workers.

V. Vocational Guidance

17. Special and immediate attention should be given to the development of suitable methods and techniques of vocational guidance for adult workers.

18. In cases of prolonged unemployment, the use of vocational guidance facilities should be made a condition for the continued receipt of unemployment benefit or allowance.

19. The competent authorities should, in co-operation with the private bodies concerned, develop and maintain adequate training facilities for vocational guidance officers.

VI. Training and Retraining Programmes

20. On the basis of information concerning labour supply and demand in the post-war period, each Government should, in close co-operation with employers' and workers' organisations, formulate a national training and retraining programme, geared to the post-war needs of the economy and taking into account changes in the different skill requirements of each industry.

21. Every possible step should be taken to facilitate the occupational mobility necessary to adjust the supply of workers to present and prospective labour requirements.

22. Training and retraining programmes should be extended and adapted to meet the needs of demobilised persons, discharged war workers, and all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities. Special emphasis should be placed on courses of training designed to fit the persons concerned for employment which offers a permanent career.

23. In addition to apprenticeship schemes, systematic methods of training, retraining and upgrading workers should be developed to meet post-war needs for the reconstitution and expansion of the skilled labour force.

24. Persons undertaking training should be paid, where necessary, remuneration or allowances which provide an inducement to undergo and continue training and are sufficient to maintain a reasonable standard of life.

25. Men and women whose higher training and education has been prevented or interrupted by war service, whether in a military or civilian capacity, or by enemy action, or by resistance to the enemy or enemy-dominated authorities, should be enabled to enter upon or resume and complete their training and education, subject to continued proof of merit and promise, and should be paid allowances during their training and education.

26. (1) Qualified vocational teachers and instructors who have been engaged in other work during the war should be encouraged to resume their previous occupation at the earliest possible moment.

(2) Refresher courses should be organised in case of need—

(a) for vocational instructors returning to their work after a lengthy absence ; and

(b) for teaching new methods and techniques.

(3) Additional vocational teachers and instructors should be trained in the numbers required to meet the needs of the training and retraining programme.

(4) Members should co-operate, where necessary, in reconstituting and expanding vocational training and retraining by such methods as—

(a) the provision in one country of training as instructors for persons from another country to enable them to acquire broader skill or training not available in their own country ;

(b) the loan of experienced vocational instructors and teachers from one country to help meet shortages of vocational training staff or new industrial needs in another country ;

(c) facilitating the return to the territories of member countries of subjects thereof living in the territory of another member country who are qualified for teaching and instructing in their home country ; and

(d) the provision of training handbooks and other equipment to assist instructors and persons in training.

27. Training and retraining services should be co-ordinated on a national, regional and local basis, and should be closely associated at all levels of operation with guidance work, with the placement work of the employment service, and with the training activities of employers' and workers' organisations.

VII. Geographical Mobility

28. With a view to facilitating the necessary mobility of labour, the employment service should take action to overcome the obstacles to transfers from one area to another and to assist the movement of workers to areas needing labour, thereby helping to bring together available skills and available employment opportunities and thus preventing unemployment.

29. (1) Where a worker is transferred from one area to another on the initiative or with the consent of the employment service, arrangements should be made to grant travelling expenses and to assist the worker to meet initial expenses in the new place of work by granting or advancing him a specified amount, fixed according to the circumstances.

(2) Where a temporary transfer made through the employment service involves the separation of the head of the household from his family, arrangements should be made to grant an appropriate separation allowance to cover the added costs of maintaining double living quarters.

VIII. Employment of Young Workers

30. (1) The policy of revising upward the school-leaving age and the age for admission to employment should be considered by all countries as a primary factor in planning employment policy for the transition period.

(2) Maintenance allowances should be granted to parents by the competent authorities during the additional period of compulsory education referred to above.

31. Student-aid programmes should be developed to enable young persons above the school-leaving age to continue their education in secondary schools or high schools, and for those beyond the secondary school level, subject to continued proof of merit, in technical or higher education schools or courses on a full-time basis.

32. (1) Vocational guidance services adapted to their needs should be available for all young persons, both prior to and at the time of leaving school, through the school or the employment service.

(2) Free pre-employment medical examination should be provided for all young persons. The results of this examination should be incorporated in a certificate to serve as a basis for periodical re-examinations during a period to be prescribed by national laws or regulations.

(3) In countries in which war conditions and enemy occupation have undermined the health of young persons, particular attention should be given to the health supervision of such persons from the time of their admission to employment through the period of adjustment to working life, and, where necessary, measures of physical rehabilitation should be adopted.

(4) Members should co-operate, when requested, in providing for the training of medical and nursing staff, and the loan of experienced doctors, surgeons, nursing personnel and appropriate equipment, in order to facilitate the physical rehabilitation of the young persons referred to in sub-paragraph (3) above.

33. (1) Young persons whose contracts of apprenticeship have been interrupted owing to the war should be entitled to resume apprenticeship on the termination of their war service.

(2) State aid should be made available to enable a person whose apprenticeship has been resumed in accordance with sub-paragraph (1) above to be assured of an income which is reasonable, having regard to his age and to the remuneration he would have been receiving had his apprenticeship not been interrupted.

(3) In all cases in which military service, raw material shortages, enemy action, or other war circumstances have prevented young persons from entering or continuing apprenticeship, arrangements should be made to encourage them, as soon as circumstances permit, to resume their apprenticeship or to learn a skilled trade.

(4) With a view to encouraging the resumption of interrupted apprenticeships, arrangements should be made to review the provisions of apprenticeship contracts and to vary them

where this seems equitable to take account of training, skill or experience acquired during war service.

(5) Existing apprenticeship programmes should be re-examined, in co-operation with employers' and workers' organisations, with a view to giving wider opportunities to learn a skilled trade to the younger workers who have not been able, owing to the war, to enter apprenticeship. More particularly, consideration should be given to making arrangements for varying existing restrictions on admission to apprenticeship and for taking into account any training, skill or experience acquired during the war.

34. Employers should be encouraged to introduce programmes of systematic in-plant training to enable all the young workers employed in the undertaking to acquire training or to improve their skill and broaden their knowledge of the operations of the undertaking as a whole. Such programmes should be developed in co-operation with workers' organisations and should be adequately supervised.

35. In countries which have been invaded during the war, and in which there are young persons who have been compelled to abstain from work, or, without regard to their aptitudes or desires, to work for the enemy, special attention should be devoted to the readjustment of such young persons to work habits and to supplementing their vocational training.

IX. Employment of Women

36. The redistribution of women workers in the economy should be organised on the principle of complete equality of opportunity for men and women on the basis of their individual merit, skill and experience, without prejudice to the provisions of the international labour Conventions and Recommendations concerning the employment of women.

37. (1) In order to place women on a basis of equality with men in the employment market, and thus to prevent competition among the available workers prejudicial to the interests of both men and women workers, steps should be taken to encourage the establishment of wage rates based on job content, without regard to sex.

(2) Investigations should be conducted, in co-operation with employers' and workers' organisations, for the purpose of establishing precise and objective standards for determining job content, irrespective of the sex of the worker, as a basis for determining wage rates.

38. The employment of women in industries and occupations in which large numbers of women have traditionally been employed should be facilitated by action to raise the relative status of these industries and occupations and to improve conditions of work and methods of placement therein.

X. Employment of Disabled Workers

39. The criterion for the training and employment of disabled workers should be the employability of the worker, whatever the origin of the disability.

40. There should be the closest collaboration between medical services for the disabled and vocational rehabilitation and placement services.

41. Specialised vocational guidance for the disabled should be developed in order to make it possible to assess each disabled worker's capacity and to select the most appropriate form of employment for him.

42. (1) Wherever possible, disabled workers should receive training in company with able-bodied workers, under the same conditions and with the same pay.

(2) Training should be continued to the point where the disabled person is able to enter employment as an efficient worker in the trade or occupation for which he has been trained.

(3) Wherever practicable, efforts should be made to retrain disabled workers in their former occupations or in related occupations where their previous qualifications would be useful.

(4) Employers with suitable training facilities should be induced to train a reasonable proportion of disabled workers.

(5) Specialised training centres, with appropriate medical supervision, should be provided for those disabled persons who require such special training.

43. (1) Special measures should be taken to ensure equality of employment opportunity for disabled workers on the basis of their working capacity. Employers should be induced by wide publicity and other means, and where necessary compelled, to employ a reasonable quota of disabled workers.

(2) In certain occupations particularly suitable for the employment of seriously-disabled workers, such workers should be given preference over all other workers.

(3) Efforts should be made, in close co-operation with employers' and workers' organisations, to overcome employment discriminations against disabled workers which are not related to their ability and job performance, and to overcome the obstacles to their employment, including the possibility of increased liability in respect of workmen's compensation.

(4) Employment on useful work in special centres under non-competitive conditions should be made available for all disabled workers who cannot be made fit for normal employment.

44. Information should be assembled by the employment service in regard to the occupations particularly suited to dif-

ferent disabilities and the size, location and employability of the disabled population.

XI. Regularisation of Employment in Particular Industries

45. In industries in which operations are irregular, such as construction and port transport, the schemes for the regularisation of employment adopted or extended during the war by Member States should be maintained and adapted to peacetime conditions in consultation with the employers' and workers' organisations concerned.

Recommendation 72

Recommendation concerning the Employment Service

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the employment service, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four the following Recommendation, which may be cited as the Employment Service Recommendation, 1944 :

Whereas the application of the Employment (Transition from War to Peace) Recommendation, 1944, requires the existence and development of an efficient employment service ; and

Whereas the Unemployment Convention, 1919, provides for the establishment of a " system of free public employment agencies under the control of a central authority " ; and

Whereas the fulfilment of the tasks enumerated in the Employment (Transition from War to Peace) Recommendation, 1944, involves a new and broader definition of the responsibilities, functions and methods of operation of the employment service ; and

Whereas this broader conception is of importance in the formulation and application of a long-term full employment policy ;

The Conference recommends the Members of the Organisation to apply the following general principles, and to report to the International Labour Office from time to time, as

requested by the Governing Body, concerning the measures taken to give effect to these principles :

1. The essential duty of the employment service should be to ensure, in co-operation with other public and private bodies concerned, the best possible organisation of industrial, agricultural and other employment as an integral part of the national programme for the full use of productive resources.

2. (1) To fulfil this duty steps should be taken to strengthen the employment service and related authorities.

(2) These services should be responsible for—

(a) collecting and making available information concerning labour supply, employment opportunities, the skills required to do particular jobs, changes in skill requirements within the different industries, employment and unemployment trends, the regularisation of employment and the causes of unemployment, and other information of value in promoting full employment ;

(b) assisting workers to find suitable employment and employers to find suitable workers ;

(c) assisting in developing and in determining the content of training and retraining courses ;

(d) developing methods of facilitating the transference, where necessary, of workers from one occupation or area to another ;

(e) helping to achieve the best possible distribution of manpower within each industry and area ;

(f) co-operating as may be required in the administration of unemployment insurance and assistance ;

(g) assisting other public and private bodies in planning the location of industry, public works, housing projects, social amenities, and other social and economic measures.

3. The closest co-operation between the employment service and other authorities whose activities affect the employment situation, including authorities charged with responsibility for accelerating or slowing down public works in accordance with the current state of employment and unemployment, should be established at the national, regional and local levels.

4. (1) In addition to the joint advisory bodies provided for in Article 2 of the Unemployment Convention, 1919, the employment service should co-operate closely with employers' and workers' organisations. Appropriate machinery should be devised to enable these organisations to assist in the formulation and carrying out of employment policy.

(2) The employment service should co-operate with any joint industry committees which may be set up to facilitate the solution of the special problems of the industries concerned.

Recommendation 73

Recommendation concerning the National Planning of Public Works

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the national planning of public works, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twelfth day of May of the year one thousand nine hundred and forty-four the following Recommendation, which may be cited as the Public Works (National Planning) Recommendation, 1944 :

Whereas the Public Works (National Planning) Recommendation, 1937, recommends that all works undertaken or financed by public authorities should be timed in such a way as to reduce industrial fluctuations as far as possible, and that special consideration should be given to the financing by loan in periods of depression of works likely to stimulate economic recovery and to the application of a monetary policy which will make possible the expansion of credit required for the speeding up of such works and ensure the lowest possible rate of interest on the loans ; and

Whereas at the end of the war public authorities will be faced with the great need to repair the damage caused by the war, to restore and replace existing public works, and to provide new public works and services ; and

Whereas public works constitute a large element in the economic life of all nations, and public works programmes are an important method by which levels of productivity can be increased, and by which levels of living of all peoples can be raised ; and

Whereas it is important in the transition from war to peace that public and private enterprise should be co-ordinated to assure the prompt and orderly use of human and material resources, avoiding on the one hand rush demands for materials which would leave contractors temporarily in short supply and on the other hand inadequate development of demand ;

The Conference recommends the Members of the Organisation to apply the following general principles, and to communicate information to the International Labour Office, as reques-

ted by the Governing Body, concerning the measures taken to give effect to these principles :

1. Each Member should prepare a long-term development programme which can be accelerated or slowed down in accordance with the employment situation in different parts of the country.

2. Special attention should be paid to the importance of timing the execution of the works and the ordering of supplies, so as to limit the demand for labour at a time when there is already full employment and to increase it at a time when there is unemployment.

3. In applying this policy, consideration should be given not only to the employment situation in the country as a whole but also to the situation in each area and to the particular types of skill available in the area concerned.

4. Local authorities and others responsible for framing schemes for employment should be informed by their central authorities at the earliest possible moment what financial support will be forthcoming, so that the local authorities and technical services may proceed without further delay to prepare plans and to make such practical preparation as would enable large numbers of demobilised soldiers to be absorbed as soon as they are available.

TWENTY-SEVENTH SESSION

(Paris, 15 October-5 November 1945)

Recommendation 74

Recommendation concerning Minimum Standards of Social Policy in Dependent Territories (Supplementary Provisions)

The General Conference of the International Labour Organisation,

Having been convened at Paris by the Governing Body of the International Labour Office, and having met in its Twenty-seventh Session on 15 October 1945, and

Having decided upon the adoption of certain proposals with regard to minimum standards of social policy in dependent territories (supplementary provisions), which is the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this fifth day of November of the year one thousand nine hundred and forty-five the following Recommendation, which may be cited as the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 :

Whereas Chapter XI of the Charter of the United Nations, being the Declaration regarding Non-Self-Governing Territories, affirms the principle that the interests of the inhabitants of all such territories are paramount, and establishes the obligation of metropolitan States, as a sacred trust, to ensure the political, economic, social and educational advancement of the peoples of these territories ; and

Whereas the International Labour Conference adopted on 12 May 1944, in the course of its Twenty-sixth Session, a Recommendation concerning minimum standards of social policy in dependent territories ; and

Whereas it is desirable to provide for the application to dependent territories of minimum standards supplementing those adopted in 1944 ;

The Conference makes the following recommendations :

1. Each Member of the International Labour Organisation which is responsible for any dependent territory should take all steps within its competence to secure the effective application in each such territory of the minimum standards set forth in the Annex to this Recommendation, and in particular should bring this Recommendation before the authority or authorities competent to make effective in each such territory the minimum standards set forth in the Annex.

2. Each Member of the Organisation should, if it approves this Recommendation, communicate to the Director-General of the International Labour Office at the earliest possible date particulars of the action taken to make effective the minimum standards set forth in the Annex in respect of each dependent territory for which the Member in question is responsible, and thereafter should report to the International Labour Office, from time to time, as requested by the Governing Body, concerning the action taken to give effect to the Recommendation.

3. The standards set forth in the Annex to this Recommendation should be regarded as minimum standards, which do not qualify or impair any obligation to apply higher standards incumbent upon any Member of the Organisation under the Constitution of the Organisation or under any International Labour Convention which the Member may have ratified, and should in no case be so interpreted or applied as to lessen the protection afforded by existing legislation to the workers concerned.

ANNEX

SECTION 1. WAGES AND THRIFT

Article 1

1. It shall be an aim of policy to encourage the development of machinery of collective bargaining whereby minimum rates of wages may be fixed through negotiations between employers' and workers' organisations.

2. In all cases in which the competent authority has reason to believe that the workers' organisations have not arrived at the stage of development necessary to enable them to negotiate on a footing of equality with the employers' organisations, specially qualified persons shall be nominated to assist the workers in the course of the negotiations by giving them information and advice and, if need be, to act in their name. These measures shall be taken and such nominations made after consultation with the labour inspectorate where such exists. Persons so nominated shall assist in the early development of workers' organisations by advice and guidance.

Article 2

1. Where no adequate arrangements exist for the effective fixing of minimum wages by collective agreement, official machinery whereby minimum rates of wages can be fixed for the workers shall be created and maintained.

2. Any minimum rates so fixed by decision of the competent authority shall observe the principle of equal remuneration for men and women for work of equal value.

3. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated in the operation of the minimum wage-fixing machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

4. Minimum rates of wages which have been fixed by the competent authority shall be binding on the employers and workers concerned so as not to be subject to abatement by agreement between employers and workers without the express consent of the competent authority.

5. The necessary measures shall be taken to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable.

6. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other legalised proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by the competent authority.

Article 3

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments, and to take other appropriate steps to facilitate the necessary supervision.

2. Wages shall normally be paid in cash only and direct to the individual worker.

3. Unless there is an established local custom to the contrary, the continuance of which is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

4. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to control strictly their adequacy and their cash value.

5. All practicable measures shall be taken—

(a) to inform the workers of their wage rights ;
(b) to prevent any unauthorised deductions from wages ; and
(c) to restrict the amounts deductable from wages in respect of supplies and services forming part of remuneration to the cash value thereof.

Article 4

1. Voluntary forms of thrift among wage earners and independent producers shall be encouraged.

2. The maximum amounts and manner of repayment of advances on wages shall be regulated by the competent authority.

3. The competent authority shall limit the amount of advances which may be paid to a worker who has been engaged from outside the territory. The amount of any such advances shall be clearly explained to the worker. Any advance made in excess of the amount laid down by the competent authority shall be irrecoverable at law.

4. All practicable measures shall be taken for the protection of wage earners and independent producers against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

Article 5

1. Where deferred pay schemes are in existence or are being established—

(a) their rules and operations shall be supervised by the competent authority, and in particular employers shall, where the competent authority is not satisfied that the funds are suitably invested, be required to furnish security for their obligations under such schemes;

(b) representatives of the wage earners, including representatives of their organisations where such exist, shall be associated in the operation of such schemes.

2. It shall be an aim of policy, as soon as the economic evolution of a territory permits, progressively to eliminate deferred pay schemes and to establish, without prejudice to provident or superannuation schemes, systems of retirement allowances, including provisions for contributions by the Government or employers or both as well as by the workers.

Article 6

1. It shall be an aim of policy effectively to establish the principle of equal wages for work of equal value in the same operation and undertaking and to prevent discrimination directed against workers by reason of their race, religion or sex in respect of opportunities for employment and promotion and in respect of wage rates.

2. All practicable measures shall be taken to lessen any existing differences in wage rates which are due to discrimination by reason of race, religion or sex by raising the rates applicable to the lower paid workers.

3. Workers engaged for employment from outside any dependent territory may be granted additional payments to meet any reasonable personal or family expenses resulting from employment away from their homes.

Section 2. Labour Aspects of Land Policies

Article 7

The following shall be among the measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of primary producers :

(a) the elimination to the fullest practicable extent of the causes of chronic indebtedness ;

(b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interest of the territory ;

(c) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels.

Section 3. Social Security

Article 8

Provision shall be made by law at the earliest possible date for the payment of compensation to employed persons in case of incapacity for work caused by accidents arising out of and in the course of their employment, and to their dependent survivors in case of death caused by such accidents, and for the medical care of persons injured by such accidents :

(a) in case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, but, if the incapacity lasts for more than four weeks, compensation shall be payable as from the first day of incapacity ;

(b) all measures practicable under local conditions shall be taken to restore as quickly as possible the earning capacity of injured workers ;

(c) unless otherwise provided by a general social insurance scheme, the cost of compensation shall be borne by employers, and, as soon and so far as possible, shall be covered by a system of compulsory insurance not carried on for profit ;

(d) the law and all procedures relating to compensation shall be as simple as possible ; in particular, a public officer shall be responsible for seeing that injured workers receive

the compensation to which they are entitled, and claims shall be settled by summary and informal procedure.

Article 9

Where the injury results in permanent incapacity of other than a minor character or death, the compensation payable to the injured worker or his dependants shall be 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 or considers it impracticable properly to control periodical payments. It shall, however, be an aim of policy to eliminate the system of lump sum payments in favour of periodical payments.

Article 10

The provisions of Articles 8 and 9 shall, where appropriate, apply to workmen's compensation for occupational diseases.

Article 11

1. There shall be equality of treatment for national and foreign workers in respect of workmen's compensation for accidents and occupational diseases.

2. Foreign workers who are entitled to workmen's compensation benefits and who are returning to their countries of origin shall be entitled to any compensation which would have been due to them if they had remained in the territory of employment. If benefit payments are periodical, they shall continue to receive such benefits or be granted a lump sum in lieu thereof.

Article 12

1. It shall be an aim of policy, in areas where substantial numbers of the workers normally earn their living by wage earning, to introduce compulsory insurance for the protection of wage earners and their dependants in cases of sickness and maternity, old age, death of the breadwinner and unemployment. As soon as the necessary conditions for the operation of such insurance are present, arrangements to that end shall be inaugurated.

2. It shall be an aim of policy to provide, through compulsory sickness and maternity insurance, medical care for injured persons and their dependants, in so far as such care is not already provided as a free public service.

SECTION 4. PLACING OF WORKERS

Article 13

1. Where employment or migration is on a sufficient scale, provision shall be made for a system of free public employment offices.

2. Where the nature of labour migration so requires, properly equipped rest houses shall be provided by the competent authority.

3. Any systems which may be operated by associations of employers or of organised workers for the placing of workers and for their welfare during journeys to and from employment shall be without cost to the workers and under the close supervision of the competent authority.

Section 5. Hours and Holidays

Article 14

1. The maximum hours of work in industrial and commercial undertakings shall be fixed by the competent authority.

2. So far as practicable, the maximum hours of work in agricultural undertakings shall be fixed by the competent authority.

3. The reports communicated to the International Labour Office in accordance with paragraph 2 of this Recommendation shall contain full information concerning the measures taken to regulate hours, including information on the limits of the hours prescribed, any provisions for minimum periods of unbroken rest, any special limitations for unhealthy, dangerous or onerous operations, any special arrangements for particular operations, any exceptions permitted for seasonal employment, and the methods of application of the regulations.

Article 15

1. Workers employed in industrial and commercial undertakings shall be granted in every period of seven days a period of rest comprising at least twenty-four consecutive hours, but wherever appropriate to the customs of the workers, a proportionate period of rest calculated over a longer period than one week is permissible.

2. Such provision for weekly rest shall be extended as soon as possible to agricultural undertakings subject to such adaptations as may be necessary to take account of the requirements of production.

3. The period of rest shall wherever possible be granted simultaneously to the whole of the staff of each undertaking and be fixed so as to coincide with the days already established by the customs of the workers.

4. Total or partial exceptions may be authorised by the competent authority when considered necessary. Overtime shall be compensated by wages substantially in excess of the normal rates whenever there is encroachment on the rest period.

Article 16

1. As soon as practicable, provision shall be made entitling workers employed in industrial and commercial undertakings to an annual holiday with pay of at least twelve working days, after one year of substantially regular employment. Where the employment of a worker is terminated after the completion of six months' service for a reason other than misconduct on his part he shall be entitled to a *pro rata* payment in lieu of an annual holiday.

2. It shall be an aim of policy to establish, wherever practicable, that workers employed in agricultural undertakings shall be entitled, after one year of substantially regular employment, to an annual holiday with pay of at least twelve working days. Where the employment of a worker is terminated after the completion of six months' service for a reason other than misconduct on his part he shall be entitled to a *pro rata* payment in lieu of an annual holiday.

3. Where workers are employed at considerable distances from their homes, a holiday calculated on the same basis over a longer period of employment may be substituted for the annual holiday with pay of twelve working days.

4. Where workers are employed at distances from their homes where they have been recruited or engaged, all practicable means shall be taken to facilitate their visiting their homes during holidays with pay.

Article 17

Where the competent authority is satisfied that hours of work, weekly rest or annual holidays with pay are adequately regulated by collective agreements or awards which cover a substantial number of the workers concerned, such agreements or awards may be regarded as satisfying the relevant provisions of this Section.

SECTION 6. POWERS OF LABOUR INSPECTORS

Article 18

1. Inspectors appointed by the competent authority and provided with credentials shall be authorised by law to exercise the following powers for the purpose of carrying out their duties:

(a) the power to visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed;

(b) the power to enter by day any place which they may have reasonable cause to believe to be an undertaking, or part thereof, subject to their supervision;

(c) the power to question any person employed in the undertaking, either alone or in the presence of witnesses, or to apply for information to any other person whose evidence they may consider necessary ;

(d) the power to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

2. Before leaving the undertaking, inspectors shall, if possible, notify the employer or his representative of their visit, unless they consider such a notification may be prejudicial to the performance of their duties.

Section 7. Conciliation

Article 19

1. All procedures for the investigation and settlement of disputes between employer and worker shall be as simple as possible.

2. Employers and workers shall be encouraged to reach fair settlements of disputes by conciliation without recourse to courts of law. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.

3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement. Where practicable, these officers shall be officers especially assigned to such duties.

Section 8. Health and Safety in Employment

Article 20

1. Minimum conditions shall be prescribed for the protection of the health, safety and welfare of workers in industrial undertakings and in other undertakings where the machinery used or the operations performed render such measures necessary.

2. Machinery imported from abroad shall be equipped with the safety devices prescribed in the territory of importation. If the competent authority in the territory of importation has not prescribed the necessary safety devices for any imported machinery, such machinery shall be equipped with the devices prescribed in the country of manufacture.

3. So far as possible the safety devices shall be incorporated in the original design of the machinery.

Article 21

1. Consideration shall be given to the application to dependent territories of the provisions of the Protection against Accidents (Dockers) Convention (Revised), 1932, in particular in the case of large ports and wherever new machinery is installed for the loading or unloading of ships, whether berthed in docks, at buoy or at anchorage.

2. Consideration shall be given to the desirability of ratifying the Protection against Accidents (Dockers) Convention (Revised), 1932, by such States responsible for dependent territories possessing ports as have not already done so.

Article 22

As soon as possible, provision shall be made requiring the gross weight of any package or object of one thousand kilograms (one metric ton) or more consigned within any territory for transport by sea or inland waterway to be plainly and durably marked on the package or object before it is loaded on any vessel.

Article 23

1. In order to secure the adoption of the most suitable safety means for preventing accidents and diseases, the following principles shall be applied :

(a) the notification of all accidents to the competent authorities shall be required, and one of the essential duties of the inspectors appointed by the competent authority shall be to investigate accidents, and more especially those of a serious or recurring character, with a view to ascertaining by what measures they can be prevented ;

(b) inspectors shall inform and advise employers' and workers' organisations on the best standards of health and safety ;

(c) inspectors shall encourage the collaboration of employers, managing staff and workers for the promotion of personal caution, safety methods and the perfecting of safety equipment ;

(d) inspectors shall endeavour to promote the improvement and perfecting of measures of health and safety, by the systematic study of technical methods for the internal equipment of undertakings, by special investigations into problems of health and safety, and by any other means.

2. In territories where it is considered preferable to have a special organisation for accident insurance and prevention completely independent of the inspectorate, the special officers of such an organisation shall be guided by the foregoing principles.

Section 9. Information

Article 24

The competent authority shall assume responsibility for making widely known the nature and significance of the measures adopted in conformity with the foregoing articles and the articles of the Social Policy in Dependent Territories Recommendation, 1944, for the information of the workers and their families, and of the employers. Workers' organisations and employers' organisations, where such exist, shall be utilised as channels for this information. Wherever practicable, such information shall be made available in the local vernaculars.

Section 10. Definitions and Scope

Article 25

For the purposes of the present Annex—

(a) the term " agricultural undertaking " may be defined so as to include processes conducted on the undertaking for the preservation and despatch of the agricultural products of the undertaking, unless it is desired to classify these processes as parts of an industrial undertaking ;

(b) the term " commercial undertaking " includes—

(i) commercial establishments and offices including establishments engaging wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan, or administration of goods or services of any kind ;

(ii) establishments for the treatment or care particularly of the aged, infirm, sick, destitute, or mentally unfit ;

(iii) hotels, restaurants, boarding houses, clubs, cafés, and other refreshment houses ;

(iv) theatres and places of public amusement ; and

(v) any establishment similar in character to those enumerated in sub-paragraphs (i), (ii), (iii), and (iv) above ;

(c) the term " industrial undertaking " includes—

(i) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, in the generation, transformation or transmission of electricity, in the production or distribution of gas or motive power of any kind, in the purification or distribution of water, or in heating ;

(ii) undertakings engaged in the construction, reconstruction, maintenance, repair, alteration, or demolition of

any one or more of the following : buildings, railways, tramways, airports, harbours, docks, piers, works of protection against floods or coast erosion, canals, works for the purpose of inland, maritime or aerial navigation, roads, tunnels, bridges, viaducts, sewers, drains, wells, irrigation or drainage works, telecommunication installations, works for the production or distribution of electricity or gas, pipelines, waterworks, and undertakings engaged in other similar works or in the preparation for or laying the foundations of any such work or structure ;

(iii) mines, quarries or other works for the extraction of minerals from the earth ; and

(iv) undertakings engaged in the transport of passengers or goods, excluding transport by hand, unless such undertakings are regarded as parts of the operation of an agricultural or commercial undertaking ;

(d) the terms " agricultural undertaking ", " commercial undertaking " and " industrial undertaking " include both public and private undertakings.

Article 26

The competent authority may, by public regulations published beforehand, exclude from the application of the provisions of the present Annex undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

TWENTY-EIGHTH SESSION

(Seattle, 6-29 June 1946)

Convention 68

Convention concerning Food and Catering for Crews on Board Ship [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to food and catering for crews on board ship, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-seventh day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Food and Catering (Ships' Crews) Convention, 1946 :

Article 1

1. Every Member of the International Labour Organisation for which this Convention is in force is responsible for the promotion of a proper standard of food supply and catering service for the crews of its sea-going vessels, whether publicly or privately owned, which are engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force.

2. National laws or regulations or, in the absence of such laws or regulations, collective agreements between employers and workers, shall determine the vessels or classes of vessels which are to be regarded as sea-going vessels for the purpose of this Convention.

Article 2

The following functions shall be discharged by the competent authority, except in so far as these functions are adequately discharged in virtue of collective agreements :

(a) the framing and enforcement of regulations concerning food and water supplies, catering, and the construction, location, ventilation, heating, lighting, water system and

[1] This Convention had not come into force by 1 January 1949.

equipment of galleys and other catering department spaces on board ship, including store rooms and refrigerated chambers ;

(b) the inspection of food and water supplies and of the accommodation, arrangements and equipment on board ship for the storage, handling and preparation of food ;

(c) the certification of such members of the catering department staff as are required to possess prescribed qualifications ;

(d) research into, and educational and propaganda work concerning, methods of ensuring proper food supply and catering service.

Article 3

1. The competent authority shall work in close co-operation with the organisations of shipowners and seafarers and with national or local authorities concerned with questions of food and health, and may where necessary utilise the services of such authorities.

2. The activities of the various authorities shall be duly co-ordinated so as to avoid overlapping or uncertainty of jurisdiction.

Article 4

The competent authority shall have a permanent staff of qualified persons, including inspectors.

Article 5

1. Each Member shall maintain in force laws or regulations concerning food supply and catering arrangements designed to secure the health and well-being of the crews of the vessels mentioned in Article 1.

2. These laws or regulations shall require—

(a) the provision of food and water supplies which, having regard to the size of the crew and the duration and nature of the voyage, are suitable in respect of quantity, nutritive value, quality and variety ;

(b) the arrangement and equipment of the catering department in every vessel in such a manner as to permit of the service of proper meals to the members of the crew.

Article 6

National laws or regulations shall provide for a system of inspection by the competent authority of—

(a) supplies of food and water ;

(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 ; and

(d) the qualification of such members of the catering department of the crew as are required by such laws or regulations to possess prescribed qualifications.

Article 7

1. National laws or regulations or, in the absence of such laws or regulations, collective agreements between employers and workers shall provide for inspection at sea at prescribed intervals by the master, or an officer specially deputed for the purpose by him, together with a responsible member of the catering department of—

(a) supplies of food and water ;

(b) all spaces and equipment used for the storage and handling of food and water, and galley and other equipment for the preparation and service of meals.

2. The results of each such inspection shall be recorded.

Article 8

A special inspection shall be made by the representatives of the competent authority of the territory of registration on written complaint made by a number or proportion of the crew prescribed by national laws or regulations or on behalf of a recognised organisation of shipowners or seafarers. In order to avoid delay in sailing, such complaints should be submitted as soon as possible and at least twenty-four hours before the scheduled time of departure from port.

Article 9

1. Inspectors shall have authority to make recommendations to the owner of a ship, or to the master or other person responsible, with a view to the improvement of the standard of catering.

2. National laws or regulations shall prescribe penalties for—

(a) failure by an owner, master, member of the crew, or other person responsible to comply with the requirements of the national laws or regulations in force ; and

(b) any attempt to obstruct an inspector in the discharge of his duties.

3. Inspectors shall submit regularly to the competent authority reports framed on uniform lines dealing with their work and its results.

Article 10

1. The competent authority shall prepare an annual report.

2. The annual report shall be issued as soon as practicable after the end of the year to which it relates and shall be made readily available to all bodies and persons concerned.

3. Copies of the annual report shall be transmitted to the International Labour Office.

Article 11

1. Courses of training for employment in the catering department of sea-going ships shall be organised either in approved schools or by means of other arrangements acceptable to both shipowners' and seafarers' organisations.

2. Facilities shall be provided for refresher courses to enable persons already trained to bring their knowledge and skill up to date.

Article 12

1. The competent authority shall collect up-to-date information on nutrition and on methods of purchasing, storing, preserving, cooking and serving food, with special reference to the requirements of catering on board ship.

2. This information shall be made available, free of charge or at reasonable cost, to manufacturers of and traders in ships' food supplies and equipment, ships' masters, stewards and cooks, and shipowners and seafarers and their organisations generally ; appropriate forms of publicity, such as manuals, brochures, posters, charts or advertisements in trade journals, shall be used for this purpose.

3. The competent authority shall issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of cleanliness, and ensure the maximum practicable convenience in working.

Article 13

Any of the functions of the competent authority in respect of the certification of catering department staff and the collection and distribution of information may be discharged by delegating the work, or part of it, to a central organisation or authority exercising similar functions in respect of seafarers generally.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by nine of the following countries : United States of America, Argentine Repub-

lic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 19

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of

the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

Convention 69

Convention concerning the Certification of Ships' Cooks [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to the certification of ships' cooks, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-seventh day of June of the year one thousand nine hundred and fortv-six the following Convention, which may be cited as the Certification of Ships' Cooks Convention 1946 :

Article 1

1. This Convention applies to sea-going vessels, whether publicly or privately owned, which are engaged in the transport

[1] This Convention had not come into force by 1 January 1949.

of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force.

2. National laws or regulations or, in the absence of such laws or regulations, collective agreements between employers and workers shall determine the vessels or classes of vessels which are to be regarded as sea-going vessels for the purpose of this Convention.

Article 2

For the purpose of this Convention the term "ship's cook" means the person directly responsible for the preparation of meals for the crew of the ship.

Article 3

1. No person shall be engaged as ship's cook on board any vessel to which this Convention applies unless he holds a certificate of qualification as ship's cook granted in accordance with the provisions of the following articles.

2. Provided that the competent authority may grant exemptions from the provisions of this Article if in its opinion there is an inadequate supply of certificated ships' cooks.

Article 4

1. The competent authority shall make arrangements for the holding of examinations and for the granting of certificates of qualification.

2. No person shall be granted a certificate of qualification unless—

(a) he has reached a minimum age to be prescribed by the competent authority ;

(b) he has served at sea for a minimum period to be prescribed by the competent authority ; and

(c) he has passed an examination to be prescribed by the competent authority.

3. The prescribed examination shall provide a practical test of the candidate's ability to prepare meals ; it shall also include a test of his knowledge of food values, the drawing up of varied and properly balanced menus, and the handling and storage of food on board ship.

4. The prescribed examination may be conducted and certificates granted either directly by the competent authority or, subject to its control, by an approved school for the training of cooks or other approved body.

Article 5

Article 3 of this Convention shall apply after the expiration of a period not exceeding three years from the date of entry into force of the Convention for the territory where the vessel

is registered : Provided that, in the case of a seaman who has had a satisfactory record of two years' service as cook before the expiration of the aforesaid period, national laws or regulations may provide for the acceptance of a certificate of such service as equivalent to a certificate of qualification.

Article 6

The competent authority may provide for the recognition of certificates of qualification issued in other territories.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by nine of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

Convention 70

Convention concerning Social Security for Seafarers [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to social security for seafarers, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Social Security (Seafarers) Convention, 1946 :

Article 1

1. In this Convention—

(a) the term " seafarer " includes every person employed on board or in the service of any sea-going vessel, other than a ship of war, which is registered in a territory for which this Convention is in force ;

(b) the term " dependant " shall have the meaning assigned to it by national laws or regulations ; and

(c) the term " repatriation " means transportation to a port to which a seafarer is entitled to be returned in accordance with national laws or regulations.

2. Any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

(a) persons employed on board or in the service of—

(i) vessels of public authorities when such vessels are not engaged in trade ;

(ii) coastwise fishing boats ;

(iii) boats of less than twenty-five tons gross register tonnage ;

(iv) wooden ships of primitive build such as dhows and junks ; and

(v) in so far as ships registered in India are concerned and for a period not exceeding five years from the date of registration of the ratification of this Convention by India, home trade vessels of a gross register tonnage not exceeding 300 tons ;

(b) members of the shipowner's family ;

(c) pilots not members of the crew ;

[1] This Convention had not come into force by 1 January 1949.

(d) persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff ;

(e) persons employed in port who are not ordinarily employed at sea ;

(f) salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention ;

(g) persons not remunerated for their services or remunerated only by a nominal salary or wage ;

(h) persons working exclusively on their own account.

3. Where any benefit provided for in this Convention is furnished otherwise than in virtue of national laws or regulations relating to the liability of the shipowner in respect of sickness, injury or death of seafarers, such further exceptions as are deemed necessary may be made in national laws, regulations or collective agreements in respect of the right to such benefit and any obligation to contribute of—

(a) persons remunerated exclusively by a share of profits ;

(b) persons employed on board or in the service of fishing vessels for whom an exception is not already permitted under paragraph 2 *(a)* (ii) of this Article or on board or in the service of vessels engaged in hunting seals ;

(c) persons employed on board or in the service of whale-catching, floating factory or transport vessels or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers concerned ;

(d) persons employed on board or in the service of vessels which are not engaged in the transport of cargo or passengers for the purposes of trade ; and

(e) persons employed on board or in the service of vessels of less than 200 gross register tons.

Article 2

1. Seafarers and their dependants who are resident and present in the territory of a Member shall be entitled in virtue of the seafarer's employment on board or in the service of vessels registered in the territory of that Member to the following benefits :

(a) seafarers shall be entitled to medical benefit not less favourable in respect of conditions of award, extent and duration than that to which industrial workers are entitled ; in so far as industrial workers are not entitled to medical benefit, seafarers shall be entitled to proper and sufficient medical care ;

(b) seafarers shall be entitled in respect of incapacity for work (whether due to employment injury or not) and in respect of unemployment and old age to cash benefits not less favourable in respect of conditions of award, amount and duration than those to which industrial workers are entitled ; in so far as industrial workers are not entitled to cash benefits in respect of incapacity for work (whether due to employment injury or not) seafarers shall be entitled to such benefits at rates commensurate, having regard to the standard of living in the territory, with their needs and those of their dependants ;

(c) the dependants of a seafarer shall be entitled to medical benefit not less favourable in respect of conditions of award, extent and duration than that to which the dependants of industrial workers are entitled ;

(d) on the death of a seafarer his dependants shall be entitled to cash benefits not less favourable in respect of conditions of award, amount and duration than those to which the dependants of industrial workers are entitled ; in so far as the dependants of industrial workers are not entitled to cash benefits in the event of the death of the worker, the dependants of seafarers shall be entitled to such benefits at a rate commensurate, having regard to the standard of living in the territory, with their needs.

2. Where medical or cash benefits for seafarers and their dependants are provided under any special scheme, such special provisions (other than those resulting from shipowners' liability) shall be appropriately co-ordinated or integrated with any scheme which applies to industrial workers and their dependants and provides corresponding benefits not less favourable in respect of conditions of award, extent or amount, and duration.

Article 3

1. A seafarer resident in the territory in which the vessel is registered who is left behind in another territory by reason of injury in the service of the ship or sickness not due to his own wilful act shall be entitled to—

(a) proper and sufficient medical care until he is cured or repatriated, whichever first occurs ;

(b) board and lodging until he is able to obtain suitable employment or is repatriated, whichever first occurs ; and

(c) repatriation.

2. Such a seafarer shall also be entitled to an allowance equal to 100 per cent. of his wages (exclusive of bonuses) until he is able to obtain suitable employment, or until he is repatriated, or until the expiry of a period of a length prescribed by national laws or regulations or by collective agreement, which period shall not be less than twelve weeks, whichever event first

occurs. If the prescribed period expires before the seafarer is able to obtain suitable employment or is repatriated, he or his dependants shall be entitled to any benefit under a scheme of compulsory social insurance or workmen's compensation which would be payable if the seafarer were present in the territory of registration. Any benefit payable to the seafarer or his dependants under such a scheme prior to the expiry of the prescribed period may be deducted from the allowance.

Article 4

Arrangements for the maintenance of rights in course of acquisition by a person who, having ceased to be subject to a scheme of compulsory social insurance for seafarers, becomes subject to such a scheme for shoreworkers, or, having ceased to be subject to such a scheme for shoreworkers, becomes subject to such a scheme for seafarers, shall be made between the schemes concerned.

Article 5

National laws and regulations relating to the liability of the shipowner in respect of sickness, injury or death of seafarers, compulsory insurance against employment injury or workmen's compensation, compulsory sickness insurance and compulsory unemployment insurance shall ensure equality of treatment to seafarers and their dependants irrespective of nationality or race.

Article 6

1. National laws and regulations relating to the liability of the shipowner in respect of sickness, injury or death of seafarers shall ensure equality of treatment to seafarers and their dependants whether or not they reside in the territory in which the vessel is registered.

2. Where the laws or regulations of a Member relating to the liability of shipowners do not entitle seafarers resident outside its territory to the benefits prescribed in paragraph 1 of Article 3, the Member shall provide these benefits by other laws or regulations.

Article 7

1. The laws and regulations of a Member relating to medical and cash benefits in case of employment injury shall not impose on seafarers or their dependants resident in the territory of any other Member for which this Convention is in effective operation any condition or limitation which does not apply equally to seafarers and their dependants resident in the territory of the first Member.

2. Provided that no such benefits and no contributions towards the cost of such benefits shall be payable under the

scheme in force in the territory of the first Member if they are payable in respect of such seafarers under any scheme in force in the territory of the second Member.

Article 8

In order to facilitate continuity of insurance and to eliminate double contributions and double benefits, Members may enter into agreements providing that nationals or residents of one Member employed on board or in the service of a vessel registered in the territory of another Member shall be subject to an insurance or compensation scheme of the first Member and therefore excluded from the corresponding scheme of the second Member.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seafarers which ensures to the seafarers conditions more favourable than those provided for by this Convention.

Article 10

1. Effect may be given to paragraph 2 of Article 3 of this Convention by *(a)* laws or regulations ; *(b)* collective agreements between recognised associations of shipowners or shipowners and recognised associations of seafarers which cover all seafarers to whom the said paragraph applies ; or *(c)* a combination of laws or regulations and collective agreements between recognised associations of shipowners or shipowners and recognised associations of seafarers which cover all seafarers to whom the said paragraph applies. Except as may be otherwise provided herein, the provisions of this Convention shall be made applicable to every vessel registered in the territory of the ratifying Member and to every person engaged on any such vessel.

2. Each Member ratifying this Convention shall supply to the Director-General of the International Labour Office information on the measures by which the Convention is applied, including particulars of any collective agreements which give effect to any of its provisions and are in force at the date when the Member ratifies the Convention.

3. Each Member ratifying the Convention undertakes to take part, by means of a tripartite delegation, in any committee representative of Governments and shipowners' and seafarers' organisations, and including in an advisory capacity representatives of the Joint Maritime Commission of the International Labour Office, which may be set up for the purpose of examining the measures taken to give effect to the Convention.

4. The Director-General will lay before the said Committee a summary of the information received by him under paragraph 2 above.

5. The Committee shall consider whether the collective agreements reported to it give effect to the provisions of the Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions concerning the application of the Convention made by the Committee and further undertakes to bring to the notice of the organisations of employers and of workers who are parties to any of the collective agreements mentioned in paragraph 1 any observations or suggestions of the aforesaid Committee concerning the degree to which such agreements give effect to the provisions of the Convention.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 16

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(*a*) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(*b*) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 75

Recommendation concerning Agreements relating to the Social Security of Seafarers

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to agreements relating to social security for seafarers, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Recommendation, which may be cited as the Seafarers' Social Security (Agreements) Recommendation, 1946 :

The Conference recommends the Members of the Organisation to apply the following principles and to inform the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles :

1. Members should enter into agreements so as to ensure that seafarers belonging to one country and employed on board or in the service of a vessel of another country either remain subject to the schemes of compulsory social insurance or workmen's compensation of their own country or are subject to the corresponding schemes of the other country.

2. Such agreements might provide, for example, for Members to act as agents for one another in taking claims, obtaining necessary evidence and making payments or providing services as benefits to seafarers or dependants of seafarers entitled to benefit under the social insurance laws of one Member but present in the territory of another Member ; or for the transfer of contributions ; or for the application of the provisions of the Maintenance of Migrants' Pension Rights Convention, 1935 ; or for a combination of such methods.

3. Where seafarers residing in the territory of one Member and employed on board or in the service of vessels registered in the territory of another Member suffer employment injuries and are not protected either by a workmen's compensation scheme or by any alternative scheme, the second Member should take steps to secure that they are fully protected, either by entering into agreements with the first Member, or otherwise.

4. Where the shipowners of a Member enter into collective agreements providing for seafarers residing in its territory benefits supplementary to those prescribed by its laws or regulations and employ seafarers residing in the territory of another Member, the same supplementary benefits should be extended to such non-resident seafarers.

Recommendation 76

Recommendation concerning Medical Care for Seafarers' Dependants

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to medical care for seafarers' dependants, which is included in the second item on the agenda of the Session, and

Having adopted the Social Security (Seafarers) Convention, 1946, and having decided to supplement the provisions of this Convention by a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Recommendation, which may be cited as the Seafarers (Medical Care for Dependants) Recommendation, 1946 :

The Conference recommends that Members of the Organisation should endeavour to provide proper and sufficient medical care for the dependants of seafarers pending the development of a medical care service which would include within its scope workers generally and their dependants and should inform the International Labour Office, as requested by the Governing Body, concerning the measures taken for this purpose.

Convention 71

Convention concerning Seafarers' Pensions [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

[1] This Convention had not come into force by 1 January 1949.

Having decided upon the adoption of certain proposals with regard to seafarers' pensions, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Seafarers' Pensions Convention, 1946 :

Article 1

In this Convention the term "seafarer" includes every person employed on board or in the service of any sea-going vessel, other than a ship of war, which is registered in a territory for which the Convention is in force.

Article 2

1. Each Member of the International Labour Organisation for which this Convention is in force shall, in accordance with national laws or regulations, establish or secure the establishment of a scheme for the payment of pensions to seafarers on retirement from sea service.

2. The scheme may embody such exceptions as the Member deems necessary in respect of—

(a) persons employed on board or in the service of—

(i) vessels of public authorities when such vessels are not engaged in trade ;

(ii) vessels which are not engaged in the transport of cargo or passengers for the purpose of trade ;

(iii) fishing vessels ;

(iv) vessels engaged in hunting seals ;

(v) vessels of less than 200 gross register tons ;

(vi) wooden ships of primitive build such as dhows and junks ;

(vii) in so far as ships registered in India are concerned and for a period not exceeding five years from the date of the registration of the ratification of the Convention by India, home-trade vessels of a gross register tonnage not exceeding 300 tons ;

(b) members of the shipowner's family ;

(c) pilots not members of the crew ;

(d) persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff ;

(e) persons employed in port who are not ordinarily employed at sea ;

(f) salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention ;

(g) persons not remunerated for their services or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits ;

(h) persons working exclusively on their own account ;

(i) persons employed on board or in the service of whale-catching, floating factory or transport vessels or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours or work and other conditions of service concluded by an organisation of seafarers concerned ;

(j) persons not resident in the territory of the Member ;

(k) persons not nationals of the Member.

Article 3

1. The scheme shall comply with one of the following conditions :

(a) the pensions provided by the scheme—

(i) shall be payable to seafarers having completed a prescribed period of sea service on attaining the age of fifty-five or sixty years as may be prescribed by the scheme ; and

(ii) shall, together with any other social security pension payable simultaneously to the pensioner, be at a rate not less than the total obtained by computing for each year of his sea service 1.5 per cent. of the remuneration on the basis of which contributions were paid in respect of him for that year if the scheme provides pensions on attaining the age of fifty-five years or 2 per cent. of such remuneration if the scheme provides pensions at the age of sixty years ; or

(b) the scheme shall provide pensions the financing of which, together with the financing of any other social security pension payable simultaneously to the pensioner and any social security benefits payable to the dependants (as defined by national laws or regulations) of deceased pensioners, requires a premium income from all sources which is not less than 10 per cent. of the total remuneration on the basis of which contributions are paid to the scheme.

2. Seafarers collectively shall not contribute more than half the cost of the pensions payable under the scheme.

Article 4

1. The scheme shall make appropriate provision for the maintenance of rights in course of acquisition by persons ceasing to be subject thereto or for the payment to such persons of

a benefit representing a return for the contributions credited to their account.

2. The scheme shall grant a right of appeal in any dispute arising thereunder.

3. The scheme may provide for the forfeiture or suspension of the right to a pension in whole or in part if the person concerned has acted fraudulently.

4. The shipowners and the seafarers who contribute to the cost of the pensions payable under the scheme shall be entitled to participate through representatives in the management of the scheme.

Article 5

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by five of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least three countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 7

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter,

may denounce this Convention at the expir[redacted] period of ten years under the terms provided for i[redacted]e.

Article 8

1. The Director-General of the Internatio[redacted]ffice shall notify all the M[redacted]bers of the Internatio[redacted]ganisation of the registr[redacted]on of all ratifications [redacted]ations communicated to him by the Members of th[redacted]nisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 9

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 7 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 12

The English and French versions of the text of this Convention are equally authoritative.

Conve[redacted]

Co[redacted]oncerning Vacation Holidays with Pay for Seafarers

[redacted]onference of the Inte[redacted]tional Labour Organisation

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to holidays with pay for seafarers, which is the sixth item on the agenda of the Session, and

Considering that these proposals involve the total revision of the Holidays with Pay (Sea) Convention, 1936, and must take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Paid Vacations (Seafarers) Convention, 1946 :

Article 1

1. This Convention applies to every sea-going mechanically propelled vessel, whether publicly or privately owned, engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going vessels.

3. This Convention does not apply to—

(a) wooden vessels of primitive build such as dhows and junks ;

(b) vessels engaged in fishing or in operations directly connected therewith or in sealing or similar pursuits ;

(c) estuarial craft.

4. National laws or regulations or collective agreements may provide for the exemption from the provisions of this Convention of vessels of less than 200 gross register tons.

Article 2

1. This Convention applies to every person who is engaged in any capacity on board a vessel except—

(a) a pilot not a member of the crew ;

(b) a doctor not a member of the crew ;

(c) nursing staff engaged exclusively on nursing duties and hospital staff not members of the crew ;

[1] This Convention had not come into force by 1 January 1949.

(d) persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings ;

(e) persons not remunerated for their services or remunerated only by a nominal salary or wage ;

(f) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company ;

(g) travelling dockers (longshoremen) not members of the crew ;

(h) persons employed in whale-catching vessels, in floating factories, or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers ;

(i) persons employed in port who are not ordinarily employed at sea.

2. The competent authority may, after consultation with the organisations of shipowners and seafarers concerned, exempt from the application of the Convention masters, chief navigating officers and chief engineers who by virtue of national laws or regulations or collective agreements enjoy conditions of service which are not less favourable in respect of annual leave than those required by the Convention.

Article 3

1. Every person to whom this Convention applies shall be entitled after twelve months of continuous service to an annual vacation holiday with pay, the duration of which shall be—

(a) in the case of masters, officers and radio officers or operators, not less than eighteen working days for each year of service ;

(b) in the case of other members of the crew, not less than twelve working days for each year of service.

2. A person with not less than six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

3. A person who is discharged through no fault of his own before he has completed six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

4. For the purpose of calculating when a vacation holiday is due—

(a) service off articles shall be included in the reckoning of continuous service ;

(b) short interruptions of service not due to the act or fault of the employee and not exceeding a total of six weeks in any twelve months shall not be deemed to break the continuity of the periods of service which precede and follow them ;

(c) continuity of service shall not be deemed to be interrupted by any change in the management or ownership of the vessel or vessels in which the person concerned has served.

5. The following shall not be included in the annual vacation holiday with pay :

(a) public and customary holidays ;

(b) interruptions of service due to sickness or injury.

6. National laws or regulations or collective agreements may provide for the division into parts of an annual vacation holiday due in virtue of this Convention or for the accumulation of such a vacation holiday due in respect of one year with a subsequent vacation holiday.

7. National laws or regulations or collective agreements may, in very exceptional circumstances when the service so requires, provide for the substitution for an annual vacation holiday due in virtue of this Convention of a cash payment at least equivalent to the remuneration provided for in Article 5.

Article 4

1. When an annual vacation holiday is due it shall be given by mutual agreement at the first opportunity as the requirements of the service allow.

2. No person may be required without his consent to take the annual vacation holiday due to him at a port other than a port in the territory of engagement or a port in his home territory. Subject to this requirement, the vacation holiday shall be given at a port permitted by national laws or regulations or collective agreement.

Article 5

1. Every person taking a vacation holiday in virtue of Article 3 of this Convention shall receive in respect of the full period of the vacation holiday his usual remuneration.

2. The usual remuneration payable in virtue of the preceding paragraph shall include a suitable subsistence allowance and shall be calculated in a manner which shall be prescribed by national laws or regulations or fixed by collective agreement.

Article 6

Subject to the provisions of paragraph 7 of Article 3 any agreement to relinquish the right to an annual vacation holiday with pay, or to forgo such a vacation holiday, shall be void.

Article 7

A person who leaves or is discharged from the service of his employer before he has taken a vacation holiday due to him shall receive in respect of every day of vacation holiday due to him in virtue of this Convention the remuneration provided for in Article 5.

Article 8

Each Member which ratifies this Convention shall ensure the effective application of its provisions.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 10

1. Effect may be given to this Convention by *(a)* laws or regulations ; *(b)* collective agreements between shipowners and seafarers ; or *(c)* a combination of laws or regulations and collective agreements between shipowners and seafarers. Except as may be otherwise provided herein, the provisions of this Convention shall be made applicable to every vessel registered in the territory of the ratifying Member and to every person engaged on any such vessel.

2. Where effect has been given to any provision of this Convention by a collective agreement in pursuance of paragraph 1 of this Article, then, notwithstanding anything contained in Article 8 of this Convention, the Member in whose territory the agreement is in force shall not be required to take any measures in pursuance of Article 8 in respect of the provisions of the Convention to which effect has been given by collective agreement.

3. Each Member ratifying this Convention shall supply to the Director-General of the International Labour Office information on the measures by which the Convention is applied, including particulars of any collective agreements which give effect to any of its provisions and are in force at the date when the Member ratifies the Convention.

4. Each Member ratifying this Convention undertakes to take part, by means of a tripartite delegation, in any committee representative of Governments and shipowners' and seafarers' organisations, and including in an advisory capacity representatives of the Joint Maritime Commission of the International Labour Office, which may be set up for the purpose of examining the measures taken to give effect to the Convention.

5. The Director-General will lay before the said Committee a summary of the information received by him under paragraph 3 above.

6. The Committee shall consider whether the collective agreements reported to it give full effect to the provisions of this Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions concerning the application of the Convention made by the Committee and further undertakes to bring to the notice of the organisations of employers and of workers who are parties to any of the collective agreements mentioned in paragraph 1 any observations or suggestions of the aforesaid Committee concerning the degree to which such agreements give effect to the provisions of the Convention.

Article 11

For the purpose of Article 17 of the Holidays with Pay (Sea) Convention, 1936, the present Convention shall be regarded as a Convention revising that Convention.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by nine of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and

which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

Convention 73

Convention concerning the Medical Examination of Seafarers [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to the medical examination of seafarers, which is included in the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Medical Examination (Seafarers) Convention, 1946 :

Article 1

1. This Convention applies to every sea-going vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going.

3. This Convention does not apply to—

(a) vessels of less than 200 tons gross register tonnage ;

(b) wooden vessels of primitive build such as dhows and junks ;

(c) fishing vessels ;

(d) estuarial craft.

Article 2

Without prejudice to the steps which should be taken to ensure that the persons mentioned below are in good health and not likely to endanger the health of other persons on board, this Convention applies to every person who is engaged in any capacity on board a vessel except—

(a) a pilot (not a member of the crew) ;

[1] This Convention had not come into force by 1 January 1949.

(b) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company ;

(c) travelling dockers (longshoremen) not members of the crew ;

(d) persons employed in ports who are not ordinarily employed at sea.

Article 3

1. No person to whom this Convention applies shall be engaged for employment in a vessel to which this Convention applies unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner or, in the case of a certificate solely concerning his sight, by a person authorised by the competent authority to issue such a certificate.

2. Provided that, for a period of two years from the date of the entry into force of this Convention for the territory concerned, a person may be so engaged if he produces evidence that he has been employed in a sea-going vessel to which this Convention applies for a substantial period during the previous two years.

Article 4

1. The competent authority shall, after consultation with the shipowners' and seafarers' organisations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate.

2. When prescribing the nature of the examination, due regard shall be had to the age of the person to be examined and the nature of the duties to be performed.

3. In particular, the medical certificate shall attest—

(a) that the hearing and sight of the person and, in the case of a person to be employed in the deck department (except for certain specialist personnel, whose fitness for the work which they are to perform is not liable to be affected by defective colour vision), his colour vision, are all satisfactory ; and

(b) that he is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

Article 5

1. The medical certificate shall remain in force for a period not exceeding two years from the date on which it was granted.

2. In so far as a medical certificate relates to colour vision it shall remain in force for a period not exceeding six years from the date on which it was granted.

3. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

Article 6

1. In urgent cases the competent authority may allow a person to be employed for a single voyage without having satisfied the requirements of the preceding articles.

2. In such cases the terms and conditions of employment shall be the same as those of seafarers in the same category holding a medical certificate.

3. Employment in virtue of this Article shall not be deemed on any subsequent occasion to be previous employment for the purpose of Article 3.

Article 7

The competent authority may provide for the acceptance in substitution for a medical certificate of evidence in a prescribed form that the required certificate has been given.

Article 8

Arrangements shall be made to enable a person who, after examination, has been refused a certificate to apply for a further examination by a medical referee or referees who shall be independent of any shipowner or of any organisation of shipowners or seafarers.

Article 9

Any of the functions of the competent authority under this Convention may, after consultation with the organisations of shipowners and seafarers, be discharged by delegating the work, or part of it, to an organisation or authority exercising similar functions in respect of seafarers generally.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway,

Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 12

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 14

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 15

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

Convention 74

Convention concerning the Certification of Able Seamen [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to the certification of able seamen, which is included in the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Certification of Able Seamen Convention, 1946:

Article 1

No person shall be engaged on any vessel as an able seaman unless he is a person who by national laws or regulations is deemed to be competent to perform any duty which may be required of a member of the crew serving in the deck department (other than an officer or leading or specialist rating) and

[1] This Convention had not come into force by 1 January 1949.

unless he holds a certificate of qualification as an able seaman granted in accordance with the provisions of the following articles.

Article 2

1. The competent authority shall make arrangements for the holding of examinations and for the granting of certificates of qualification.

2. No person shall be granted a certificate of qualification unless—

(a) he has reached a minimum age to be prescribed by the competent authority;

(b) he has served at sea in the deck department for a minimum period to be prescribed by the competent authority; and

(c) he has passed an examination of proficiency to be prescribed by the competent authority.

3. The prescribed minimum age shall not be less than eighteen years.

4. The prescribed minimum period of service at sea shall not be less than thirty-six months: Provided that the competent authority may—

(a) permit persons with a period of actual service at sea of not less than twenty-four months who have successfully passed through a course of training in an approved training school to reckon the time spent in such training, or part thereof, as sea service; and

(b) permit persons trained in approved sea-going training ships who have served eighteen months in such ships to be certificated as able seamen upon leaving in good standing.

5. The prescribed examination shall provide a practical test of the candidate's knowledge of seamanship and of his ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman; it shall be such as to qualify a successful candidate to hold the special lifeboatman's certificate provided for in Article 22 of the International Convention for the Safety of Life at Sea, 1929, or in the corresponding provision of any subsequent Convention revising or replacing that Convention for the time being in force for the territory concerned.

Article 3

A certificate of qualification may be granted to any person who, at the time of the entry into force of this Convention for the territory concerned, is performing the full duties of an able seaman or leading deck rating or has performed such duties.

Article 4

The competent authority may provide for the recognition of certificates of qualification issued in other territories.

Article 5

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 7

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 8

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 9

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 7 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 12

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 77

Recommendation concerning the Organisation of Training for Sea Service

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to the organisation of training for sea service, which is included in the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Recommendation, which may be cited as the Vocational Training (Seafarers) Recommendation, 1946 :

The Conference recommends that each maritime Member of the International Labour Organisation should take the following principles and rules into consideration in connection with the organisation of training for sea service and should report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto :

1. The work of the various official and private institutions in each country which deal with vocational training for service at sea should, while ensuring free play to initiative and adaptability to the varying requirements of the shipping industry and to local conditions in the country, be co-ordinated and developed on the basis of a general programme which will provide adequate incentives to attract men to the maritime industry and to make seafaring their occupation in life.

2. This programme should take account of—

(a) the occupational interests and cultural and moral requirements of the seafarer ;

(b) the labour requirements of the shipping industry, with special regard to changes in technique and methods of organisation of work and to the trend of development in the labour market ;

(c) the economic and social interests of the community.

3. The co-ordination and development of the work of training institutions should be undertaken on a national scale with the systematic collaboration of the national and local authorities concerned with the matters mentioned in the preceding paragraph and with the organisations of shipowners and seafarers concerned.

4. (1) Where the programme of training includes training for young persons in shore establishments and/or training vessels before they are first employed at sea, facilities for such training should be available for those who intend to serve as ratings as well as for those training to become officers.

(2) The age of entry and other conditions of admission and the curriculum in institutions for pre-sea training should be related to the age of leaving and the curriculum of the schools of the country.

(3) The curriculum of institutions for pre-sea training should so far as practicable include subjects of general educational value, and special attention should be paid to the health and physical training of the students.

5. (1) Provision should be made for the organisation of courses of training for persons who wish to improve and refresh their technical skill and knowledge, to acquire a special skill or to qualify for promotion to a higher grade or rank.

(2) These courses should include correspondence courses specially adapted to the needs of persons already serving at sea.

6. (1) Systematic efforts should be made to ensure that so far as practicable no person who wishes to enter sea service

or to rise to the highest rank therein for which his natural abilities qualify him shall be debarred from so doing by reason of his own or his parents' financial circumstances.

(2) To assist in carrying out this principle, the award of scholarships and allowances, the adjustment of fees, the granting of paid study leave, the provision of facilities for the borrowing or purchase of books and instruments, and correspondence courses should be encouraged.

7. (1) Measures should be taken to supply parents, schools, vocational guidance institutions, employment exchanges and other bodies concerned and seafarers with information concerning the conditions upon which training for sea service can be obtained, the facilities that are available and the benefits to be derived from taking advantage of such facilities, including employment opportunities which may be available within successive periods.

(2) In particular, authorised lists of private institutions which are considered satisfactory in respect of the efficiency of their equipment, the quality of the tuition and training and general administration, and the fees charged should be published.

8. Encouragement should be given to the extension of facilities for the continuance of vocational and general education at sea by —

(a) the provision of ships' libraries and cinema films of educational as well as recreational value ;

(b) the organisation of correspondence courses ;

(c) the broadcasting of special radio programmes.

Convention 75

Convention concerning Crew Accommodation on Board Ship [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to crew accommodation on board ship, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Accommodation of Crews Convention, 1946 :

[1] This Convention had not come into force by 1 January 1949.

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to every sea-going mechanically propelled vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going vessels for the purpose of this Convention.

3. This Convention does not apply to—

(a) vessels of less than 500 tons ;

(b) vessels primarily propelled by sail but having auxiliary engines ;

(c) vessels engaged in fishing or in whaling or in similar pursuits ;

(d) tugs.

4. Provided that the Convention shall be applied where reasonable and practicable to—

(a) vessels between 200 and 500 tons ; and

(b) the accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits.

Article 2

In this Convention—

(a) the term " ship " means a vessel to which the Convention applies ;

(b) the term " tons " means gross register tons ;

(c) the term " passenger ship " means a ship in respect of which there is in force either (i) a safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force or (ii) a passenger certificate ;

(d) the term " officer " means a person other than a master ranked as an officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom ;

(e) the term " rating " means a member of the crew other than an officer ;

(f) the term " petty officer " means a rating serving in a supervisory position or position of special responsibility who is classed as petty officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom ;

(g) the term " crew accommodation " includes such sleeping rooms, mess rooms, sanitary accommodation, hospital

accommodation and recreation accommodation as are provided for the use of the crew;

(h) the term "prescribed" means prescribed by national laws or regulations or by the competent authority;

(i) the term "approved" means approved by the competent authority;

(j) the term "reregistered" means reregistered on the occasion of a simultaneous change in the territory of registration and ownership of the vessel.

Article 3

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure the application of the provisions of Parts II, III and IV of this Convention.

2. The laws or regulations shall—

(a) require the competent authority to bring them to the notice of all persons concerned;

(b) define the persons responsible for compliance therewith;

(c) prescribe adequate penalties for any violation thereof;

(d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement;

(e) require the competent authority to consult the organisations of shipowners and/or the shipowners and the recognised *bona fide* trade unions of seafarers in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

Part II. Planning and Control of Crew Accommodation

Article 4

1. Before the construction of a ship is begun a plan of the ship, showing on a prescribed scale the location and general arrangement of the crew accommodation, shall be submitted for approval to the competent authority.

2. Before the construction of the crew accommodation is begun and before the crew accommodation in an existing ship is altered or reconstructed, detailed plans of, and information concerning, the accommodation, showing on a prescribed scale and in prescribed detail the allocation of each space, the disposition of furniture and fittings, the means and arrangement of ventilation, lighting and heating, and the sanitary arrangements, shall be submitted for approval to the competent authority: Provided that in the case of emergency or temporary alterations or reconstruction effected outside the territory of registration it shall be sufficient compliance with this provision if the plans are subsequently submitted for approval to the competent authority.

Article 5

On every occasion when—

(a) a ship is registered or reregistered,

(b) the crew accommodation of a ship has been substantially altered or reconstructed, or

(c) complaint has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel by a recognised *bona fide* trade union of seafarers representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the ship that the crew accommodation is not in compliance with the terms of this Convention,

the competent authority shall inspect the ship and satisfy itself that the crew accommodation complies with the requirements of the laws and regulations.

Part III. Crew Accommodation Requirements

Article 6

1. The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.

2. There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.

3. External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

4. Internal bulkheads shall be of approved material which is not likely to harbour vermin.

5. Sleeping rooms, mess rooms, recreation rooms and alleyways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.

6. Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley-ways leading to crew accom-

modation ; where they do pass through such alley-ways they shall be adequately insulated and encased.

7. Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

8. The competent authority shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

9. The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and, if painted, shall be light in colour ; lime wash must not be used.

10. The wall surfaces shall be renewed or restored as necessary.

11. The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

12. Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices.

13. Sufficient drainage shall be provided.

Article 7

1. Sleeping rooms and mess rooms shall be adequately ventilated.

2. The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

3. Ships regularly engaged on voyages in the tropics and the Persian Gulf shall be equipped with mechanical means of ventilation.

4. Ships engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans. The competent authority may exempt ships normally employed in the cold waters of the northern or southern hemispheres from this requirement.

5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Article 8

1. An adequate system of heating the crew accommodation shall be provided except in ships engaged exclusively in voyages in the tropics and the Persian Gulf.

2. The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.

3. In all ships in which a heating system is required, the heating shall be by means of steam, hot water, warm air or electricity.

4. In any ships in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.

5. The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service ; the competent authority shall prescribe the standard to be provided.

6. Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid risk of fire or danger or discomfort to the occupants.

Article 9

1. Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.

2. All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

3. In all ships electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

4. Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.

5. In sleeping rooms an electric reading lamp shall be installed at the head of each berth.

Article 10

1. Sleeping rooms shall be situated above the load line amidships or aft.

2. In exceptional cases the competent authority may, if the size, type or intended service of the ship render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the ship, but in no case forward of the collision bulkhead.

3. In passenger ships the competent authority may, on condition that satisfactory arrangements are made for lighting

and ventilation, permit the location of sleeping rooms below the load line, but in no case immediately beneath working alley-ways.

4. The floor area per person of sleeping rooms intended for ratings shall be not less than—

(a) 20 sq. ft. or 1.85 sq. m. in vessels under 800 tons ;

(b) 25 sq. ft. or 2.35 sq. m. in vessels of 800 tons or over, but under 3,000 tons ;

(c) 30 sq. ft. or 2.78 sq. m. in vessels of 3,000 tons or over :

Provided that, in the case of passenger ships in which more than four ratings are berthed in one room, the minimum per person may be 24 sq. ft. (2.22 sq. m.).

5. In the case of ships in which are employed such groups of ratings as necessitate the employment of a substantially larger number of ratings than would otherwise be employed, the competent authority may, in respect of such groups, reduce the minimum floor area of sleeping rooms per person, subject to the conditions that—

(a) the total sleeping space allotted to the group or groups is not less than would have been allotted had the numbers not been so increased, and

(b) the minimum floor area of sleeping rooms is not less than—

(i) 18 sq. ft (1.67 sq. m.) per person in ships under 3,000 tons ;

(ii) 20 sq. ft. (1.85 sq. m.) per person in ships of 3,000 tons or over.

6. Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

7. The clear head room in crew sleeping rooms shall not be less than 6 ft. 3 ins. (190 cm.).

8. There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department : Provided that the competent authority may relax this requirement in the case of small ships.

9. The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima :

(a) officers in charge of a department, navigating and engineer officers in charge of a watch and senior radio officers or operators : one person per room ;

(b) other officers : one person per room wherever possible, and in no case more than two ;

(c) petty officers : one or two persons per room, and in no case more than two ;

(d) other ratings : two or three persons per room wherever possible, and in no case more than four.

10. In passenger ships, permission may be given to accommodate not more than ten ratings belonging to the catering department per sleeping room.

11. The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.

12. Members of the crew shall be provided with individual berths.

13. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

14. Berths shall not be arranged in tiers of more than two ; in the case of berths placed along the ship's side there shall be only a single tier.

15. The lower berth in a double tier shall be not less than 12 ins. (30 cm.) above the floor ; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

16. The minimum inside dimensions of a berth shall be 6 ft. 3 ins. by 2 ft. 3 ins. (190 cm. by 68 cm.).

17. The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.

18. If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

19. Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of straw or other material likely to harbour vermin shall not be used.

20. When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.

21. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

22. The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 5 ft. (152 cm.) in height and of a cross-section area of 300 sq. ins. (19.30 sq. decimetres) and shall be fitted with a shelf and a hasp for a padlock. The padlock shall be provided by the occupant.

23. Each sleeping room shall be provided with a table or desk, which may be of the fixed, dropleaf or slide-out type, and with comfortable seating accommodation as necessary.

24. The furniture shall be of smooth, hard material not liable to warp or corrode.

25. The drawer or equivalent space for each occupant shall be not less than 2 cu. ft. (.056 cu. m.).

26. Sleeping rooms shall be fitted with curtains for the sidelights.

27. Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

28. As far as practicable berthing of crew members shall be so arranged that watches are separated and that no daymen share a room with watch-keepers.

Article 11

1. Sufficient mess room accommodation shall be provided in all ships.

2. In ships of less than 1,000 tons separate mess room accommodation shall be provided for—

(a) master and officers ;
(b) petty officers and other ratings.

3. In ships of 1,000 tons and over, separate mess room accommodation shall be provided for—

(a) master and officers ;
(b) deck department petty officers and other ratings ;
(c) engine department petty officers and other ratings :

Provided that—

(i) one of the two mess rooms for the petty officers and other ratings may be allotted to the petty officers and the other to the other ratings ;

(ii) a single mess room may be provided for deck and engine department petty officers and other ratings in cases in which the organisations of shipowners and/or shipowners and the recognised *bona fide* trade unions of seafarers concerned have expressed a preference for such an arrangement.

4. Adequate mess room accommodation shall be provided for the catering department, either by the provision of a separate mess room or by giving them the right to the use of the mess rooms assigned to other groups ; in the case of ships of 5,000 tons or over with more than five persons in the catering department consideration shall be given to the provision of a separate mess room.

5. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

6. Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

7. The competent authority may permit such exceptions to the foregoing rules concerning mess room accommodation as may be necessary to meet the special conditions in passenger ships.

8. Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.

9. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.

10. The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

Article 12

1. In all ships a space or spaces to which the crew can have access when off duty shall be provided on an open deck ; the space or spaces shall be of adequate area, having regard to the size of the ship and the crew.

2. Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and for ratings. Where this is not provided separately from the mess rooms the latter shall be planned, furnished, and equipped to give recreational facilities.

Article 13

1. Sufficient sanitary accommodation, including wash basins and tub and/or shower baths, shall be provided in all ships.

2. The following minimum number of separate water closets shall be provided :

(a) in ships of under 800 tons : three ;

(b) in ships of 800 tons or over, but under 3,000 tons : four ;

(c) in ships of 3,000 tons or over : six ;

(d) in ships where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.

3. National laws or regulations shall prescribe the allocation of water closets to various groups, subject to the provisions of paragraph 4 of this Article.

4. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for each group of the crew on the following scale :

(a) one tub and/or shower bath for every eight persons or less ;

(b) one water closet for every eight persons or less ;

(c) one wash basin for every six persons or less :

Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than one-half of the specified number this surplus may be ignored for the purpose of this paragraph.

5. When the total number of the crew exceeds 100 and in passenger vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the competent authority to special arrangements or a reduction in the number of facilities required.

6. Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places. The competent authority, in consultation with the organisations of shipowners and/or the shipowners and with the recognised *bona fide* trade unions of seafarers, may fix the maximum amount of fresh water which the shipowner may be required to supply per man per day.

7. Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

8. All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

9. All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

10. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

11. Sanitary accommodation intended for the use of more than one person shall comply with the following requirements :

(a) floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained ;

(b) bulkheads shall be of steel or other approved material and shall be watertight up to at least 9 ins. (23 cm.) above the level of the deck ;

(c) the accommodation shall be sufficiently lighted, heated and ventilated ;

(d) water closets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access : Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons ;

(e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

12. In all ships facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

13. The facilities for washing clothes shall include suitable sinks, which may be installed in wash rooms, if separate laundry accommodation is not reasonably practicable, with an adequate

supply of cold fresh water and hot fresh water or means of heating water.

14. The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

Article 14

1. In any ship carrying a crew of fifteen or more and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided. The competent authority may relax this requirement in respect of vessels engaged in coastal trade.

2. The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weathers.

3. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

4. The number of hospital berths required shall be prescribed by the competent authority.

5. Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto.

6. Hospital accommodation shall not be used for other than medical purposes.

7. An approved medicine chest with readily understandable instructions shall be carried in every ship which does not carry a doctor.

Article 15

1. Sufficiently and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

2. In ships of over 3,000 tons one room for the deck department and one room for the engine department shall be provided and equipped for use as an office.

3. In ships regularly trading to mosquito-infested ports provision shall be made to protect the crews' quarters against the admission of mosquitoes by the fitting of suitable screens to side scuttles, ventilators and doors to the open deck.

4. All ships trading regularly to or in the tropics and the Persian Gulf shall be equipped with awnings for use over exposed decks above crew accommodation and over recreation deck space or spaces.

Article 16

1. In the case of the ships mentioned in paragraph 3 of Article 10 the competent authority may, in respect of the members of the crew there referred to, modify the requirements laid down in the foregoing articles as far as may be necessary to take account of their distinctive national habits and customs and in particular may make special arrangements concerning the number of persons occupying sleeping rooms and concerning mess room and sanitary facilities.

2. In modifying the said requirements the competent authority shall be bound by the specifications set forth in paragraphs 1 and 2 of Article 10 and by the minimum sleeping space requirements prescribed for such groups of ratings in paragraph 5 of Article 10.

3. In ships in which the crew in any department are persons of widely different national habits and customs, separate and appropriate sleeping and living accommodation shall be provided as may be necessary to meet the requirements of the different groups.

4. In the case of the ships mentioned in paragraph 5 of Article 10 the hospital, dining, bathing and sanitary facilities shall be provided and maintained on a standard, in regard to their quantity and practical usefulness, equal or comparable to that which obtains aboard all other ships of similar type and belonging to the same registry.

5. The competent authority shall, when framing special regulations under this Article, consult the recognised *bona fide* trade unions of seafarers concerned and the organisations of shipowners and/or the shipowners employing them.

Article 17

1. Crew accommodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores not the personal property of the occupants.

2. The master, or an officer specially deputed for the purpose by him, accompanied by one or more members of the crew, shall inspect all crew accommodation at intervals of not more than one week. The results of each such inspection shall be recorded.

PART IV. APPLICATION OF CONVENTION TO EXISTING SHIPS

Article 18

1. Subject to the provisions of paragraphs 2 and 3 of this Article, this Convention applies to ships the keels of which are laid down subsequent to the coming into force of the Convention for the territory of registration.

2. In the case of a ship which is fully complete on the date of the coming into force of this Convention for the territory of registration and which is below the standard set by Part III of this Convention, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible, having regard to the practical problems involved, to be made when—

(a) the ship is reregistered ;

(b) substantial structural alterations or major repairs are made to the vessel as a result of long-range plans and not as a result of an accident or emergency.

3. In the case of a ship in the process of building and/or reconversion on the date of the coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved ; such alterations shall constitute final compliance with the terms of this Convention, unless and until the ship be reregistered.

Part V. Final Provisions

Article 19

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seafarers which ensures more favourable conditions than those provided for by this Convention.

Article 20

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 21

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway,

Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 23

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 24

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 25

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 26

Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 27

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 78

Recommendation concerning the Provision to Crews by Shipowners of Bedding, Mess Utensils and Other Articles

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to the provision to crews by shipowners of bedding, mess utensils and other articles, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Recommendation, which may be cited as the Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 :

The Conference recommends that each Member of the International Labour Organisation should apply the following principles and should inform the International Labour Office, as requested by the Governing Body, of the measures taken to give effect thereto :

1. (1) Clean bed linen, blankets, bedspreads and mess utensils should be supplied to the members of the crew by the

shipowner for use on board during service on the ship, and such members should be responsible for their return at times specified by the master and on completion of service in the ship.

(2) In the event of any article not being returned in good condition, fair wear and tear excepted, the member of the crew concerned should pay cost price.

2. Bed linen, blankets and bedspreads should be of good quality, and plates, cups and other mess utensils should be of approved material which can be easily cleaned.

3. Towels, soap and toilet paper for the members of the crew should be provided by the shipowner.

Convention 76

Convention concerning Wages, Hours of Work on Board Ship and Manning [1]

The General Conference of the International Labour Organisation,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals concerning wages, hours of work on board ship and manning, which is the ninth item on the agenda of the Session, and

Considering that these proposals involve a complete revision of the Hours of Work and Manning (Sea) Convention, 1936, and must take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Wages, Hours of Work and Manning (Sea) Convention, 1946 :

Part I. General Provisions

Article 1

Nothing in this Convention shall be deemed to prejudice any provision concerning wages, hours of work on board ship, or manning, by law, award, custom or agreement between shipowners and seafarers, which ensures the seafarers conditions more favourable than those provided for by this Convention.

[1] This Convention had not come into force by 1 January 1949.

Article 2

1. This Convention applies to every vessel, whether publicly or privately owned, which is—

(a) mechanically propelled ;
(b) registered in a territory for which the Convention is in force ;
(c) engaged in the transport of cargo or passengers for the purpose of trade ; and
(d) engaged in a voyage by sea.

2. This Convention does not apply to—

(a) vessels of less than 500 gross register tons ;
(b) wooden vessels of primitive build such as dhows and junks ;
(c) vessels engaged in fishing or in operations directly connected therewith ;
(d) estuarial craft.

Article 3

This Convention applies to every person who is engaged in any capacity on board a vessel except—

(a) a master ;
(b) a pilot not a member of the crew ;
(c) a doctor ;
(d) nursing staff engaged exclusively on nursing duties and hospital staff ;
(e) persons whose duties are connected solely with the cargo on board ;
(f) persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings ;
(g) persons not remunerated for their services or remunerated only by a nominal salary or wage ;
(h) persons, excluding those in the service of a wireless telegraphy company, who are employed on board by an employer other than the shipowner ;
(i) travelling dockers (longshoremen) not members of the crew ;
(j) persons employed in whale-catching, floating factory or transport vessels or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers ;
(k) persons who are not members of the crew (whether working on or off articles) but are employed while the vessel is in port on repairing, cleaning, loading or unloading the vessel or similar work or on port relief, maintenance, watch or caretaking duties.

Article 4

In this Convention—

(a) the term "officer" means a person other than a master who is described in the ship's articles as an officer or who is serving in a capacity which by law, collective agreement or custom is recognised as that of an officer ;

(b) the term "rating" means a member of the crew other than a master or officer and includes a certificated seaman ;

(c) the term "able seaman" means any person who by national laws or regulations, or in the absence of such laws or regulations by collective agreement, is deemed to be competent to perform any duty which may be required of a rating serving in the deck department other than the duties of a leading or specialist rating ;

(d) the term "basic pay or wages" means the remuneration of an officer or rating in cash, exclusive of overtime, premiums or any other allowances either in cash or in kind.

PART II. WAGES

Article 5

1. The basic pay or wages for a calendar month of service of an able seaman employed in a vessel to which this Convention applies shall not be less than sixteen pounds in currency of the United Kingdom of Great Britain and Northern Ireland or sixty-four dollars in currency of the United States of America or the equivalent thereof in other currency.

2. In the event of a change in the par value of the pound or the dollar being notified to the International Monetary Fund—

(a) the minimum basic wage prescribed in paragraph 1 of this Article in terms of the currency in respect of which such notification has been made shall be adjusted so as to maintain equivalence with the other currency ;

(b) the adjustment shall be notified by the Director-General of the International Labour Office to the Members of the International Labour Organisation ; and

(c) the minimum basic wage so adjusted shall be binding upon Members which have ratified the Convention in the same manner as the wage prescribed in paragraph 1 of this Article, and shall take effect for each such Member not later than the beginning of the second calendar month following that in which the Director-General communicates the change to Members.

Article 6

1. In the case of ships in which are employed such groups of ratings as necessitate the employment of larger groups of ratings than would otherwise be employed the minimum basic pay or wages of an able seaman shall be an amount fixed as the adjusted equivalent of the minimum basic pay or wages stipulated in the preceding article.

2. The adjusted equivalent shall be fixed in accordance with the principle of equal pay for equal work and due allowance shall be made for—

(a) the extra number of ratings of such groups who are employed ; and

(b) any increase or decrease in cost to the shipowner consequent on the employment of such groups of ratings.

3. The adjusted equivalent shall be determined by collective agreement between the organisations of shipowners and seafarers concerned or, failing such agreement and subject to both countries concerned having ratified the Convention, by the competent authority of the territory of the group of seafarers concerned.

Article 7

If meals are not provided free of charge, the minimum basic pay or wages shall be increased by an amount to be determined by collective agreement between the organisations of shipowners and seafarers concerned or, failing such agreement, by the competent authority.

Article 8

1. The rate to be used for determining the equivalent in other currency of the minimum basic pay or wages prescribed in Article 5 shall be the ratio between the par value of that currency and the par value of the pound of the United Kingdom of Great Britain and Northern Ireland or of the dollar of the United States of America.

2. In the case of the currency of a Member of the International Labour Organisation which is a Member of the International Monetary Fund the par value shall be that currently in effect under the Articles of Agreement of the International Monetary Fund.

3. In the case of the currency of a Member of the International Labour Organisation which is not a Member of the International Monetary Fund, the par value shall be the official rate of exchange, in terms of gold or of the dollar of the United States of America of the weight and fineness in effect on 1 July 1944, currently in effect for payments and transfers for current international transactions.

4. In the case of any currency which cannot be dealt with under the provisions of either of the two preceding paragraphs—

(a) the rate to be adopted for the purpose of this Article shall be determined by the Member of the International Labour Organisation concerned ;

(b) the Member concerned shall notify its decision to the Director-General of the International Labour Office, who shall forthwith inform the other Members which have ratified this Convention ;

(c) within a period of six months from the date on which the information is communicated by the Director-General, any other Member which has ratified the Convention may inform the Director-General of the International Labour Office that it objects to the decision, and the Director-General shall thereupon inform the Member concerned and the other Members which have ratified the Convention and shall report the matter to the Committee provided for in Article 21 ;

(d) the foregoing provisions shall apply in the event of any change in the decision of the Member concerned.

5. A change in basic pay or wages as a result of a change in the rate for determining the equivalent in other currency shall take effect not later than the beginning of the second calendar month following that in which the change in the relative par values of the currencies concerned becomes effective.

Article 9

Each Member shall take the necessary measures—

(a) to ensure, by way of a system of supervision and sanctions, that remuneration is paid at not less than the rate required by this Convention ; and

(b) to ensure that any person who has been paid at a rate less than that required by this Convention is enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which he has been underpaid.

PART III. HOURS OF WORK ON BOARD SHIP

Article 10

This Part of this Convention does not apply to—

(a) a chief officer or chief engineer ;

(b) a purser ;

(c) any other officer in charge of a department who does not keep watch ;

(d) a person employed in the clerical or catering department of a vessel who is—

(i) serving in a superior grade as defined by a collective agreement between the organisations of shipowners and seafarers concerned ; or

(ii) working chiefly on his own account ; or

(iii) remunerated solely on a commission basis or chiefly by a share of profits or earnings.

Article 11

In this Part of this Convention—

(a) the term " near trade ship " means a vessel exclusively engaged in voyages upon which it does not proceed farther from the country from which it trades than the near-by ports of neighbouring countries within geographical limits which—

(i) are clearly specified by national laws, regulations or by collective agreement between organisations of shipowners and seafarers ;

(ii) are uniform in respect of the application of all the provisions of this Part of the Convention ;

(iii) have been notified by the Member when registering its ratification by a declaration annexed thereto ; and

(iv) have been fixed after consultation with the other Members concerned ;

(b) the term " distant trade ship " means a vessel other than a near trade ship ;

(c) the term " passenger ship " means a vessel licensed to carry more than twelve passengers ;

(d) the term " hours of work " means time during which a person is required by the orders of a superior to do work on account of the vessel or the owner.

Article 12

1. This Article applies to officers and ratings employed in the deck, engine-room and radio departments of near trade ships.

2. The normal hours of work of an officer or rating shall not exceed—

(a) when the vessel is at sea, twenty-four hours in any period of two consecutive days ;

(b) when the vessel is in port—

(i) on the weekly day of rest, such time not exceeding two hours as is necessary for ordinary routine and sanitary duties ;

(ii) on other days, eight hours except where a collective agreement provides for less on any day ;

(c) one hundred and twelve hours in a period of two consecutive weeks.

3. Time worked in excess of the limits prescribed in subparagraphs *(a)* and *(b)* of paragraph 2 shall be regarded as overtime for which the officer or rating concerned shall be entitled to compensation in accordance with the provisions of Article 17 of this Convention.

4. When the total number of hours worked in a period of two consecutive weeks, excluding hours regarded as overtime, exceeds one hundred and twelve, the officer or rating concerned shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organisations of shipowners and seafarers concerned.

5. National laws or regulations or collective agreements shall determine when a ship is to be regarded as being at sea and when it is to be regarded as being in port for the purposes of this Article.

Article 13

1. This Article applies to officers and ratings employed in the deck, engine-room and radio departments of distant trade ships.

2. When the vessel is at sea and on days of sailing and arrival, the normal hours of work of an officer or rating shall not exceed eight hours in any one day.

3. When the vessel is in port, the normal hours of work of an officer or rating shall not exceed—

(a) on the weekly day of rest, such time not exceeding two hours as is necessary for ordinary routine and sanitary duties ;

(b) on other days, eight hours except where a collective agreement provides for less on any day.

4. Time worked in excess of the daily limits prescribed in the preceding paragraphs shall be regarded as overtime for which the officer or rating shall be entitled to compensation in accordance with the provisions of Article 17 of this Convention.

5. When the total number of hours worked in a period of one week, excluding hours regarded as overtime, exceeds forty-eight, the officer or rating shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organisations of shipowners and seafarers concerned.

6. National laws or regulations or collective agreements shall determine when a ship is to be regarded as being at sea and when it is to be regarded as being in port for the purposes of this Article.

Article 14

1. This Article applies to persons employed in the catering department of a vessel.

2. In the case of a passenger ship normal hours of work shall not exceed—

(a) when the vessel is at sea and on days of sailing and arrival, ten hours in any consecutive period of fourteen hours;

(b) when the vessel is in port—

(i) when passengers are on board, ten hours in any period of fourteen hours;

(ii) in other cases—

on the day preceding the weekly day of rest, five hours;

on the weekly day of rest, five hours for persons engaged in messing duties and such time not exceeding two hours as is necessary for ordinary routine and sanitary duties in the case of other persons;

on any other day, eight hours.

3. In the case of a vessel not a passenger ship, normal hours of work shall not exceed—

(a) when the vessel is at sea and on days of sailing and arrival, nine hours in any period of thirteen hours;

(b) when the vessel is in port—

on the weekly day of rest, five hours;

on the day preceding the weekly day of rest, six hours;

on any other days, eight hours in any period of twelve hours.

4. When the total number of hours worked in a period of two consecutive weeks exceeds one hundred and twelve the person concerned shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organisations of shipowners and seafarers concerned.

5. National laws or regulations or collective agreements between the organisations of shipowners and seafarers concerned may make special arrangements for the regulation of the hours of work of night watchmen.

Article 15

1. This Article applies to officers and ratings employed in near and distant trade ships.

2. Time off in port should be the subject of negotiations between the organisations of shipowners and seafarers concerned on the basis that officers and ratings should receive the maximum time off in port that is practicable and that such time off should not count as leave.

Article 16

1. The competent authority may exempt from the application of this Part of this Convention officers not already excluded therefrom by virtue of Article 10, subject to the following conditions :

(a) the officers must be entitled in virtue of a collective agreement to conditions of employment which the competent authority certifies constitute full compensation for the non-application of this Part of the Convention ;

(b) the collective agreement must have been originally concluded before 30 June 1946 and the agreement or a renewal thereof must be still in force.

2. A Member having recourse to the provisions of paragraph 1 shall supply to the Director-General of the International Labour Office full particulars of any such collective agreement and the Director-General shall lay a summary of the information received by him before the Committee referred to in Article 21.

3. The said Committee shall consider whether the collective agreements reported to it provide for conditions of employment which constitute full compensation for the non-application of this Part of this Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions made by the Committee concerning such agreements and further undertakes to bring any such observations or suggestions to the notice of the organisations of shipowners and officers who are parties to such agreements.

Article 17

1. The rate or rates of compensation for overtime shall be prescribed by national laws or regulations or be fixed by collective agreement, but in no case shall the hourly rate of payment for overtime be less than one and a quarter times the basic pay or wages per hour.

2. Collective agreements may provide for compensation by equivalent time off duty and off the vessel in lieu of cash payment or for any other method of compensation.

Article 18

1. There shall be no consistent working of overtime.

2. Time spent in the following work shall not be included in normal hours of work or be regarded as overtime for the purpose of this Part of this Convention :

(a) work that the master deems to be necessary and urgent for the safety of the vessel, cargo or persons on board ;

(b) work required by the master for the purpose of giving assistance to other vessels or persons in distress ;

(c) musters, fire, lifeboat and similar drills of the kind prescribed by the International Convention for the Safety of Life at Sea for the time being in force ;
(d) extra work for the purposes of customs or quarantine or other health formalities ;
(e) normal and necessary work by officers for the determination of the position of the ship and for making meteorological observations ;
(f) extra time required for the normal relieving of watches.

3. Nothing in this Convention shall be deemed to impair the right and duty of the master of a vessel to require, or the duty of an officer or rating to perform, any work deemed by the master to be necessary for the safe and efficient operation of the vessel.

Article 19

1. No person under the age of sixteen years shall work at night.

2. For the purpose of this Article, " night " means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations or collective agreements.

Part IV. Manning

Article 20

1. Every vessel to which this Convention applies shall be sufficiently and efficiently manned for the purposes of—
(a) ensuring the safety of life at sea ;
(b) giving effect to the provisions of Part III of this Convention ; and
(c) preventing excessive strain upon the crew and avoiding or minimising as far as practicable the working of overtime.

2. Each Member undertakes to maintain, or to satisfy itself that there is maintained, efficient machinery for the investigation and settlement of any complaint or dispute concerning the manning of a vessel.

3. Representatives of the organisations of shipowners and seafarers shall participate, with or without other persons or authorities, in the operation of such machinery.

Part V. Application of the Convention

Article 21

1. Effect may be given to this Convention by *(a)* laws or regulations ; *(b)* collective agreements between shipowners and seafarers (except as regards paragraph 2 of Article 20) ; or *(c)*

a combination of laws or regulations and collective agreements between shipowners and seafarers. Except as may be otherwise provided herein, the provisions of this Convention shall be made applicable to every vessel registered in the territory of the ratifying Member and to every person engaged on any such vessel.

2. Where effect has been given to any provision of this Convention by a collective agreement in pursuance of paragraph 1 of this Article, then notwithstanding anything contained in Article 9 of this Convention the Member shall not be required to take any measures in pursuance of Article 9 of this Convention in respect of the provisions of the Convention to which effect has been so given by collective agreement.

3. Each Member ratifying this Convention shall supply to the Director-General of the International Labour Office information on the measures by which the Convention is applied, including particulars of any collective agreements in force which give effect to any of its provisions.

4. Each Member ratifying this Convention undertakes to take part, by means of a tripartite delegation, in any Committee representative of Governments and shipowners' and seafarers' organisations, and including, in an advisory capacity, representatives of the Joint Maritime Commission of the International Labour Office, which may be set up for the purpose of examining the measures taken to give effect to the Convention.

5. The Director-General shall lay before the said Committee a summary of the information received by him under paragraph 3 above.

6. The Committee shall consider whether the collective agreements reported to it give full effect to the provisions of the Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions concerning the application of the Convention made by the Committee, and further undertakes to bring to the notice of the organisations of shipowners and of seafarers who are parties to any of the collective agreements mentioned in paragraph 1 any observations or suggestions of the aforesaid Committee concerning the degree to which such agreements give effect to the provisions of the Convention.

Article 22

1. Each Member which ratifies this Convention shall be responsible for the application of its provisions to vessels registered in its territory and shall, except where effect is given to the Convention by collective agreements, maintain in force laws or regulations which—

(a) determine the respective responsibilities of the shipowner and the master for ensuring compliance therewith ;

(b) prescribe adequate penalties for any violation thereof ;

(c) provide for adequate public supervision of compliance with Part IV of the Convention ;

(d) require the keeping of the records of hours worked necessary for the purposes of Part III of the Convention and of the compensation granted in respect of overtime and of excess hours of work ;

(e) ensure to seafarers the same remedies for recovering payments due to them in respect of compensation for overtime and for excess hours of work as they have for recovering other arrears of pay.

2. The organisations of shipowners and seafarers concerned shall, so far as is reasonable and practicable, be consulted in the framing of all laws or regulations for giving effect to the provisions of this Convention.

Article 23

For the purpose of giving mutual assistance in the enforcement of this Convention, every Member which ratifies the Convention undertakes to require the competent authority in every port in its territory to inform the consular or other appropriate authority of any other such Member of any case in which it comes to the notice of such authority that the requirements of the Convention are not being complied with in a vessel registered in the territory of that other Member.

PART VI. FINAL PROVISIONS

Article 24

For the purpose of Article 28 of the Hours of Work and Manning (Sea) Convention, 1936, the present Convention shall be regarded as a Convention revising that Convention.

Article 25

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall first come into force six months after the date at which the following conditions have been fulfilled :

(a) the ratifications of nine of the following Members have been registered : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China,

Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey, Yugoslavia ;

(b) at least five of the Members whose ratifications have been registered have at the date of registration each not less than one million gross register tons of shipping ;

(c) the aggregate tonnage of shipping possessed at the time of registration by the Members whose ratifications have been registered is not less than fifteen million gross register tons.

3. The provisions of the preceding paragraph are included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

4. After the Convention has first come into force, it shall come into force for any Member six months after the date on which its ratification has been registered.

Article 27

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not within the year following the expiration of the period of ten years mentioned in the preceding paragraph exercise the right of denunciation provided for in this Article will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 28

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 29

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United

Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 30

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 31

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 32

The English and French versions of the text of this Convention are equally authoritative.

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TWENTY-NINTH SESSION

(Montreal, 19 September-9 October 1946)

Convention 77

Convention concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons [1]

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to medical examination for fitness for employment in industry of children and young persons, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Medical Examination of Young Persons (Industry) Convention, 1946 :

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to children and young persons employed or working in, or in connection with, industrial undertakings, whether public or private.

2. For the purpose of this Convention, the term " industrial undertaking " includes particularly :

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work ;

[1] This Convention had not come into force by 1 January 1949.

(d) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.

3. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination.

2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.

3. The document certifying fitness for employment may be issued—

(a) subject to specified conditions of employment ;

(b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.

4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.

2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.

3. National laws or regulations shall—

(a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations ; or

(b) empower the competent authority to require medical re-examinations in exceptional cases.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

Article 5

The medical examination required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.

2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.

3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined—

(a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination;

(b) of permits or certificates requiring special conditions of employment.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

2. National laws or regulations shall determine the other methods of supervision to be adopted for ensuring the strict enforcement of this Convention.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 9

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment in industry of children and young persons may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Article 10

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in this Article :

(a) the said provisions shall apply to all territories in respect

of which the Indian legislature has jurisdiction to apply them ;

(b) the term " industrial undertaking " shall include—

(i) factories as defined in the Indian Factories Act ;
(ii) mines as defined in the Indian Mines Act ;
(iii) railways ;
(iv) all employments covered by the Employment of Children Act, 1938 ;

(c) Articles 2 and 3 shall apply to children and young persons under sixteen years of age ;

(d) in Article 4 nineteen years shall be substituted for twenty-one years ;

(e) paragraphs 1 and 2 of Article 6 shall not apply to India.

2. The provisions of paragraph 1 of this Article shall be subject to amendment by the following procedure :

(a) the International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to paragraph 1 of this Article ;

(b) any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action ;

(c) India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration ;

(d) any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

Part III. Final Articles

Article 11

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those

Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall

consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

Convention 78

Convention concerning Medical Examination of Children and Young Persons for Fitness for Employment in Non-Industrial Occupations [1]

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to medical examination for fitness for employment in non-industrial occupations of children and young persons, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 :

[1] This Convention had not come into force by 1 January 1949.

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, in non-industrial occupations.

2. For the purpose of this Convention, the term "non-industrial occupations" includes all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations.

3. The competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.

4. National laws or regulations may exempt from the application of this Convention employment, on work which is recognised as not being dangerous to the health of children or young persons, in family undertakings in which only parents and their children or wards are employed.

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment or work in non-industrial occupations unless they have been found fit for the work in question by a thorough medical examination.

2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.

3. The document certifying fitness for employment may be issued—

(a) subject to specified conditions of employment ;

(b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.

4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.

2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.

3. National laws or regulations shall—

(a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations ; or

(b) empower the competent authority to require medical re-examinations in exceptional cases.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

Article 5

The medical examinations required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.

2. The nature and extent of such measures shall be determined by the competent authority ; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.

3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined—

(a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination ;

(b) of permits or certificates requiring special conditions of employment.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

2. National laws or regulations shall determine—

(a) the measures of identification to be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access ; and

(b) the other methods of supervision to be adopted for ensuring the strict enforcement of the Convention.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 9

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical exami-

nation for fitness for employment of young persons in non-industrial occupations may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Part III. Final Articles

Article 10

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 16

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in

its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 79

Recommendation concerning the Medical Examination for Fitness for Employment of Children and Young Persons

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the medical examination for fitness for employment of children and young persons, which is included in the third item on the agenda of the Session, and

Having adopted Conventions concerning medical examination for fitness for employment in industry and non-industrial occupations of children and young persons, and

Having decided to supplement these Conventions by a Recommendation,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Recommendation, which may be cited as the Medical Examination of Young Persons Recommendation, 1946 :

Whereas the Medical Examination of Young Persons Conventions, 1946, lay down the basis for regulations relating to medical examination for fitness designed to protect the health of children and young persons against the risks of unsuitable employment but leave to national laws or regulations the choice of practical methods of detail ; and

Whereas it is desirable, while permitting practical adaptations of the system of medical examinations so that it may be incorporated in the general administrative scheme of the various States Members, to assure reasonably uniform application of the Conventions for the purpose of maintaining at the highest possible level the protection of children and young persons which it is the aim of the Conventions to ensure ; and

Whereas it is desirable to make known to all Members methods which have been found to give satisfactory results in certain countries and which may be a guide to them ;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. Scope of the Regulations

1. The provisions of the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946, should be applied to all occupations carried on in or in connection with the following undertakings and services, whether public or private :

(a) commercial establishments, including delivery services ;

(b) postal and telecommunication services, including delivery services ;

(c) establishments and administrative services in which the persons employed are mainly engaged in clerical work ;

(d) newspaper undertakings (editing, distribution, delivery services and the sale of newspapers in the streets or in places to which the public have access) ;

(e) hotels, boarding-houses, restaurants, clubs, cafés and other refreshment houses, and domestic service for wages in private households ;

(f) establishments for the treatment and care of the sick, infirm, or destitute and of orphans ;

(g) theatres and places of public entertainment ;

(h) itinerant trading, the hawking of objects of all kinds, and any other occupation or service carried on in the streets or in places to which the public have access ;

(i) all other jobs, occupations or services which are neither industrial nor agricultural nor maritime.

2. Without prejudice to the discretion which the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946, leaves to Members to exempt from its application employment, on work which is recognised as not being dangerous to the health of children and young persons, in family undertakings in which only parents and their children or wards are engaged, governments should, in taking into account the fact that occupations which are not generally considered hazardous may be dangerous for individuals who have not the aptitudes required for a certain job or for any job, endeavour to extend to all occupations carried on for profit, without consideration of the family relationship existing between the persons engaged in them, the application of the regulations concerning medical examination for fitness for employment.

II. Provisions concerning Medical Examinations

3. Without prejudice to the medical examination on entry into employment for the purpose of certifying the fitness of a child or young person for a specified occupation required by Article 2 of the said Conventions, it is desirable that all children should undergo, preferably before the end of their compulsory school attendance, a general medical examination, the results of which can be used by the vocational guidance services.

4. The thorough medical examination required on entry into employment should—

(a) include all the clinical, radiological and laboratory tests useful for discovering fitness or unfitness for the employment in question ; and

(b) be accompanied in each case by appropriate advice on health care.

5. Periodical examination should—

(a) be carried out in the same way as the examination on entry into a given employment ; and

(b) be accompanied by appropriate advice on health care and if necessary by supplementary vocational guidance with a view to a change of occupation.

6. (1) The findings of the examination should be entered in full on an index-card to be kept in the files of the medical services responsible for carrying out the examinations.

(2) The information entered on the medical certificate intended to come to the knowledge of the employer or the statement concerning the medical examination endorsed on the permit or workbook should be explicit enough to indicate the limitations of fitness for employment noted in the examination and the precautions which should, as a result, be taken regarding employment conditions, but should on no account include confidential information such as the diagnosis of congenital defects or diseases discovered by the examination.

7. (1) Since in most cases the adolescent stage is not ended at eighteen years of age and there is consequently still need of special protection, it is desirable to extend compulsory medical examination until at least twenty-one years for all young workers employed in industrial or non-industrial occupations.

(2) As a minimum, the degree of risk calling for the extension of medical examination until twenty-one years in accordance with Article 4 of the said Conventions should be estimated liberally ; this extension should apply, in particular, to all mining occupations, to all employment in hospitals, and to such employments in public entertainment as dancing and acrobatics.

8. The provisions of the preceding paragraph should not be interpreted as impairing the obligation to apply the provisions of international Conventions or of national laws or regulations which prohibit the employment of young persons in certain occupations on account of the high health risks involved or which require, irrespective of the age of the worker, the health supervision of all those employed in such occupations.

III. Measures for Persons Found by Medical Examination to be Unfit or only Partially Fit for Employment

9. The measures to be taken by the national authority for enforcing the provisions of Article 6 of the said Conventions should include, in particular, measures for ensuring that children and young persons found by medical examination to have physical handicaps or limitations or to be generally unfit for employment—

(a) receive proper medical treatment for removing or alleviating their handicap or limitation ;

(b) are encouraged to return to school or are guided towards suitable occupations likely to be agreeable to them and within their capacity and are provided with opportunities of training for such occupations ;

(c) have the advantage of financial aid, if necessary, during the period of medical treatment, schooling or vocational training.

10. In order to facilitate the guidance towards suitable occupations of children and young persons found to be lacking in physical resistance or to have definite handicaps, it is desirable that lists of trades and occupations suitable to each category of young deficient or handicapped workers should be drawn up by qualified specialists under the joint responsibility of the medical services and the services competent to deal with employment problems ; these lists should be used as guides for examining doctors but should not be binding.

IV. Responsible Authorities

11. (1) In order to ensure the full efficacy of the medical examination of young workers, measures should be taken to train a body of examining doctors who are qualified in industrial hygiene and have a wide experience of the medical problems relating to the health of children and young persons.

(2) The competent authority should ensure that courses and practical studies are organised for this purpose.

(3) Examining doctors should be selected on the basis of the qualifications indicated in sub-paragraph (1).

12. The system of medical examination for fitness for employment should be administered in such a way as to ensure close co-operation between the medical services responsible for carrying out the examinations and the services responsible for authorising the employment of children and young persons and for supervising their conditions of employment.

V. Methods of Enforcement

13. (1) In order to ensure a regular medical examination for fitness for employment to children and young persons employed in an industrial or non-industrial undertaking either on the premises of the undertaking or in connection with its operation, employers should be required to send to a specified authority a notification of the employment of all young workers under the age-limit laid down by the regulations for the examination.

(2) This authority should be—

(a) the official medical service responsible for carrying out the examinations and for keeping complete records of the findings of these examinations ; or

(b) the service competent to authorise the employment of a child or young person on the basis of the findings of the examination.

14. In order to ensure a regular medical examination for fitness for employment of children and young persons engaged, either on their own account or on account of their parents, in itinerant trading or any other occupation carried on in the streets or in places to which the public have access—

(a) young itinerant workers under the age-limit up to which medical examination for fitness is compulsory should be required to obtain an individual licence, issued preferably by a service under the labour department on the basis of the certificate for fitness for employment and renewed annually on the basis of the findings of the annual re-examination ; the licence should bear a serial number and the photograph or the signature or any other means of identification of the holder and should also include information concerning—

(i) the name, age and address of the holder ;

(ii) the name and address of his parents and the statement that they have authorised the child or young person to engage in the occupation for which the licence is issued ;

(iii) the findings of the medical examination on entry into employment and of subsequent re-examinations ;

(b) the holder of the above-mentioned licence should be re-

quired to wear a visible badge bearing the serial number corresponding to that of the licence ;

(c) full co-operation should be established between the labour inspection services responsible for the enforcement of legislation and local authorities, particularly the services of the preventive police, for the purpose of checking regularly the documents of young itinerant workers and for ensuring their compliance with the regulations concerning medical examination for fitness for employment.

Convention 79

Convention concerning the Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations [1]

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the restriction of night work of children and young persons in non-industrial occupations, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 :

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, in non-industrial occupations.

2. For the purpose of this Convention, the term " non-industrial occupation " includes all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations.

3. The competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.

[1] This Convention had not come into force by 1 January 1949.

4. National laws or regulations may exempt from the application of this Convention—

(a) domestic service in private households ; and

(b) employment, on work which is not deemed to be harmful, prejudicial, or dangerous to children or young persons, in family undertakings in which only parents and their children or wards are employed.

Article 2

1. Children under fourteen years of age who are admissible for full-time or part-time employment and children over fourteen years of age who are still subject to full-time compulsory school attendance shall not be employed nor work at night during a period of at least fourteen consecutive hours, including the interval between eight o'clock in the evening and eight o'clock in the morning.

2. Provided that national laws or regulations may, where local conditions so require, substitute another interval of twelve hours of which the beginning shall not be fixed later than eight thirty o'clock in the evening nor the termination earlier than six o'clock in the morning.

Article 3

1. Children over fourteen years of age who are no longer subject to full-time compulsory school attendance and young persons under eighteen years of age shall not be employed nor work at night during a period of at least twelve consecutive hours, including the interval between ten o'clock in the evening and six o'clock in the morning.

2. Provided that, where there are exceptional circumstances affecting a particular branch of activity or a particular area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of children and young persons employed in that branch of activity or area, the interval between eleven o'clock in the evening and seven o'clock in the morning may be substituted for that between ten o'clock in the evening and six o'clock in the morning.

Article 4

1. In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

2. The prohibition of night work may be suspended by the Government for young persons of sixteen years of age and over when in case of serious emergency the national interest demands it.

3. National laws or regulations may empower an appropriate authority to grant temporary individual licences in order to enable young persons of sixteen years of age and over to work at night when the special needs of vocational training so require, subject to the period of rest being not less than eleven consecutive hours in every period of twenty-four hours.

Article 5

1. National laws or regulations may empower an appropriate authority to grant individual licences in order to enable children or young persons under the age of eighteen years to appear at night as performers in public entertainments or to participate at night as performers in the making of cinematographic films.

2. The minimum age at which such a licence may be granted shall be prescribed by national laws or regulations.

3. No such licence may be granted when, because of the nature of the entertainment or the circumstances in which it is carried on, or the nature of the cinematographic film or the conditions under which it is made, participation in the entertainment or in the making of the film may be dangerous to the life, health, or morals of the child or young person.

4. The following conditions shall apply to the granting of licences :

(a) the period of employment shall not continue after midnight ;

(b) strict safeguards shall be prescribed to protect the health and morals, and to ensure kind treatment of, the child or young person and to avoid interference with his education ;

(c) the child or young person shall be allowed a consecutive rest period of at least fourteen hours.

Article 6

1. In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

(a) provide for a system of public inspection and supervision adequate for the particular needs of the various branches of activity to which the Convention applies ;

(b) require every employer to keep a register, or to keep available official records, showing the names and dates of birth of all persons under eighteen years of age employed by him and their hours of work ; in the case of children and young persons working in the streets or in places to which the public have access, the register or records shall show the hours of service agreed upon in the contract of employment ;

(c) provide suitable means for assuring identification and supervision of persons under eighteen years of age

engaged, on account of an employer or on their own account, in employment or occupations carried on in the streets or in places to which the public have access ;

(d) provide penalties applicable to employers or other responsible adults for breaches of such laws or regulations.

2. There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention and, more particularly, concerning—

(a) any interval which may be substituted for the interval prescribed in paragraph 1 of Article 2 in virtue of the provisions of paragraph 2 of that Article ;

(b) the extent to which advantage is taken of the provisions of paragraph 2 of Article 3 ;

(c) the authorities empowered to grant individual licences in virtue of the provisions of paragraph 1 of Article 5 and the minimum age prescribed for the granting of licences in accordance with the provisions of paragraph 2 of the said Article.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 7

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations restricting the night work of children and young persons in non-industrial occupations may, by a declaration accompanying its ratification, substitute an age limit lower than eighteen years, but in no case lower than sixteen years, for the age limit prescribed in Article 3.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Article 8

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in the present Article :

(a) the said provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them ;

(b) the competent authority may exempt from the application

of the Convention children and young persons employed in undertakings employing less than twenty persons ;

(c) Article 2 of the Convention shall apply to children under twelve years of age who are admissible for full-time or part-time employment and to children over twelve years of age who are subject to full-time compulsory school attendance ;

(d) Article 3 of the Convention shall apply to children over twelve years of age who are not subject to full-time compulsory school attendance and to young persons under fifteen years of age ;

(e) the exceptions permitted by paragraphs 2 and 3 of Article 4 shall apply to young persons of fourteen years of age and over ;

(f) Article 5 shall apply to children and young persons under fifteen years of age.

2. The provisions of paragraph 1 of this Article shall be subject to amendment by the following procedure :

(a) the International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to paragraph 1 of this Article ;

(b) any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action ;

(c) India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration ;

(d) any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

PART III. FINAL ARTICLES

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 14

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 15

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of

the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 80

Recommendation concerning the Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the restriction of night work of children and young persons in non-industrial occupations, which is included in the third item on the agenda of the Session, and

Having adopted a Convention on this subject and having decided to supplement this Convention by a Recommendation,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Recommendation,

which may be cited as the Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 :

Whereas the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, lays down the basis for legislative protection against the dangers of night work in non-industrial occupations in which large numbers of young workers are engaged ;

Whereas although, on account of the great diversity of employments to which its provisions apply and on account of the different traditions and circumstances peculiar to each country, the Convention leaves it to national laws and regulations to adapt for each given country the implementation of the standards laid down therein, it is nevertheless desirable to ensure as uniform application as possible of the Convention ; and

Whereas it is desirable that account should be taken of certain methods which have been found to give satisfactory results and which may accordingly be a guide to the Members of the Organisation ;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto :

I. Scope of the Regulations

1. The provisions of the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, should be applied to all occupations which are carried on in or in connection with the following undertakings or services, whether public or private :

(a) commercial establishments, including delivery services ;
(b) postal and telecommunication services, including delivery services ;
(c) establishments and administrative services in which the persons employed are mainly engaged in clerical work ;
(d) newspaper undertakings (editing, distribution, delivery services and the sale of newspapers in the streets or in places to which the public have access) ;
(e) hotels, boarding-houses, restaurants, clubs, cafés and other refreshment houses ;
(f) establishments for the treatment and care of the sick, infirm or destitute and of orphans ;
(g) theatres and places of public entertainment ;
(h) itinerant trading, the hawking of objects of all kinds, and any other occupation or service carried on in the streets or in places to which the public have access ;

(i) all other jobs, occupations or services which are neither industrial nor agricultural nor maritime.

2. Without prejudice to the discretion which the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, leaves to Members to exempt from its application domestic service carried on for wages or earnings in a private household and employment on work which is not deemed to be harmful, prejudicial or dangerous to children or young persons in family undertakings in which only parents and their children or wards are engaged, the attention of Members is drawn to the desirability of :

(a) adopting appropriate legislative and administrative measures for restricting the night work of children and young persons under eighteen years of age who are engaged in domestic service ;

(b) extending to all undertakings carried on for profit, without consideration of the family relationship existing between the persons engaged in them, the application of the regulations concerning the restriction of night work in non-industrial occupations.

II. Employment in Public Entertainment

3. Where local authorities are empowered, in virtue of the provisions of Article 5 of the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, to grant individual licences to children and young persons allowing them to appear at night as performers in public entertainments or to participate at night as performers in the making of cinematographic films, supervisory control over the issuing of such licences should be vested in a higher authority to which the persons concerned may appeal either against the refusal of the licence or against any of the conditions imposed therein.

4. Licences should be issued for limited periods and should be subject to all the conditions necessary in the circumstances of each case for the protection of the child or young person.

5. Licences should be granted for children under fourteen years of age only in exceptional cases in which they are justified by the need of vocational training or the talent of the child and should be subject to the following conditions :

(a) such licences should be restricted as a rule to children who are attending institutions for dramatic or musical instruction ;

(b) employment at night should be limited as far as possible to three evenings a week or to an average of three evenings a week calculated over a longer period ;

(c) employment should cease by ten o'clok in the evening or a rest period of sixteen consecutive hours should be granted.

III. Methods of Supervision

6. While respecting the principle laid down in paragraph 12 of the Labour Inspection Recommendation, 1923, according to which the inspectorate should include men and women having the same powers and duties and exercising the same authority, it is desirable to take into account the experience of certain countries which have found it particularly satisfactory to entrust to women inspectors the enforcement of laws and regulations for the protection of young workers.

7. In addition to regular inspection to ensure compliance with the laws and regulations for the protection of young workers, special attention should be given, in order to achieve effective application of the provisions of the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, as regards non-industrial activities carried on in a great number of small and scattered undertakings, to the investigation of alleged violations of the law reported by the public, and more particularly immediate action should be taken upon complaints lodged by the parents of the child or young person.

8. When deciding on the form of document which the employer shall be required by law to keep for the purpose of furnishing the inspection services with the means of supervising the enforcement of the regulations restricting night work, it is desirable to take into consideration the advantages of the work permit or the workbook which, as they must be issued or officially stamped on each change of employment, make it easy to identify the young worker, provide proof of age and fix his conditions of work, including working hours.

9. (1) In order to facilitate the identification by official supervisory services of young itinerant workers protected by the laws or regulations concerning night work—

(a) young itinerant workers working for wages should carry on their person a document and a badge which will permit their identification outside the undertaking, in addition to the documents kept by the employer ;

(b) young itinerant workers working on their own account or on account of their parents should carry on their person a document authorising their employment and a badge which will permit their identification.

(2) Young itinerant workers under eighteen years of age should be provided with a work permit or an individual licence containing—

(a) the name, age and address of the child or young person ;

(b) the photograph or signature of the child or young person or other means of identification and his permit or licence number ;

(c) if the child or young person is employed for wages, the name and address of the employer and his hours of work ; and

(d) if the child or young person is working on his own account or on account of his parents, the name and address of his parents and their authorisation.

(3) It is desirable that the work permit or individual licence should be issued by a service under the labour department.

(4) A young itinerant worker should be obliged to wear the badge which bears his permit or licence number so that it will be readily visible.

(5) The full co-operation of local authorities, and particularly that of the preventive police, if such exists, of educational authorities and of child welfare authorities, with inspection services, should be obtained in order to ensure supervision of the working hours of young itinerant workers and the enforcement of the laws and regulations relating to night work.

(6) The employer should be held legally responsible for violations of the laws or regulations, and in particular for any disproportion between the volume of work to be required and the time available for its performance during permitted working hours ; the employer should be given the opportunity to vindicate his good faith if he exercised all due diligence to prevent the violation.

(7) Parents should, after previous warning, be held legally responsible for violations of the laws or regulations when the occupation is carried on on their account or with their authorisation.

Convention 80

Convention for the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at its First Twenty-eight Sessions for the Purpose of Making Provision for the Future Discharge of Certain Chancery Functions Entrusted by the Said Conventions to the Secretary-General of the League of Nations and Introducing therein Certain Further Amendments Consequential upon the Dissolution of the League of Nations and the Amendment of the Constitution of the International Labour Organisation [1]

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

[1] Date of coming into force : 28 May 1947. See also Introduction.

Having decided upon the adoption of certain proposals with regard to the partial revision of the Conventions adopted by the Conference at its first twenty-eight sessions for the purpose of making provision for the future discharge of certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations and introducing therein certain further amendments consequential upon the dissolution of the League of Nations and the amendment of the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Final Articles Revision Convention, 1946 :

Article 1

1. In the texts of the Conventions adopted by the International Labour Conference in the course of its first twenty-five sessions the words " the Director-General of the International Labour Office " shall be substituted for the words " the Secretary-General of the League of Nations ", the words " the Director-General " shall be substituted for the words " the Secretary-General ", and the words " the International Labour Office " shall be substituted for the words " the Secretariat " in all passages where these various expressions respectively occur.

2. The registration by the Director-General of the International Labour Office of the ratifications of Conventions and amendments, acts of denunciation, and declarations provided for in the Conventions adopted by the Conference in the course of its first twenty-five sessions shall have the same force and effect for all purposes as the registration of such ratifications, acts of denunciation and declarations by the Secretary-General of the League of Nations in accordance with the terms of the original texts of the said Conventions.

3. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acts of denunciation and declarations registered by him in accordance with the provisions of the Conventions adopted by the Conference at its first twenty-five sessions as amended by the foregoing provisions of this Article.

Article 2

1. The words " of the League of Nations " shall be deleted from the first paragraph of the Preamble of each of the Con-

ventions adopted by the Conference in the course of its first eighteen sessions.

2. The words " in accordance with the provisions of the Constitution of the International Labour Organisation " shall be substituted for the words " in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace " and the variants thereof contained in the Preambles of the Conventions adopted by the Conference in the course of its first seventeen sessions.

3. The words " under the conditions set forth in the Constitution of the International Labour Organisation " shall be substituted for the words " under the conditions set forth in Part XIII of the Treaty of Versailles and the corresponding Parts of the other Treaties of Peace " or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

4. The words " Article 22 of the Constitution of the International Labour Organisation " shall be substituted for the words " Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace " or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

5. The words " Article 35 of the Constitution of the International Labour Organisation " shall be substituted for the words " Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace " in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

6. The word " Draft " shall be omitted from the expression " Draft Convention " in the Preambles of the Conventions adopted by the Conference in the course of its first twenty-five sessions and in all articles of the said Conventions in which the said expression occurs.

7. The title " Director-General " shall be substituted for the title " Director " in all articles of the Conventions adopted by the Conference in the course of its twenty-eighth session which refer to the Director of the International Labour Office.

8. In each of the Conventions adopted by the Conference in the course of its first seventeen sessions there shall be included in the Preamble the words " which may be cited as " together with the short title currently used by the International Labour Office for the Convention in question.

9. In each of the Conventions adopted by the Conference in the course of its first fourteen sessions all unnumbered paragraphs of articles containing more than one paragraph shall be consecutively numbered.

Article 3

Any Member of the Organisation which, after the date of the coming into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any Convention adopted by the Conference in the course of its first twenty-eight sessions shall be deemed to have ratified that Convention as modified by this Convention.

Article 4

Two copies of this Convention shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. Of these copies one shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of this Convention to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office.

2. The Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been received by the Director-General.

3. On the coming into force of this Convention and on the subsequent receipt of further ratifications of the Convention, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

4. Each Member of the Organisation which ratifies this Convention thereby recognises the validity of any action taken thereunder during the interval between the first coming into force of the Convention and the date of its own ratification.

Article 6

On the first coming into force of this Convention the Director-General of the International Labour Office shall cause official texts of the Conventions adopted by the Conference in the course of its first twenty-eight sessions as modified by the provisions of this Convention to be prepared in two original copies, duly authenticated by his signature, one of which shall be deposited in the archives of the International Labour Office and one of which shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations ; the

Director-General shall communicate certified copies of these texts to each of the Members of the Organisation.

Article 7

Notwithstanding anything contained in any of the Conventions adopted by the Conference in the course of its first twenty-eight sessions, the ratification of this Convention by a Member shall not, *ipso jure,* involve the denunciation of any such Convention, nor shall the entry into force of this Convention close any such Convention to further ratification.

Article 8

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall, *ipso jure,* involve the denunciation of this Convention if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its present form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 9

The English and French versions of the text of this Convention are equally authoritative.

THIRTIETH SESSION

(Geneva, 19 June-11 July 1947)

Convention 81

Convention concerning Labour Inspection in Industry and Commerce [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in industry and commerce, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Inspection Convention, 1947 :

PART I. LABOUR INSPECTION IN INDUSTRY

Article 1

Each Member of the International Labour Organisation for which this Convention is in force shall maintain a system of labour inspection in industrial workplaces.

Article 2

1. The system of labour inspection in industrial workplaces shall apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

2. National laws or regulations may exempt mining and transport undertakings or parts of such undertakings from the application of this Convention.

Article 3

1. The functions of the system of labour inspection shall be :

(a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to

[1] This Convention had not come into force by 1 January 1949.

hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors ;

(b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions ;

(c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

Article 4

1. So far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority.

2. In the case of a federal State, the term " central authority " may mean either a federal authority or a central authority of a federated unit.

Article 5

The competent authority shall make appropriate arrangements to promote :

(a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities ; and

(b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

Article 6

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.

Article 7

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors shall be adequately trained for the performance of their duties.

Article 8

Both men and women shall be eligible for appointment to the inspection staff ; where necessary, special duties may be assigned to men and women inspectors.

Article 9

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, including specialists in medicine, engineering, electricity and chemistry, are associated in the work of inspection, in such manner as may be deemed most appropriate under national conditions, for the purpose of securing the enforcement of the legal provisions relating to the protection of the health and safety of workers while engaged in their work and of investigating the effects of processes, materials and methods of work on the health and safety of workers.

Article 10

The number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate and shall be determined with due regard for :

(a) the importance of the duties which inspectors have to perform, in particular—
  (i) the number, nature, size and situation of the workplaces liable to inspection ;
  (ii) the number and classes of workers employed in such workplaces ; and
  (iii) the number and complexity of the legal provisions to be enforced ;

(b) the material means placed at the disposal of the inspectors ; and

(c) the practical conditions under which visits of inspection must be carried out in order to be effective.

Article 11

1. The competent authority shall make the necessary arrangements to furnish labour inspectors with—

(a) local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned ;

(b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 12

1. Labour inspectors provided with proper credentials shall be empowered :

(a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection ;

(b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection ; and

(c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular—

(i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions ;

(ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them ;

(iii) to enforce the posting of notices required by the legal provisions ;

(iv) 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 of any samples or substances taken or removed for such purpose.

2. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 13

1. Labour inspectors shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by law, to make or to have made orders requiring—

(a) such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to the health or safety of the workers ; or

(b) measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

3. Where the procedure prescribed in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

Article 14

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

Article 15

Subject to such exceptions as may be made by national laws or regulations, labour inspectors—

(a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision ;

(b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties ; and

(c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 16

Workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Article 17

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning : Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

Article 18

Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

Article 19

1. Labour inspectors of local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority ; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

Article 20

1. The central inspection authority shall publish an annual general report on the work of the inspection services under its control.

2. Such annual reports shall be published within a reasonable time after the end of the year to which they relate and in any case within twelve months.

3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within a reasonable period after their publication and in any case within three months.

Article 21

The annual report published by the central inspection authority shall deal with the following and other relevant subjects in so far as they are under the control of the said authority :

(a) laws and regulations relevant to the work of the inspection service ;

(b) staff of the labour inspection service ;

(c) statistics of workplaces liable to inspection and the number of workers employed therein ;

(d) statistics of inspection visits ;

(e) statistics of violations and penalties imposed ;

(f) statistics of industrial accidents ;

(g) statistics of occupational diseases.

Part II. Labour Inspection in Commerce

Article 22

Each Member of the International Labour Organisation for which this Part of this Convention is in force shall maintain a system of labour inspection in commercial workplaces.

Article 23

The system of labour inspection in commercial workplaces shall apply to workplaces in respect of which legal provisions

relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

Article 24

The system of labour inspection in commercial workplaces shall comply with the requirements of Articles 3 to 21 of this Convention in so far as they are applicable.

Part III. Miscellaneous Provisions

Article 25

1. Any Member of the International Labour Organisation which ratifies this Convention may, by a declaration appended to its ratification, exclude Part II from its acceptance of the Convention.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the position of its law and practice in regard to the provisions of Part II of this Convention and the extent to which effect has been given, or is proposed to be given, to the said provisions.

Article 26

In any case in which it is doubtful whether any undertaking, part or service of an undertaking or workplace is an undertaking, part, service or workplace to which this Convention applies, the question shall be settled by the competent authority.

Article 27

In this Convention the term " legal provisions " includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors.

Article 28

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention.

Article 29

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this

Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto ; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 30

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating—

(a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of

Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 31

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Part IV. Final Provisions

Article 32

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 33

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 34

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 35

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 36

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 37

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the

International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 38

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 34 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 39

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 81

Recommendation concerning Labour Inspection

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in industry and commerce, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Recommendation, which may be cited as the Labour Inspection Recommendation, 1947 :

Whereas the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947, provide for organisation of systems of labour inspection and it is desirable to

supplement the provisions thereof by further recommendations ;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. Preventive Duties of Labour Inspectorates

1. Any person who proposes to open an industrial or commercial establishment, or to take over such an establishment, or to commence in such an establishment the carrying on of a class of activity specified by a competent authority as materially affecting the application of legal provisions enforceable by labour inspectors, should be required to give notice in advance to the competent labour inspectorate either directly or through another designated authority.

2. Members should make arrangements under which plans for new establishments, plant, or processes of production may be submitted to the appropriate labour inspection service for an opinion as to whether the said plans would render difficult or impossible compliance with the laws and regulations concerning industrial health and safety or would be likely to constitute a threat to the health or safety of the workers.

3. Subject to any right of appeal which may be provided by law, the execution of plans for new establishments, plant and processes of production deemed under national laws or regulations to be dangerous or unhealthy should be conditional upon the carrying out of any alterations ordered by the inspectorate for the purpose of securing the health and safety of the workers.

II. Collaboration of Employers and Workers in regard to Health and Safety

4. (1) Arrangements for collaboration between employers and workers for the purpose of improving conditions affecting the health and safety of the workers should be encouraged.

(2) Such arrangements might take the form of safety committees or similar bodies set up within each undertaking or establishment and including representatives of the employers and the workers.

5. Representatives of the workers and the management, and more particularly members of works safety committees or similar bodies where such exist, should be authorised to collaborate directly with officials of the labour inspectorate, in a manner and within limits fixed by the competent authority, when investigations and, in particular, enquiries into industrial accidents or occupational diseases are carried out.

6. The promotion of collaboration between officials of the

labour inspectorate and organisations of employers and workers should be facilitated by the organisation of conferences or joint committees, or similar bodies, in which representatives of the labour inspectorate discuss with representatives of organisations of employers and workers questions concerning the enforcement of labour legislation and the health and safety of the workers.

7. Appropriate steps should be taken to ensure that employers and workers are given advice and instruction in labour legislation and questions of industrial hygiene and safety by such measures as :

(a) lectures, radio talks, posters, pamphlets and films explaining the provisions of labour legislation and suggesting methods for their application and measures for preventing industrial accidents and occupational diseases ;

(b) health and safety exhibitions ; and

(c) instruction in industrial hygiene and safety in technical schools.

III. Labour Disputes

8. The functions of labour inspectors should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

IV. Annual Reports on Inspection

9. The published annual reports on the work of inspection services should, in so far as possible, supply the following detailed information :

(a) a list of the laws and regulations bearing on the work of the inspection system not mentioned in previous reports ;

(b) particulars of the staff of the labour inspection system, including :

(i) the aggregate number of inspectors ;
(ii) the numbers of inspectors of different categories ;
(iii) the number of women inspectors ; and
(iv) particulars of the geographical distribution of inspection services ;

(c) statistics of workplaces liable to inspection and of the number of persons therein employed, including :

(i) the number of workplaces liable to inspection ;
(ii) the average number of persons employed in such workplaces during the year ;
(iii) particulars of the classification of persons employed under the following headings : men, women, young persons, and children ;

(d) statistics of inspection visits, including :

(i) the number of workplaces visited ;
(ii) the number of inspection visits made, classified according to whether they were made by day or by night ;
(iii) the number of persons employed in the workplaces visited ;
(iv) the number of workplaces visited more than once during the year ;

(e) statistics of violations and penalties, including :
(i) the number of infringements reported to the competent authorities ;
(ii) particulars of the classification of such infringements according to the legal provisions to which they relate ;
(iii) the number of convictions ;
(iv) particulars of the nature of the penalties imposed by the competent authorities in the various cases (fines, imprisonment, etc.) ;

(f) statistics of industrial accidents, including the number of industrial accidents notified and particulars of the classification of such accidents :
(i) by industry and occupation ;
(ii) according to cause ;
(iii) according to whether fatal or non-fatal ;

(g) statistics of occupational diseases, including :
(i) the number of cases of occupational disease notified ;
(ii) particulars of the classification of such cases according to industry and occupation ;
(iii) particulars of the classification of such cases according to their cause or character, such as the nature of the disease, poisonous substance or unhealthy process to which the disease is due.

Recommendation 82

Recommendation concerning Labour Inspection in Mining and Transport Undertakings

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in mining and transport undertakings, which is included in the fourth item on the agenda of the Session, and

Having determined that certain of these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Recommendation, which may be cited as the Labour Inspection (Mining and Transport) Recommendation, 1947 :

Whereas the Labour Inspection Convention, 1947, provides for the organisation of systems of labour inspection and permits the exemption of mining and transport undertakings from the application thereof by national laws or regulations ; and

Whereas it is nevertheless essential to make adequate provision in respect of mining and transport undertakings for the effective enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work ;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto :

Each Member of the International Labour Organisation should apply to mining and transport undertakings as defined by the competent authority appropriate systems of labour inspection to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work.

Convention 82

Convention concerning Social Policy in Non-Metropolitan Territories [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning social policy in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

[1] This Convention had not come into force by 1 January 1949.

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Social Policy (Non-Metropolitan Territories) Convention, 1947 :

PART I. OBLIGATIONS OF PARTIES

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that the policies and measures set forth in the Convention shall be applied in the non-metropolitan territories for which it has or assumes responsibilities, including any trust territories for which it is the administering authority, other than the territories referred to in paragraphs 2 and 3 of this Article, subject to the concurrence of the Governments of the territories concerned in respect of any matters which are within the self-governing powers of the territories.

2. Where the subject matter of this Convention is wholly or primarily within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

3. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

PART II. GENERAL PRINCIPLES

Article 2

1. All policies designed to apply to non-metropolitan territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of the peoples of non-metropolitan territories.

Article 3

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be

made to secure, on an international, regional, national or territorial basis, financial and technical assistance to the local administrations in order to further the economic development of non-metropolitan territories.

2. The terms under which such assistance is granted shall provide for such control by or co-operation with the local administrations in determining the nature of the economic development and the conditions under which the resulting work is undertaken as may be necessary to safeguard the interests of the peoples of such territories.

3. It shall be an aim of policy for the responsible government authorities to arrange that adequate funds are made available to provide public or private capital or both for development purposes on terms which secure to the peoples of non-metropolitan territories the fullest possible benefits from such development.

4. In appropriate cases, international, regional, or national action shall be taken with a view to establishing conditions of trade which will encourage production at a high level of efficiency and make possible the maintenance of a reasonable standard of living in non-metropolitan territories.

Article 4

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production.

Article 5

All possible steps shall be taken effectively to interest and associate the peoples of non-metropolitan territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

Part III. Improvement of Standards of Living

Article 6

The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

Article 7

1. All practicable measures shall be taken in the planning

of economic development to harmonise such development with the healthy evolution of the communities concerned.

2. In particular, efforts shall be made to avoid the disruption of family life and of traditional social units, especially by :

(a) close study of the causes and effects of migratory movements and appropriate action where necessary ;

(b) the promotion of town and village planning in areas where economic needs result in the concentration of population ;

(c) the prevention and elimination of congestion in urban areas ;

(d) the improvement of living conditions in rural areas and the establishment of suitable industries in rural areas where adequate manpower is available.

Article 8

The measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of agricultural producers shall include :

(a) the elimination to the fullest practicable extent of the causes of chronic indebtedness ;

(b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interests of the territory ;

(c) the control, by the enforcement of adequate laws or regulations, of the ownership and use of land and resources to ensure that they are used, with due regard to customary rights, in the best interests of the inhabitants of the territory ;

(d) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels ;

(e) the reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers' co-operatives.

Article 9

1. Measures shall be taken to secure for independent producers and wage earners conditions which will give them scope to improve living standards by their own efforts and will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions, conducted after consultation with the representative organisations of employers and workers.

In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

Part IV. Provisions concerning Migrant Workers

Article 10

Where the circumstances under which workers are employed involve their living away from their homes, the terms and conditions of their employment shall take account of their normal family needs.

Article 11

Where the labour resources of one area of a non-metropolitan territory are used on a temporary basis for the benefit of another area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the area of labour supply.

Article 12

1. Where the labour resources of a territory are used in an area under a different administration, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation.

3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

Article 13

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

Part V. Remuneration of Workers and Related Questions

Article 14

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organisations shall be encouraged.

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist.

3. The necessary measures shall be taken to ensure that the employers and workers concerned are informed of the minimum wage rates in force and that wages are not paid at less than these rates in cases where they are applicable.

4. A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates shall be entitled to recover, by judicial or other means authorised by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

Article 15

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

2. Wages shall normally be paid in legal tender only.

3. Wages shall normally be paid direct to the individual worker.

4. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the worker shall be prohibited.

5. Payment of wages shall not be made in taverns or stores, except in the case of workers employed therein.

6. Unless there is an established local custom to the contrary, and the competent authority is satisfied that the continuance of this custom is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

7. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to ensure that they are adequate and their cash value properly assessed.

8. All practicable measures shall be taken :

(a) to inform the workers of their wage rights ;

(b) to prevent any unauthorised deductions from wages ; and

(c) to restrict the amounts deductable from wages in respect of supplies and services forming part of remuneration to the proper cash value thereof.

Article 16

1. The maximum amounts and manner of repayment of advances on wages shall be regulated by the competent authority.

2. The competent authority shall limit the amount of advances which may be made to a worker in consideration of his taking up employment ; the amount of advances permitted shall be clearly explained to the worker.

3. Any advance in excess of the amount laid down by the competent authority shall be legally irrecoverable and may not be recovered by the withholding of amounts of pay due to the worker at a later date.

Article 17

1. Voluntary forms of thrift shall be encouraged among wage earners and independent producers.

2. All practicable measures shall be taken for the protection of wage earners and independent producers against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

PART VI. NON-DISCRIMINATION ON GROUNDS OF RACE, COLOUR, SEX, BELIEF, TRIBAL ASSOCIATION OR TRADE UNION AFFILIATION

Article 18

1. It shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of :

(a) labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the territory ;
(b) admission to public or private employment ;
(c) conditions of engagement and promotion ;
(d) opportunities for vocational training ;
(e) conditions of work ;
(f) health, safety and welfare measures ;
(g) discipline ;
(h) participation in the negotiation of collective agreements ;
(i) wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking to the extent to which recognition of this principle is accorded in the metropolitan territory.

2. Subject to the provisions of sub-paragraph *(i)* of the preceding paragraph, all practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

3. Workers from one territory engaged for employment in another territory may be granted in addition to their wages benefits in cash or in kind to meet any reasonable personal or family expenses resulting from employment away from their homes.

4. The foregoing provisions of this Article shall be without prejudice to such measures as the competent authority may think it necessary or desirable to take for the safeguarding of motherhood and for ensuring the health, safety and welfare of women workers.

PART VII. EDUCATION AND TRAINING

Article 19

1. Adequate provision shall be made in non-metropolitan territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the effective preparation of children and young persons of both sexes for a useful occupation.

2. Territorial laws or regulations shall prescribe the school-leaving age and the minimum age for and conditions of employment.

3. In order that the child population may be able to profit by existing facilities for education and in order that the extension of such facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age during the hours when the schools are in session shall be prohibited in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

Article 20

1. In order to secure high productivity through the development of skilled labour in non-metropolitan territories, training in new techniques of production shall be provided in suitable cases in local, regional or metropolitan centres.

2. Such training shall be organised by or under the supervision of the competent authorities, in consultation with the employers' and workers' organisations of the territory from which the trainees come and of the country of training.

PART VIII. MISCELLANEOUS PROVISIONS

Article 21

1. In respect of the territories covered by paragraph 1 of Article 1 of this Convention, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

(a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 22

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 2 and 3 of Article 1 of this Convention shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 23

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 24

If any Convention which may subsequently be adopted by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any territory in respect of which there has been communicated to the Director-General of the International Labour Office a declaration—

(a) undertaking that the provisions of the said Convention shall be applied in pursuance of paragraph 2 of Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, or

(b) accepting the obligations of the said Convention in pursuance of paragraph 5 of the said Article 35.

PART IX. FINAL PROVISIONS

Article 25

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for

any Member twelve months after the date on which its ratification has been registered.

Article 27

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 28

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 29

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 30

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 31

1. Should the Conference adopt a new Convention revising

this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 32

The English and French versions of the text of this Convention are equally authoritative.

Convention 83

Convention concerning the Application of International Labour Standards to Non-Metropolitan Territories [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning the application of international labour standards in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Standards (Non-Metropolitan Territories) Convention, 1947 :

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office with its ratifi-

[1] This Convention had not come into force by 1 January 1949. It was amended in 1948 by the Labour Standards (Non-Metropolitan Territories) Convention Instrument of Amendment, 1948 (see p. 794).

cation a declaration stating, in respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, the extent to which it undertakes that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in respect of the said territories.

2. The aforesaid declaration shall state in respect of each of the Conventions set forth in the Schedule to this Convention—

(a) the territories in respect of which the Member undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which the Member undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which the Member reserves its decision.

3. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 2 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

4. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 2 of this Article.

5. Any Member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 2

1. A declaration accepting the obligations of this Convention in respect of any non-metropolitan territory where the subject matter of the Conventions set forth in the Schedule to this Convention is within the self-governing powers of the territory may be communicated to the Director-General of the International Labour Office by the Member responsible for the international relations of the territory in agreement with the Government of the territory.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraph of this Article shall include an undertaking that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in the territory concerned either without modification or subject to modifications ; when the declaration indicates that the provisions of one or more of the said Conventions will be applied subject to modifications it shall give in respect of each such Convention details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of any one or more of the Conventions set forth in the Schedule.

Article 3

The competent authority may, by regulations published beforehand, exclude from the application of any provisions giving effect to any of the Conventions set forth in the Schedule undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

Article 4

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of one or more of the Conventions set forth in the Schedule, the annual reports on the application of this Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 5

1. The International Labour Conference may, at any session

at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule to this Convention including the provisions of further Conventions in the Schedule or substituting for the provisions of any Convention set forth in the Schedule the provisions of any Convention revising that Convention which may have been adopted by the Conference.

2. Each Member for which this Convention is in force and each territory for which a declaration accepting the obligations of this Convention in pursuance of Article 2 is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such amendment to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such amendment shall become effective for each Member for which this Convention is in force on acceptance by the said Member and for each territory in respect of which a declaration accepting the obligations of the Convention in pursuance of Article 2 is in force on acceptance in respect of the said territory.

4. When any such amendment becomes effective for any Member or for any territory in respect of which the obligations of this Convention have been accepted in pursuance of Article 2, the Member, Members or international authority concerned shall communicate to the Director-General of the International Labour Office a declaration giving, in respect of the Convention or Conventions the provisions of which have been included in the Schedule by the amendment, the particulars required by paragraph 2 of Article 1 or paragraph 3 of Article 2 as the case may be.

5. Any Member which ratifies this Convention after the date of the adoption of any such amendment by the Conference shall be deemed to have ratified the Convention as amended and any territory in respect of which the obligations of the Convention are accepted after that date in pursuance of Article 2 shall be deemed to have accepted the obligations of the Convention as amended.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on

which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 10

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 11

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 12

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 8 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 13

The English and French versions of the text of this Convention are equally authoritative.

SCHEDULE

MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly :

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

(d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

Article 3

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

Article 5

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either—

(a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents ; or

(b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall include full information concerning the age or ages prescribed by national laws in pursuance of sub-paragraph *(a)* of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of sub-paragraph *(b)* of the preceding paragraph, as the case may be.

MINIMUM AGE (SEA) CONVENTION (REVISED), 1936

Article 1

For the purpose of this Convention, the term " vessel " includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

Article 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

Article 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

Article 2

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Article 3

The provisions of Article 2 shall not apply—

(a) to work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority ;

(b) to the employment of young persons on vessels mainly propelled by other means than steam ;

(c) to young persons, of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

Article 4

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

Article 5

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Article 6

Articles of agreement shall contain a brief summary of the provisions of this Convention.

MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946

Part I. General Provisions

Article 1

1. This Convention applies to children and young persons employed or working in, or in connection with, industrial undertakings, whether public or private.

2. For the purpose of this Convention, the term " industrial undertaking " includes particularly :

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work ;

(d) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.

3. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination.

2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.

3. The document certifying fitness for employment may be issued—

(a) subject to specified conditions of employment ;

(b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.

4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.

2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.

3. National laws or regulations shall—

(a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations ; or

(b) empower the competent authority to require medical re-examinations in exceptional cases.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

Article 5

The medical examination required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.

2. The nature and extent of such measures shall be determined by the competent authority ; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.

3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined—

(a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination ;

(b) of permits or certificates requiring special conditions of employment.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

2. National laws or regulations shall determine the other methods of supervision to be adopted for ensuring the strict enforcement of this Convention.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect

of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 9

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment in industry of children and young persons may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

Article 2

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Article 3

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

Article 4

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919

Article 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

(d) transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

2. Young persons over the age of sixteen years may be employed during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night—

(a) manufacture of iron and steel : processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process) ;

(b) glass works ;

(c) manufacture of paper ;

(d) manufacture of raw sugar ;

(e) gold mining reduction work.

Article 3

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

3. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

4. In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

Article 4

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

. . . . . .

Article 7

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

MATERNITY PROTECTION CONVENTION, 1919

Article 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure ;

(d) transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

3. The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

Article 2

For the purpose of this Convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

Article 3

In any public or private industrial or commercial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

(a) shall not be permitted to work during the six weeks following her confinement ;

(b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks ;

(c) shall, while she is absent from her work in pursuance of paragraphs *(a)* and *(b)*, be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife ; no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place ;

(d) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

Article 4

Where a woman is absent from her work in accordance with paragraph *(a)* or *(b)* of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. For the purpose of this Convention, the term " night " signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that, in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. In those countries where no government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply—

(a) in cases of *force majeure,* when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character ;

(b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

. . . . . .

Article 6

In industrial undertakings which are influenced by the seasons, and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

Article 8

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

UNDERGROUND WORK (WOMEN) CONVENTION, 1935

Article 1

For the purpose of this Convention, the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

Article 2

No female, whatever her age, shall be employed on underground work in any mine.

Article 3

National laws or regulations may exempt from the above prohibition—

(a) females holding positions of management who do not perform manual work ;

(b) females employed in health welfare services ;

(c) females who, in the course of their studies, spend a period of training in the underground parts of a mine ; and

(d) any other females who occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

Article 2

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

Article 3

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Article 4

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

Article 2

1. The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

2. It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of—

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business ;

(b) out-workers ;

(c) members of the employer's family who work exclusively on his behalf and who live in his house ;

(d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

Article 3

This Convention shall not apply to—

(1) seamen and fishermen for whom provision shall be made by a later Convention ;

(2) persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

Article 4

This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen's compensation in agriculture adopted by the International Labour Conference at its Third Session remains in force.

Article 5

The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments : provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.

Article 6

In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.

Article 7

In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.

Article 8

The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.

Article 9

Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

Article 10

1. Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary : provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

2. National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

Article 11

The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or in case of death, to their dependants.

MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929

Article 1

1. Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have had its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.

2. In exceptional cases where it is difficult to determine the exact weight, national laws or regulations may allow an approximate weight to be marked.

3. The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned, and not on the Government of a country through which it passes on the way to its destination.

4. It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other person or body.

WEEKLY REST (INDUSTRY) CONVENTION, 1921

Article 1

1. For the purpose of this Convention, the term " industrial undertakings " includes—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind ;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier,

canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

(d) transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. [Inapplicable.]

3. Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

Article 2

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

Article 3

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

Article 4

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

Article 5

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

Article 6

1. Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter, in every second year, any modifications of this list which shall have been made.

2. The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

Article 7

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged—

(a) where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means

of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government ;

(b) where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

Convention 84

Convention concerning the Right of Association and the Settlement of Labour Disputes in Non-Metropolitan Territories [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning the right of association and the settlement of labour disputes in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Right of Association (Non-Metropolitan Territories) Convention, 1947 :

Article 1

This Convention applies to non-metropolitan territories.

Article 2

The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

Article 3

All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations.

[1] This Convention had not come into force by 1 January 1949.

Article 4

All practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of arrangements for the protection of workers and the application of labour legislation.

Article 5

All procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible.

Article 6

1. Employers and workers shall be encouraged to avoid disputes, and if they arise to reach fair settlements by means of conciliation.

2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.

3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.

4. Where practicable, these officers shall be officers specially assigned to such duties.

Article 7

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

Article 8

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

(a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 9

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or

(b) by an international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned

without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 10

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 11

If any Convention which may subsequently be adopted by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any territory in respect of which there has been communicated to the Director-General of the International Labour Office a declaration—

(a) undertaking that the provisions of the said Convention shall be applied in pursuance of paragraph 2 of Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, or

(b) accepting the obligations of the said Convention in pursuance of paragraph 5 of the said Article 35.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

Convention 85

Convention concerning Labour Inspectorates in Non-Metropolitan Territories [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning labour inspectorates in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 :

Article 1

Labour inspection services complying with the requirements of Articles 2 to 5 of this Convention shall be maintained in non-metropolitan territories.

[1] This Convention had not come into force by 1 January 1949.

Article 2

Labour inspection services shall consist of suitably trained inspectors.

Article 3

Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

Article 4

1. Inspectors appointed by the competent authority and provided with credentials shall be required to inspect conditions of employment at frequent intervals.

2. Inspectors shall be authorised by law to exercise the following powers for the purpose of carrying out their duties—

(a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection where they may have reasonable cause to believe that persons enjoying legal protection are employed, and to inspect such workplaces ;

(b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection ; and

(c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed and, in particular—

(i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions, or to apply for information to any other person whose evidence they may consider necessary ;

(ii) to require the production of any books, registers or other documents the keeping of which is prescribed by laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them ;

(iii) to enforce the posting of notices required by the legal provisions ;

(iv) 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 of any samples or substances taken or removed for this purpose.

3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 5

Subject to such exceptions as may be made by law or regulation, labour inspectors—

(a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision ;

(b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties ; and

(c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 6

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

(a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of

Article 12, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 7

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 12, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 8

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 9

When a declaration undertaking that the provisions of the Labour Inspection Convention, 1947, shall be applied in respect of any territory has been communicated to the Director-General of the International Labour Office in pursuance of Article 30 of that Convention, or a declaration accepting the obligations of that Convention in respect of any territory has been so communicated in pursuance of Article 31 thereof, the provisions of this Convention shall cease to apply in respect of such territory.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 14

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 15

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

*

Convention 86

Convention concerning the Maximum Length of Contracts of Employment of Indigenous Workers [1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning the maximum length of contracts of employment of indigenous workers, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Contracts of Employment (Indigenous Workers) Convention, 1947 :

Article 1

For the purposes of this Convention—

(a) the term " worker " means an indigenous worker, that is to say a worker belonging to or assimilated to the indigenous population of a non-metropolitan territory ;

(b) the term " employer " includes, unless the contrary intention appears, any public authority, individual, company or association, whether non-indigenous or indigenous ;

(c) the term " regulations " means the law and/or regulations in force in the territory concerned ; and

(d) the term " contract " means, unless the contrary intention appears, a contract of employment by which a worker enters the service of an employer as a worker for remuneration in cash or in any other form whatsoever, but does not include contracts of apprenticeship made in accordance with special provisions relating to apprenticeship contained in the regulations.

Article 2

1. The competent authority may exclude from the application of this Convention—

(a) contracts by which a worker enters the service of an indigenous employer who does not employ more than a limited number of workers prescribed by the regulations or satisfy some other criterion prescribed thereby ;

[1] This Convention had not come into force by 1 January 1949.

(b) any contract under which the only or principal remuneration granted to the worker is the occupancy or use of land belonging to his employer.

2. The competent authority may, after consultation with the employers' and workers' organisations representative of the interests concerned, exclude from the application of this Convention contracts entered into between employers and literate workers whose freedom of choice in employment is satisfactorily safeguarded ; such exclusion may apply to the whole of the workers in a territory, to the workers in any specified industry, to the workers in any specified undertaking, or to special groups of workers.

Article 3

1. The regulations shall prescribe the maximum period of service which may be stipulated or implied in any contract, whether written or oral.

2. The maximum period of service which may be stipulated or implied in any contract for employment not involving a long and expensive journey shall in no case exceed twelve months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

3. The maximum period of service which may be stipulated or implied in any contract for employment involving a long and expensive journey shall in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

Article 4

1. When a contract made in one territory (hereinafter called the territory of origin) relates to employment in a territory under a different administration (hereinafter called the territory of employment), the maximum period of service which may be stipulated or implied therein shall not exceed either the maximum period prescribed by the regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment.

2. The competent authorities of the territories of origin and of employment shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

Article 5

This Convention does not apply to contracts entered into before the coming into force of the Convention for the territory where the question of its applicability arises.

Article 6

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

(a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 7

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 8

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

THIRTY-FIRST SESSION

(San Francisco, 17 June-10 July 1948)

Convention 87

Convention concerning Freedom of Association and Protection of the Right to Organise [1]

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948 ;

Having decided to adopt, in the form of a Convention, certain proposals concerning freedom of association and protection of the right to organise, which is the seventh item on the agenda of the session ;

Considering that the Preamble to the Constitution of the International Labour Organisation declares " recognition of the principle of freedom of association " to be a means of improving conditions of labour and of establishing peace ;

Considering that the Declaration of Philadelphia reaffirms that " freedom of expression and of association are essential to sustained progress " ;

Considering that the International Labour Conference, at its Thirtieth Session, unanimously adopted the principles which should form the basis for international regulation ;

Considering that the General Assembly of the United Nations, at its Second Session, endorsed these principles and requested the International Labour Organisation to continue every effort in order that it may be possible to adopt one or several international Conventions ;

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Freedom of Association and Protection of the Right to Organise Convention, 1948 :

PART I. FREEDOM OF ASSOCIATION

Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

[1] This Convention had not come into force by 1 January 1949.

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 6

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Article 7

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Article 8

1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

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 this Convention.

Article 9

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 10

In this Convention the term "organisation" means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

PART II. PROTECTION OF THE RIGHT TO ORGANISE

Article 11

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

PART III. MISCELLANEOUS PROVISIONS

Article 12

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office with or as soon as possible after its ratification a declaration stating—

(a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 13

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General of the International Labour Office a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Part IV. Final Provisions

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United

Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 19

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

Convention 88

Convention concerning the Organisation of the Employment Service[1]

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals concerning the organisation of the employment service,

[1] This Convention had not come into force by 1 January 1949.

which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Employment Service Convention, 1948 :

Article 1

1. Each Member of the International Labour Organisation for which this Convention is in force shall maintain or ensure the maintenance of a free public employment service.

2. The essential duty of the employment service shall be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

Article 2

The employment service shall consist of a national system of employment offices under the direction of a national authority.

Article 3

1. The system shall comprise a network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers.

2. The organisation of the network shall—

(a) be reviewed—

(i) whenever significant changes occur in the distribution of economic activity and of the working population, and

(ii) whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation ; and

(b) be revised whenever such review shows revision to be necessary.

Article 4

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy.

2. These arrangements shall provide for one or more

national advisory committees and where necessary for regional and local committees.

3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with representative organisations of employers and workers, where such organisations exist.

Article 5

The general policy of the employment service in regard to referral of workers to available employment shall be developed after consultation of representatives of employers and workers through the advisory committees provided for in Article 4.

Article 6

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall—

(a) assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall, in accordance with rules framed on a national basis—

(i) register applicants for employment, take note of their occupational qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational training or retraining,

(ii) obtain from employers precise information on vacancies notified by them to the service and the requirements to be met by the workers whom they are seeking,

(iii) refer to available employment applicants with suitable skills and physical capacity,

(iv) refer applicants and vacancies from one employment office to another, in cases in which the applicants cannot be suitably placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action ;

(b) take appropriate measures to—

(i) facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations,

(ii) facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities,

(iii) facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers,

(iv) facilitate any movement of workers from one country to another which may have been approved by the governments concerned ;

(c) collect and analyse, in co-operation where appropriate with other authorities and with management and trade unions, the fullest available information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned, and the general public ;

(d) co-operate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed ; and

(e) assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

Article 7

Measures shall be taken—

(a) to facilitate within the various employment offices specialisation by occupations and by industries, such as agriculture and any other branch of activity in which such specialisation may be useful ; and

(b) to meet adequately the needs of particular categories of applicants for employment, such as disabled persons.

Article 8

Special arrangements for juveniles shall be initiated and developed within the framework of the employment and vocational guidance services.

Article 9

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are independent of changes of government and of improper external influences and, subject to the needs of the service, are assured of stability of employment.

2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.

3. The means of ascertaining such qualifications shall be determined by the competent authority.

4. The staff of the employment service shall be adequately trained for the performance of their duties.

Article 10

The employment service and other public authorities where appropriate shall, in co-operation with employers' and workers' organisations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis.

Article 11

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

Article 12

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto ; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating—

(a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 14

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 15

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 16

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 20

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 83

Recommendation concerning the Organisation of the Employment Service

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals with regard to the organisation of the employment service, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Service Recommendation, 1944, and the Employment Service Convention, 1948,

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Recommendation, which may be cited as the Employment Service Recommendation, 1948 :

Whereas the Employment Service Recommendation, 1944, and the Employment Service Convention, 1948, provide for the organisation of employment services and it is desirable to supplement the provisions thereof by further recommendations ;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. General Organisation

1. The free public employment service should comprise a central headquarters, local offices and, where necessary, regional offices.

2. In order to promote development of the employment service, and to secure unified and co-ordinated national administration, provision should be made for—

(a) the issue by the headquarters of national administrative instructions ;

(b) the formulation of minimum national standards concerning the staffing and material arrangements of the employment offices ;

(c) adequate financing of the service by the government ;

(d) periodical reports from lower to higher administrative levels ;

(e) national inspection of regional and local offices ; and

(f) periodical conferences among central, regional and local officers, including inspection staff.

3. Appropriate arrangements should be made by the employment service for such co-operation as may be necessary with management, workers' representatives, and bodies set up with a view to studying the special employment problems

of particular areas, undertakings, industries, or groups of industries.

4. Measures should be taken in appropriate cases to develop, within the general framework of the employment services—

(a) separate employment offices specialising in meeting the needs of employers and workers belonging to particular industries or occupations such as port transport, merchant marine, building and civil engineering, agriculture and forestry and domestic service, wherever the character or importance of the industry or occupation or other special factors justify the maintenance of such separate offices ;

(b) special arrangements for the placement of—

(i) juveniles ;

(ii) disabled persons ; and

(iii) technicians, professional workers, salaried employees and executive staff ;

(c) adequate arrangements for the placement of women on the basis of their occupational skill and physical capacity.

II. Employment Market Information

5. The employment service should collect employment market information, including material pertaining to—

(a) current and prospective labour requirements (including the number and type of workers needed, classified on an industrial, occupational or area basis) ;

(b) current and prospective labour supply (including details of the number, age and sex, skills, occupations, industries and areas of residence of the workers and of the number, location and characteristics of applicants for employment).

6. The employment service should make continuous or special studies on such questions as—

(a) the causes and incidence of unemployment, including technological unemployment ;

(b) the placement of particular groups of applicants for employment such as the disabled or juveniles ;

(c) factors affecting the level and character of employment ;

(d) the regularisation of employment ;

(e) vocational guidance in relation to placement ;

(f) occupation and job analysis ; and

(g) other aspects of the organisation of the employment market.

7. This information should be collected by suitably trained and qualified staff, in co-operation where necessary with other official bodies and with employers' and workers' organisations.

8. The methods used for the collection and analysis of the

information should include, as may be found practicable and appropriate—

(a) direct enquiries from the bodies with special knowledge of the subjects in question, such as other public bodies, employers' and workers' organisations, public and private undertakings, and joint committees ;

(b) co-operation with labour inspection and unemployment insurance and assistance services ;

(c) periodical reports on questions having a special bearing on the employment market ; and

(d) investigations of particular questions, research projects and analyses carried out by the employment service.

III. Manpower Budget

9. In order to facilitate the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources, an annual national manpower budget should be drawn up, as soon as practicable, as part of a general economic survey.

10. The manpower budget should be drawn up by the employment service in co-operation with other public authorities where appropriate.

11. The manpower budget should include detailed material concerning the anticipated volume and distribution of the labour supply and demand.

IV. Referral of Workers

12. The employment service should—

(a) observe strict neutrality in the case of employment available in an establishment where there is a labour dispute affecting such employment ;

(b) not refer workers to employment in respect of which the wages or conditions of work fall below the standard defined by law or prevailing practice ;

(c) not, in referring workers to employment, itself discriminate against applicants on grounds of race, colour, sex or belief.

13. The employment service should be responsible for providing applicants for employment with all relevant information about the jobs to which such applicants are referred, including information on the matters dealt with in the preceding paragraph.

V. Mobility of Labour

14. For the purpose of facilitating the mobility of labour necessary to achieve and maintain maximum production and

employment, the employment service should take the measures indicated in paragraphs 15 to 20 below.

15. The fullest and most reliable information concerning employment opportunities and working conditions in other occupations and areas and concerning living conditions (including the availability of suitable housing accommodation) in such areas should be collected and disseminated.

16. Workers should be furnished with appropriate information and advice designed to eliminate objections to changing their occupation or residence.

17. (1) The employment service should remove economic obstacles to geographical transfers which it considers necessary by such means as financial assistance.

(2) Such assistance should be granted, in cases authorised by the service, in respect of transfers made through or approved by the service, particularly where no other arrangements exist for the payment other than by the worker of the extra expense involved in the transfers.

(3) The amount of the assistance should be determined according to national and individual circumstances.

18. The employment service should assist the unemployment insurance and assistance authorities in defining and interpreting the conditions in which available employment which is in an occupation other than the usual occupation of an unemployed person or which requires him to change his residence should be regarded as suitable for him.

19. The employment service should assist the competent authorities in establishing and developing the programmes of training or retraining courses (including apprenticeship, supplementary training and upgrading courses), selecting persons for such courses and placing in employment persons who have completed them.

VI. Miscellaneous Provisions

20. (1) The employment service should co-operate with other public and private bodies concerned with employment problems.

(2) For this purpose the service should be consulted and its views taken into account by any co-ordinating machinery concerned with the formation and application of policy relating to such questions as—

(a) the distribution of industry ;

(b) public works and public investment ;

(c) technological progress in relation to production and ement ;

(d) migration ;

(e) housing ;

(f) the provision of social amenities such as health care, schools and recreational facilities ; and

(g) general community organisation and planning affecting the availability of employment.

21. In order to promote use of employment service facilities and enable the service to perform its tasks efficiently, the service should take the measures indicated in paragraphs 22 to 25 below.

22. (1) Continuous efforts should be made to encourage full voluntary use of employment service information and facilities by persons seeking employment or workers.

(2) These efforts should include the use of films, radio and all other methods of public information and relations with a view to making better known and appreciated, particularly among employers and workers and their organisations, the basic work of the service in employment organisation and the advantages accruing to the workers, employers and the nation from the fullest use of the employment service.

23. Workers applying for unemployment benefit or allowances, and so far as possible persons completing courses of vocational training under public or government-subsidised training programmes, should be required to register for employment with the employment service.

24. Special efforts should be made to encourage juveniles, and so far as possible all persons entering employment for the first time, to register for employment and to attend for an employment interview.

25. Employers, including the management of public or semi-public undertakings, should be encouraged to notify the service of vacancies for employment.

26. Systematic efforts should be made to develop the efficiency of the employment service in such manner as to obviate the need for private employment agencies in all occupations except those in which the competent authority considers that for special reasons the existence of private agencies is desirable or essential.

VII. International Co-operation among Employment Services

27. (1) International co-operation among employment services should include, as may be appropriate and practicable, and with the help where desired of the International Labour Office—

(a) the systematic exchange of information and experience on employment service policy and methods, either on a bilateral, regional or multilateral basis ; and

(b) the organisation of bilateral, regional or multilateral technical conferences on employment service questions.

(2) To facilitate any movements of workers approved in accordance with Article 6 *(b)* (iv) of the Convention, the employment service, on the request of the national authority directing it and in co-operation where desired with the International Labour Office, should—

(a) collect in co-operation, as appropriate, with other bodies and organisations, information relating to the applications for work and the vacancies which cannot be filled nationally, in order to promote the immigration or emigration of workers able to satisfy as far as possible such applications and vacancies ;

(b) co-operate with other competent authorities, national or foreign, in preparing and applying inter-governmental bilateral, regional or multilateral agreements relating to migration.

Convention 89

Convention concerning Night Work of Women Employed in Industry (Revised 1948) [1]

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work (Women) Convention, 1919, adopted by the Conference at its First Session, and the Night Work (Women) Convention (Revised), 1934, adopted by the Conference at its Eighteenth Session, which is the ninth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1948 :

PART I. GENERAL PROVISIONS

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

[1] This Convention had not come into force by 1 January 1949.

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning ; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply—

(a) in cases of *force majeure,* when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character ;

(b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss.

Article 5

1. The prohibition of night work for women may be suspended by the government, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

2. Such suspension shall be notified by the government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

Article 8

This Convention does not apply to—

(a) women holding responsible positions of a managerial or technical character ; and

(b) women employed in health and welfare services who are not ordinarily engaged in manual work.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 9

In those countries where no government regulation as yet applies to the employment of women in industrial undertakings during the night, the term " night " may provisionally, and for a maximum period of three years, be declared by the government to signify a period of only ten hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning.

Article 10

1. The provisions of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.

3. The term " industrial undertaking " shall include—

(a) factories as defined in the Indian Factories Act ; and

(b) mines to which the Indian Mines Act applies.

Article 11

1. The provisions of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.

3. The term " industrial undertaking " shall include—

(a) factories as defined in the Factories Act ;

(b) mines to which the Mines Act applies.

Article 12

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

PART III. FINAL PROVISIONS

Article 13

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 14

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 15

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour

Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 16

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 17

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 18

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 19

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 20

The English and French versions of the text of this Convention are equally authoritative.

Convention 90

Convention concerning the Night Work of Young Persons Employed in Industry (Revised 1948) [1]

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certains proposals with regard to the partial revision of the Night Work of Young Persons (Industry) Convention, 1919, adopted by the Conference at its First Session, which is the tenth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,

adopts this tenth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work of Young Persons (Industry) Convention (Revised), 1948 :

Part I. General Provisions

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work ;

[1] This Convention had not come into force by 1 January 1949.

(d) undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

3. National laws or regulations may exempt from the application of this Convention employment on work which is not deemed to be harmful, prejudicial, or dangerous to young persons in family undertakings in which only parents and their children or wards are employed.

Article 2

1. For the purpose of this Convention the term " night " signifies a period of at least twelve consecutive hours.

2. In the case of young persons under sixteen years of age, this period shall include the interval between ten o'clock in the evening and six o'clock in the morning.

3. In the case of young persons who have attained the age of sixteen years but are under the age of eighteen years, this period shall include an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning ; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

1. Young persons under eighteen years of age shall not be employed or work during the night in any public or private industrial undertaking or in any branch thereof except as hereinafter provided for.

2. For purposes of apprenticeship or vocational training in specified industries or occupations which are required to be carried on continuously, the competent authority may, after consultation with the employers' and workers' organisations concerned, authorise the employment in night work of young persons who have attained the age of sixteen years but are under the age of eighteen years.

3. Young persons employed in night work in virtue of the preceding paragraph shall be granted a rest period of at least thirteen consecutive hours between two working periods.

4. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening

and four o'clock in the morning may, for purposes of apprenticeship or vocational training of young persons who have attained the age of sixteen years, be substituted by the competent authority for the interval of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning prescribed by the authority in virtue of paragraph 3 of Article 2.

Article 4

1. In countries where the climate renders work by day particularly trying, the night period and barred interval may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

2. The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 5

The prohibition of night work may be suspended by the government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

Article 6

1. The laws or regulations giving effect to the provisions of this Convention shall—

(a) make appropriate provision for ensuring that they are known to the persons concerned ;

(b) define the persons responsible for compliance therewith ;

(c) prescribe adequate penalties for any violation thereof ;

(d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement ; and

(e) require every employer in a public or private industrial undertaking to keep a register, or to keep available official records, showing the names and dates of birth of all persons under eighteen years of age employed by him and such other pertinent information as may be required by the competent authority.

2. The annual reports submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall contain full information concerning such laws and regulations and a general survey of the results of the inspections made in accordance therewith.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 7

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had laws or regulations restricting the night work of young persons in industry which provide for an age-limit lower than eighteen years may, by a declaration accompanying its ratification, substitute an age-limit lower than eighteen years, but in no case lower than sixteen years, for the age-limit prescribed in paragraph 1 of Article 3.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Article 8

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.

3. The term " industrial undertaking " shall include—

(a) factories as defined in the Indian Factories Act ;

(b) mines to which the Indian Mines Act applies ;

(c) railways and ports.

4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.

5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.

7. Article 3, paragraphs 2, 3 and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

8. Article 6, paragraph 1 *(e)*, shall apply to young persons under the age of seventeen years.

Article 9

1. The provisions of Part I of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.

3. The term " industrial undertaking " shall include—

(a) factories as defined in the Factories Act ;
(b) mines to which the Mines Act applies ;
(c) railways and ports.

4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.

5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.

7. Article 3, paragraphs 2, 3 and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

8. Article 6, paragraph 1 *(e)*, shall apply to young persons under the age of seventeen years.

Article 10

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies and shall, within the period of one year or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

PART III. FINAL PROVISIONS

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 16

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of

the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

Instrument for the Amendment of the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947[1]

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first session on 17 June 1948, and

Having decided upon the adoption of certain amendments to the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947, a question which is the eleventh item on the agenda of the session,

adopts this tenth day of July of the year one thousand nine hundred and forty-eight the following Instrument for the amendment of the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947, which may be cited as the Labour Standards (Non-Metropolitan Territories) Convention Instrument of Amendment, 1948 :

[1] For the text of the Labour Standards (Non-Metropolitan Territories) Convention, 1947, see pp. 729 *et seq.*

Article 1

The following provisions shall be substituted for the provisions of the Night Work of Young Persons (Industry) Convention, 1919, set forth in the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947 :

NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948

PART I. GENERAL PROVISIONS

Article 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work ;

(d) undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

3. National laws or regulations may exempt from the application of this Convention employment on work which is not deemed to be harmful, prejudicial, or dangerous to children or young persons in family undertakings in which only parents and their children or wards are employed.

Article 2

1. For the purpose of this Convention the term "night" signifies a period of at least twelve consecutive hours.

2. In the case of young persons under sixteen years of age, this period shall include the interval between ten o'clock in the evening and six o'clock in the morning.

3. In the case of young persons who have attained the age of sixteen years but are under the age of eighteen years, this period shall include an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning ; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

1. Young persons under eighteen years of age shall not be employed or work during the night in any public or private industrial undertaking or in any branch thereof except as hereinafter provided for.

2. For purposes of apprenticeship or vocational training in specified industries or occupations which are required to be carried on continuously, the competent authority may, after consultation with the employers' and workers' organisations concerned, authorise the employment in night work of young persons who have attained the age of sixteen years but are under the age of eighteen years.

3. Young persons employed in night work in virtue of the preceding paragraph shall be granted a rest period of at least thirteen consecutive hours between two working periods.

4. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may, for purposes of apprenticeship or vocational training of young persons who have attained the age of sixteen years, be substituted by the competent authority for the interval of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning prescribed by the authority in virtue of paragraph 3 of Article 2.

Article 4

1. In countries where the climate renders work by day particularly trying, the night period and barred interval may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

2. The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 5

The prohibition of night work may be suspended by the government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

Article 6

1. The laws or regulations giving effect to the provisions of this Convention shall—

(a) make appropriate provision for ensuring that they are known to the persons concerned ;

(b) define the persons responsible for compliance therewith ;

(c) prescribe adequate penalties for any violation thereof ;

(d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement ; and

(e) require every employer in a public or private industrial undertaking to keep a register, or to keep available official records, showing the names and dates of birth of all persons under eighteen years of age employed by him and such other pertinent information as may be required by the competent authority.

2. The annual reports submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall contain full information concerning such laws and regulations and a general survey of the results of the inspections made in accordance therewith.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 7

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had laws

or regulations restricting the night work of children in industry which provide for an age-limit lower than eighteen years may, by a declaration accompanying its ratification, substitute an age-limit lower than eighteen years, but in no case lower than sixteen years, for the age-limit prescribed in paragraph 1 of Article 3.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

Article 2

The following provisions shall be substituted for the provisions of the Night Work (Women) Convention (Revised), 1934, set forth in the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947 :

NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948

PART I. GENERAL PROVISIONS

Article 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning ; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply—

(a) in cases of *force majeure,* when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character ;

(b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss.

Article 5

1. The prohibition of night work for women may be suspended by the government, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

2. Such suspension shall be notified by the government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

Article 8

This Convention does not apply to—

(a) women holding responsible positions of a managerial or technical character ; and

(b) women employed in health and welfare services who are not ordinarily engaged in manual work.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 9

In those countries where no government regulation as yet applies to the employment of women in industrial undertakings during the night, the term " night " may provisionally, and for a maximum period of three years, be declared by the government to signify a period of only ten hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning.

Article 3

This Instrument of Amendment shall become effective in accordance with the provisions of Article 5 of the Labour Standards (Non-Metropolitan Territories) Convention, 1947, the text of which is as follows :

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule to this Convention including the provisions

of further Conventions in the Schedule or substituting for the provisions of any Convention set forth in the Schedule the provisions of any Convention revising that Convention which may have been adopted by the Conference.

2. Each Member for which this Convention is in force and each territory for which a declaration accepting the obligations of this Convention in pursuance of Article 2 is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such amendment to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such amendment shall become effective for each Member for which this Convention is in force on acceptance by the said Member and for each territory in respect of which a declaration accepting the obligations of the Convention in pursuance of Article 2 is in force on acceptance in respect of the said territory.

4. When any such amendment becomes effective for any Member or for any territory in respect of which the obligations of this Convention have been accepted in pursuance of Article 2, the Member, Members or international authority concerned shall communicate to the Director-General of the International Labour Office, a declaration giving, in respect of the Convention or Conventions the provisions of which have been included in the Schedule by the amendment, the particulars required by paragraph 2 of Article 1 or paragraph 3 of Article 2 as the case may be.

5. Any Member which ratifies this Convention after the date of the adoption of any such amendment by the Conference shall be deemed to have ratified the Convention as amended and any territory in respect of which the obligations of the Convention are accepted after that date in pursuance of Article 2 shall be deemed to have accepted the obligations of the Convention as amended.

Article 4

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General will communicate a certified copy of the Instrument to all the Members of the International Labour Organisation.

Article 5

1. The formal acceptances of this Instrument shall be communicated to the Director-General of the International Labour Office for registration.

2. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all acceptances of this Instrument of Amendment communicated to him in pursuance of this Article and shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the

Charter of the United Nations full particulars of such acceptances.

Article 6

The English and French versions of the text of the Instrument of Amendment are equally authoritative.

THIRTY-SECOND SESSION

(Geneva, 8 June-2 July 1949)

Convention 91

Convention concerning Vacation Holidays with Pay for Seafarers (Revised 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Paid Vacations (Seafarers) Convention, 1946, adopted by the Conference at its Twenty-eighth Session, which is included in the twelfth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,

adopts this eighteenth day of June of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Paid Vacations (Seafarers) Convention (Revised), 1949 :

Article 1

1. This Convention applies to every sea-going mechanically propelled vessel, whether publicly or privately owned, engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going vessels.

3. This Convention does not apply to—

(a) wooden vessels of primitive build such as dhows and junks ;

(b) vessels engaged in fishing or in operations directly connected therewith or in sealing or similar pursuits ;

(c) estuarial craft.

4. National laws or regulations or collective agreements may provide for the exemption from the provisions of this Convention of vessels of less than 200 gross register tons.

Article 2

1. This Convention applies to every person who is engaged in any capacity on board a vessel except—

(a) a pilot not a member of the crew ;

(b) a doctor not a member of the crew ;

(c) nursing staff engaged exclusively on nursing duties and hospital staff not members of the crew ;

(d) persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings ;

(e) persons not remunerated for their services or remunerated only by a nominal salary or wage ;

(f) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company ;

(g) travelling dockers (longshoremen) not members of the crew ;

(h) persons employed in whale-catching vessels, in floating factories, or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers ;

(i) persons employed in port who are not ordinarily employed at sea.

2. The competent authority may, after consultation with the organisations of shipowners and seafarers concerned, exempt from the application of the Convention masters, chief navigating officers and chief engineers who by virtue of national laws or regulations or collective agreements enjoy conditions of service which are not less favourable in respect of annual leave than those required by the Convention.

Article 3

1. Every person to whom this Convention applies shall be entitled after twelve months of continuous service to an annual vacation holiday with pay, the duration of which shall be—

(a) in the case of masters, officers and radio officers or operators, not less than eighteen working days for each year of service ;

(b) in the case of other members of the crew, not less than twelve working days for each year of service.

2. A person with not less than six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

3. A person who is discharged through no fault of his own before he has completed six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

4. For the purpose of calculating when a vacation holiday is due—

(a) service off articles shall be included in the reckoning of continuous service ;

(b) short interruptions of service not due to the act or fault of the employee and not exceeding a total of six weeks in any twelve months shall not be deemed to break the continuity of the periods of service which precede and follow them ;

(c) continuity of service shall not be deemed to be interrupted by any change in the management or ownership of the vessel or vessels in which the person concerned has served.

5. The following shall not be included in the annual vacation holiday with pay :

(a) public and customary holidays ;

(b) interruptions of service due to sickness or injury.

6. National laws or regulations or collective agreements may provide for the division into parts of an annual vacation holiday due in virtue of this Convention or for the accumulation of such a vacation holiday due in respect of one year with a subsequent vacation holiday.

7. National laws or regulations or collective agreements may, in very exceptional circumstances when the service so requires, provide for the substitution for an annual vacation holiday due in virtue of this Convention of a cash payment at least equivalent to the remuneration provided for in Article 5.

Article 4

1. When an annual vacation holiday is due it shall be given by mutual agreement at the first opportunity as the requirements of the service allow.

2. No person may be required without his consent to take the annual vacation holiday due to him at a port other than a port in the territory of engagement or a port in his home territory. Subject to this requirement, the vacation holiday shall be given at a port permitted by national laws or regulations or collective agreement.

Article 5

1. Every person taking a vacation holiday in virtue of Article 3 of this Convention shall receive in respect of the full period of the vacation holiday his usual remuneration.

2. The usual remuneration payable in virtue of the preceding paragraph, which may include a suitable subsistence allowance, shall be calculated in a manner which shall be prescribed by national laws or regulations or fixed by collective agreement.

Article 6

Subject to the provisions of paragraph 7 of Article 3 any agreement to relinquish the right to an annual vacation holiday with pay, or to forgo such a vacation holiday, shall be void.

Article 7

A person who leaves or is discharged from the service of his employer before he has taken a vacation holiday due to him shall receive in respect of every day of vacation holiday due to him in virtue of this Convention the remuneration provided for in Article 5.

Article 8

Each Member which ratifies this Convention shall ensure the effective application of its provisions.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 10

1. Effect may be given to this Convention by *(a)* laws or regulations ; *(b)* collective agreements between shipowners and seafarers ; or *(c)* a combination of laws or regulations and collective agreements between shipowners and seafarers. Except as may be otherwise provided herein, the provisions of this Convention shall be made applicable to every vessel registered in the territory of the ratifying Member and to every person engaged on any such vessel.

2. Where effect has been given to any provision of this Convention by a collective agreement in pursuance of paragraph 1 of this Article, then, notwithstanding anything contained in Article 8 of this Convention, the Member in whose territory the agreement is in force shall not be required to take any measures in pursuance of Article 8 in respect of the provisions of the Convention to which effect has been given by collective agreement.

3. Each Member ratifying this Convention shall supply to the Director-General of the International Labour Office information on the measures by which the Convention is applied, including particulars of any collective agreements which give

effect to any of its provisions and are in force at the date when the Member ratifies the Convention.

4. Each Member ratifying this Convention undertakes to take part, by means of a tripartite delegation, in any committee representative of Governments and shipowners' and seafarers' organisations, and including in an advisory capacity representatives of the Joint Maritime Commission of the International Labour Office, which may be set up for the purpose of examining the measures taken to give effect to the Convention.

5. The Director-General will lay before the said Committee a summary of the information received by him under paragraph 3 above.

6. The Committee shall consider whether the collective agreements reported to it give full effect to the provisions of this Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions concerning the application of the Convention made by the Committee and further undertakes to bring to the notice of the organisations of employers and of workers who are parties to any of the collective agreements mentioned in paragraph 1 any observations or suggestions of the aforesaid Committee concerning the degree to which such agreements give effect to the provisions of the Convention.

Article 11

For the purpose of Article 17 of the Holidays with Pay (Sea) Convention, 1936, the present Convention shall be regarded as a Convention revising that Convention.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by nine of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

Convention 92

Convention concerning Crew Accommodation on Board Ship (Revised 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Accommodation of Crews Convention, 1946, adopted by the Conference at its Twenty-eighth Session, which is included in the twelfth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,

adopts this eighteenth day of June of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Accommodation of Crews Convention (Revised), 1949 :

Part I. General Provisions

Article 1

1. This Convention applies to every sea-going mechanically propelled vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose

of trade and is registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going vessels for the purpose of this Convention.

3. This Convention does not apply to—

(a) vessels of less than 500 tons ;

(b) vessels primarily propelled by sail but having auxiliary engines ;

(c) vessels engaged in fishing or in whaling or in similar pursuits ;

(d) tugs.

4. Provided that the Convention shall be applied where reasonable and practicable to—

(a) vessels between 200 and 500 tons ; and

(b) the accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits.

5. Provided also that any of the requirements contained in Part III of this Convention may be varied in the case of any ship if the competent authority is satisfied, after consultation with the organisations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, that the variations to be made provide corresponding advantages as a result of which the over-all conditions are not less favourable than those which would result from the full application of the provisions of the Convention ; particulars of all such variations shall be communicated by the Member to the Director-General of the International Labour Office, who shall notify the Members of the International Labour Organisation.

Article 2

In this Convention—

(a) the term " ship " means a vessel to which the Convention applies ;

(b) the term " tons " means gross register tons ;

(c) the term " passenger ship " means a ship in respect of which there is in force either (i) a safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force or (ii) a passenger certificate ;

(d) the term " officer " means a person other than a master ranked as an officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom ;

(e) the term " rating " means a member of the crew other than an officer ;

(f) the term " petty officer " means a rating serving in a supervisory position or position of special responsibility who is classed as petty officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom ;

(g) the term " crew accommodation " includes such sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew ;

(h) the term " prescribed " means prescribed by national laws or regulations or by the competent authority ;

(i) the term " approved " means approved by the competent authority ;

(j) the term " re-registered " means re-registered on the occasion of a simultaneous change in the territory of registration and ownership of the vessel.

Article 3

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure the application of the provisions of Parts II, III and IV of this Convention.

2. The laws or regulations shall—

(a) require the competent authority to bring them to the notice of all persons concerned ;

(b) define the persons responsible for compliance therewith ;

(c) prescribe adequate penalties for any violation thereof ;

(d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement ;

(e) require the competent authority to consult the organisations of shipowners and/or the shipowners and the recognised *bona fide* trade unions of seafarers in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

Part II. Planning and Control of Crew Accommodation

Article 4

1. Before the construction of a ship is begun a plan of the ship, showing on a prescribed scale the location and general arrangement of the crew accommodation, shall be submitted for approval to the competent authority.

2. Before the construction of the crew accommodation is begun and before the crew accommodation in an existing ship is altered or reconstructed, detailed plans of, and information concerning, the accommodation, showing on a prescribed scale and in prescribed detail the allocation of each space, the disposition

of furniture and fittings, the means and arrangement of ventilation, lighting and heating, and the sanitary arrangements, shall be submitted for approval to the competent authority : Provided that in the case of emergency or temporary alterations or reconstruction effected outside the territory of registration it shall be sufficient compliance with this provision if the plans are subsequently submitted for approval to the competent authority.

Article 5

On every occasion when—

(a) a ship is registered or re-registered,

(b) the crew accommodation of a ship has been substantially altered or reconstructed, or

(c) complaint has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel by a recognised *bona fide* trade union of seafarers representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the ship that the crew accommodation is not in compliance with the terms of this Convention,

the competent authority shall inspect the ship and satisfy itself that the crew accommodation complies with the requirements of the laws and regulations.

Part III. Crew Accommodation Requirements

Article 6

1. The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.

2. There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.

3. External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

4. Internal bulkheads shall be of approved material which is not likely to harbour vermin.

5. Sleeping rooms, mess rooms, recreation rooms and alley-ways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.

6. Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley-ways leading to crew accommodation ; where they do pass through such alley-ways they shall be adequately insulated and encased.

7. Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

8. The competent authority shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

9. The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and, if painted, shall be light in colour ; lime wash must not be used.

10. The wall surfaces shall be renewed or restored as necessary.

11. The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

12. Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices.

13. Sufficient drainage shall be provided.

Article 7

1. Sleeping rooms and mess rooms shall be adequately ventilated.

2. The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

3. Ships regularly engaged on voyages in the tropics and the Persian Gulf shall be equipped with both mechanical means of ventilation and electric fans : Provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

4. Ships engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans. The competent authority may exempt ships normally employed in the cold waters of the northern or southern hemispheres from this requirement.

5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Article 8

1. An adequate system of heating the crew accommodation shall be provided except in ships engaged exclusively in voyages in the tropics and the Persian Gulf.

2. The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.

3. In all ships in which a heating system is required, the heating shall be by means of steam, hot water, warm air or electricity.

4. In any ships in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.

5. The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service ; the competent authority shall prescribe the standard to be provided.

6. Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid risk of fire or danger or discomfort to the occupants.

Article 9

1. Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.

2. All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

3. In all ships electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

4. Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.

5. In sleeping rooms an electric reading lamp shall be installed at the head of each berth.

Article 10

1. Sleeping rooms shall be situated above the load line amidships or aft.

2. In exceptional cases the competent authority may, if the size, type or intended service of the ship render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the ship, but in no case forward of the collision bulkhead.

3. In passenger ships the competent authority may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case immediately beneath working alley-ways.

4. The floor area per person of sleeping rooms intended for ratings shall be not less than—

(a) 20 sq. ft. or 1.85 sq. m. in vessels under 800 tons ;

(b) 25 sq. ft. or 2.35 sq. m. in vessels of 800 tons or over, but under 3,000 tons ;

(c) 30 sq. ft. or 2.78 sq. m. in vessels of 3,000 tons or over :

Provided that, in the case of passenger ships in which more than four ratings are berthed in one room, the minimum per person may be 24 sq. ft. (2.22 sq. m.).

5. In the case of ships in which are employed such groups of ratings as necessitate the employment of a substantially larger number of ratings than would otherwise be employed, the competent authority may, in respect of such groups, reduce the minimum floor area of sleeping rooms per person, subject to the conditions that—

(a) the total sleeping space allotted to the group or groups is not less than would have been allotted had the numbers not been so increased, and

(b) the minimum floor area of sleeping rooms is not less than—

(i) 18 sq. ft. (1.67 sq. m.) per person in ships under 3,000 tons ;

(ii) 20 sq. ft. (1.85 sq. m.) per person in ships of 3,000 tons or over.

6. Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

7. The clear head room in crew sleeping rooms shall not be less than 6 ft. 3 ins. (190 cm.).

8. There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department : Provided that the competent authority may relax this requirement in the case of small ships.

9. The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima :

(a) officers in charge of a department, navigating and engineer officers in charge of a watch and senior radio officers or operators : one person per room ;

(b) other officers : one person per room wherever possible, and in no case more than two ;

(c) petty officers : one or two persons per room, and in no case more than two ;

(d) other ratings : two or three persons per room wherever possible, and in no case more than four.

10. With a view to ensuring adequate and more comfortable accommodation the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and the *bona fide* trade unions of seafarers, grant permission to accommodate up to ten ratings per sleeping room in the case of certain passenger ships.

11. The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.

12. Members of the crew shall be provided with individual berths.

13. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

14. Berths shall not be arranged in tiers of more than two ; in the case of berths placed along the ship's side, there shall be only a single tier where a sidelight is situated above a berth.

15. The lower berth in a double tier shall be not less than 12 ins. (30 cm.) above the floor ; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

16. The minimum inside dimensions of a berth shall be 6 ft. 3 ins. by 2 ft. 3 ins. (190 cm. by 68 cm.).

17. The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.

18. If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

19. Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material.

Stuffing of straw or other material likely to harbour vermin shall not be used.

20. When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.

21. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

22. The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 5 ft. (152 cm.) in height and of a cross-section area of 300 sq. ins. (19.30 sq. decimetres) and shall be fitted with a shelf and a hasp for a padlock. The padlock shall be provided by the occupant.

23. Each sleeping room shall be provided with a table or desk, which may be of the fixed, dropleaf or slide-out type, and with comfortable seating accommodation as necessary.

24. The furniture shall be of smooth, hard material not liable to warp or corrode.

25. The drawer or equivalent space for each occupant shall be not less than 2 cu. ft. (0.56 cu. m.).

26. Sleeping rooms shall be fitted with curtains for the sidelights.

27. Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

28. As far as practicable berthing of crew members shall be so arranged that watches are separated and that no daymen share a room with watch-keepers.

Article 11

1. Sufficient mess room accommodation shall be provided in all ships.

2. In ships of less than 1,000 tons separate mess room accommodation shall be provided for—

(a) master and officers ;
(b) petty officers and other ratings.

3. In ships of 1,000 tons and over, separate mess room accommodation shall be provided for—

(a) master and officers ;
(b) deck department petty officers and other ratings ;
(c) engine department petty officers and other ratings :

Provided that—

(i) one of the two mess rooms for the petty officers and other ratings may be allotted to the petty officers and the other to the other ratings ;

(ii) a single mess room may be provided for deck and engine department petty officers and other ratings in cases in which the organisations of shipowners and/or shipowners and the recognised *bona fide* trade unions of seafarers concerned have expressed a preference for such an arrangement.

4. Adequate mess room accommodation shall be provided for the catering department, either by the provision of a separate mess room or by giving them the right to the use of the mess rooms assigned to other groups ; in the case of ships of 5,000 tons or over with more than five persons in the catering department consideration shall be given to the provision of a separate mess room.

5. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

6. Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

7. The competent authority may permit such exceptions to the foregoing rules concerning mess room accommodation as may be necessary to meet the special conditions in passenger ships.

8. Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.

9. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.

10. The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

Article 12

1. In all ships a space or spaces to which the crew can have access when off duty shall be provided on an open deck ; the space or spaces shall be of adequate area, having regard to the size of the ship and the crew.

2. Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and for ratings. Where this is not provided separately from the mess rooms the latter shall be planned, furnished, and equipped to give recreational facilities.

Article 13

1. Sufficient sanitary accommodation, including wash basins and tub and/or shower baths, shall be provided in all ships.

2. The following minimum number of separate water closets shall be provided :

(a) in ships of under 800 tons : three ;
(b) in ships of 800 tons or over, but under 3,000 tons : four ;
(c) in ships of 3,000 tons or over : six ;
(d) in ships where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.

3. National laws or regulations shall prescribe the allocation of water closets to various groups, subject to the provisions of paragraph 4 of this Article.

4. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for each group of the crew on the following scale :

(a) one tub and/or shower bath for every eight persons or less ;
(b) one water closet for every eight persons or less ;
(c) one wash basin for every six persons or less :

Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than one-half of the specified number this surplus may be ignored for the purpose of this paragraph.

5. When the total number of the crew exceeds 100 and in passenger vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the competent authority to special arrangements or a reduction in the number of facilities required.

6. Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places. The competent authority, in consultation with the organisations of shipowners and/or the shipowners and with the recognised *bona fide* trade unions of seafarers, may fix the maximum amount of fresh water which the shipowner may be required to supply per man per day.

7. Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

8. All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

9. All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

10. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

11. Sanitary accommodation intended for the use of more than one person shall comply with the following requirements :

(a) floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained ;

(b) bulkheads shall be of steel or other approved material and shall be watertight up to at least 9 ins. (23 cm.) above the level of the deck ;

(c) the accommodation shall be sufficiently lighted, heated and ventilated ;

(d) water closets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access : Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons ;

(e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

12. In all ships facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

13. The facilities for washing clothes shall include suitable sinks, which may be installed in wash rooms, if separate laundry accommodation is not reasonably practicable, with an adequate supply of cold fresh water and hot fresh water or means of heating water.

14. The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

Article 14

1. In any ship carrying a crew of fifteen or more and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided. The competent authority may relax this requirement in respect of vessels engaged in coastal trade.

2. The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weathers.

3. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

4. The number of hospital berths required shall be prescribed by the competent authority.

5. Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto.

6. Hospital accommodation shall not be used for other than medical purposes.

7. An approved medicine chest with readily understandable instructions shall be carried in every ship which does not carry a doctor.

Article 15

1. Sufficiently and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

2. In ships of over 3,000 tons one room for the deck department and one room for the engine department shall be provided and equipped for use as an office.

3. In ships regularly trading to mosquito-infested ports provision shall be made to protect the crews' quarters against the admission of mosquitoes by the fitting of suitable screens to side scuttles, ventilators and doors to the open deck.

4. All ships trading regularly to or in the tropics and the Persian Gulf shall be equipped with awnings for use over exposed decks above crew accommodation and over recreation deck space or spaces.

Article 16

1. In the case of the ships mentioned in paragraph 5 of Article 10 the competent authority may, in respect of the members of the crew there referred to, modify the requirements laid down in the foregoing articles as far as may be necessary to take account of their distinctive national habits and customs and in particular may make special arrangements concerning the number of persons occupying sleeping rooms and concerning mess room and sanitary facilities.

2. In modifying the said requirements the competent authority shall be bound by the specifications set forth in paragraphs 1 and 2 of Article 10 and by the minimum sleeping space requirements prescribed for such groups of ratings in paragraph 5 of Article 10.

3. In ships in which the crew in any department are persons of widely different national habits and customs, separate and appropriate sleeping and living accommodation shall be provided as may be necessary to meet the requirements of the different groups.

4. In the case of the ships mentioned in paragraph 5 of Article 10 the hospital, dining, bathing and sanitary facilities shall be provided and maintained on a standard, in regard to their quantity and practical usefulness, equal or comparable to that which obtains aboard all other ships of similar type and belonging to the same registry.

5. The competent authority shall, when framing special regulations under this Article, consult the recognised *bona fide* trade unions of seafarers concerned and the organisations of shipowners and/or the shipowners employing them.

Article 17

1. Crew accommodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores not the personal property of the occupants.

2. The master, or an officer specially deputed for the purpose by him, accompanied by one or more members of the crew, shall inspect all crew accommodation at intervals of not more than one week. The results of each such inspection shall be recorded.

PART IV. APPLICATION OF CONVENTION TO EXISTING SHIPS

Article 18

1. Subject to the provisions of paragraphs 2, 3 and 4 of this Article, this Convention applies to ships the keels of which are laid down subsequent to the coming into force of the Convention for the territory of registration.

2. In the case of a ship which is fully complete on the date of the coming into force of this Convention for the territory of registration and which is below the standard set by Part III of this Convention, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible, having regard to the practical problems involved, to be made when—

(a) the ship is re-registered ;

(b) substantial structural alterations or major repairs are made to the vessel as a result of long-range plans and not as a result of an accident or emergency.

3. In the case of a ship in the process of building and/or reconversion on the date of the coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved ; such alterations shall constitute final compliance with the terms of this Convention, unless and until the ship be re-registered.

4. In the case of a ship, other than such a ship as is referred to in paragraphs 2 and 3 of this Article or a ship to which the provisions of this Convention were applicable while she was under construction, being re-registered in a territory after the date of the coming into force of this Convention for that territory, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved ; such alterations shall constitute final compliance with the terms of this Convention, unless and until the ship is again re-registered.

Part V. Final Provisions

Article 19

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seafarers which ensures more favourable conditions than those provided for by this Convention.

Article 20

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 21

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date

on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 23

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 24

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 25

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 26

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 27

The English and French versions of the text of this Convention are equally authoritative.

Convention 93

Convention concerning Wages, Hours of Work on Board Ship and Manning (Revised 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Wages, Hours of Work and Manning (Sea) Convention, 1946, adopted by the Conference at its Twenty-eighth Session, which is included in the twelfth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,

adopts this eighteenth day of June of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 :

Part I. General Provisions

Article 1

Nothing in this Convention shall be deemed to prejudice any provision concerning wages, hours of work on board ship, or manning, by law, award, custom or agreement between shipowners and seafarers, which ensures the seafarers conditions more favourable than those provided for by this Convention.

Article 2

1. This Convention applies to every vessel, whether publicly or privately owned, which is—

(a) mechanically propelled ;

(b) registered in a territory for which the Convention is in force ;

(c) engaged in the transport of cargo or passengers for the purpose of trade ; and

(d) engaged in a voyage by sea.

2. This Convention does not apply to—

(a) vessels of less than 500 gross register tons ;

(b) wooden vessels of primitive build such as dhows and junks ;

(c) vessels engaged in fishing or in operations directly connected therewith ;

(d) estuarial craft.

Article 3

This Convention applies to every person who is engaged in any capacity on board a vessel except—

(a) a master ;

(b) a pilot not a member of the crew ;

(c) a doctor ;

(d) nursing staff engaged exclusively on nursing duties and hospital staff ;

(e) persons whose duties are connected solely with the cargo on board ;

(f) persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings ;

(g) persons not remunerated for their services or remunerated only by a nominal salary or wage ;

(h) persons, excluding those in the service of a wireless telegraphy company, who are employed on board by an employer other than the shipowner ;

(i) travelling dockers (longshoremen) not members of the crew ;

(j) persons employed in whale-catching, floating factory or transport vessels or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers ;

(k) persons who are not members of the crew (whether working on or off articles) but are employed while the vessel

is in port on repairing, cleaning, loading or unloading the vessel or similar work or on port relief, maintenance, watch or caretaking duties.

Article 4

In this Convention—

(a) the term "officer" means a person other than a master who is described in the ship's articles as an officer or who is serving in a capacity which by law, collective agreement or custom is recognised as that of an officer ;

(b) the term "rating" means a member of the crew other than a master or officer and includes a certificated seaman ;

(c) the term "able seaman" means any person who by national laws or regulations, or in the absence of such laws or regulations by collective agreement, is deemed to be competent to perform any duty which may be required of a rating serving in the deck department other than the duties of a leading or specialist rating ;

(d) the term "basic pay or wages" means the remuneration of an officer or rating in cash, exclusive of overtime, premiums or any other allowances either in cash or in kind.

PART II. WAGES

Article 5

1. The basic pay or wages for a calendar month of service of an able seaman employed in a vessel to which this Convention applies shall not be less than sixteen pounds in currency of the United Kingdom of Great Britain and Northern Ireland or sixty-four dollars in currency of the United States of America or the equivalent thereof in other currency.

2. In the event of a change in the par value of the pound or the dollar being notified to the International Monetary Fund—

(a) the minimum basic wage prescribed in paragraph 1 of this Article in terms of the currency in respect of which such notification has been made shall be adjusted so as to maintain equivalence with the other currency ;

(b) the adjustment shall be notified by the Director-General of the International Labour Office to the Members of the International Labour Organisation ; and

(c) the minimum basic wage so adjusted shall be binding upon Members which have ratified the Convention in the same manner as the wage prescribed in paragraph 1 of this Article, and shall take effect for each such Member not

later than the beginning of the second calendar month following that in which the Director-General communicates the change to Members.

Article 6

1. In the case of ships in which are employed such groups of ratings as necessitate the employment of larger groups of ratings than would otherwise be employed the minimum basic pay or wages of an able seaman shall be an amount fixed as the adjusted equivalent of the minimum basic pay or wages stipulated in the preceding article.

2. The adjusted equivalent shall be fixed in accordance with the principle of equal pay for equal work and due allowance shall be made for—

(a) the extra number of ratings of such groups who are employed ; and

(b) any increase or decrease in cost to the shipowner consequent on the employment of such groups of ratings.

3. The adjusted equivalent shall be determined by collective agreement between the organisations of shipowners and seafarers concerned or, failing such agreement and subject to both countries concerned having ratified the Convention, by the competent authority of the territory of the group of seafarers concerned.

Article 7

If meals are not provided free of charge, the minimum basic pay or wages shall be increased by an amount to be determined by collective agreement between the organisations of shipowners and seafarers concerned or, failing such agreement, by the competent authority.

Article 8

1. The rate to be used for determining the equivalent in other currency of the minimum basic pay or wages prescribed in Article 5 shall be the ratio between the par value of that currency and the par value of the pound of the United Kingdom of Great Britain and Northern Ireland or of the dollar of the United States of America.

2. In the case of the currency of a Member of the International Labour Organisation which is a Member of the International Monetary Fund the par value shall be that currently in effect under the Articles of Agreement of the International Monetary Fund.

3. In the case of the currency of a Member of the International Labour Organisation which is not a Member of the International Monetary Fund, the par value shall be the official

rate of exchange, in terms of gold or of the dollar of the United States of America of the weight and fineness in effect on 1 July 1944, currently in effect for payments and transfers for current international transactions.

4. In the case of any currency which cannot be dealt with under the provisions of either of the two preceding paragraphs—

(a) the rate to be adopted for the purpose of this Article shall be determined by the Member of the International Labour Organisation concerned ;

(b) the Member concerned shall notify its decision to the Director-General of the International Labour Office, who shall forthwith inform the other Members which have ratified this Convention ;

(c) within a period of six months from the date on which the information is communicated by the Director-General, any other Member which has ratified the Convention may inform the Director-General of the International Labour Office that it objects to the decision, and the Director-General shall thereupon inform the Member concerned and the other Members which have ratified the Convention and shall report the matter to the Committee provided for in Article 21 ;

(d) the foregoing provisions shall apply in the event of any change in the decision of the Member concerned.

5. A change in basic pay or wages as a result of a change in the rate for determining the equivalent in other currency shall take effect not later than the beginning of the second calendar month following that in which the change in the relative par values of the currencies concerned becomes effective.

Article 9

Each Member shall take the necessary measures—

(a) to ensure, by way of a system of supervision and sanctions, that remuneration is paid at not less than the rate required by this Convention ; and

(b) to ensure that any person who has been paid at a rate less than that required by this Convention is enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which he has been underpaid.

PART III. HOURS OF WORK ON BOARD SHIP

Article 10

This Part of this Convention does not apply to—

(a) a chief officer or chief engineer ;

(b) a purser ;

(c) any other officer in charge of a department who does not keep watch ;

(d) a person employed in the clerical or catering department of a vessel who is—

(i) serving in a superior grade as defined by a collective agreement between the organisations of shipowners and seafarers concerned ; or

(ii) working chiefly on his own account ; or

(iii) remunerated solely on a commission basis or chiefly by a share of profits or earnings.

Article 11

In this Part of this Convention—

(a) the term " near trade ship " means a vessel exclusively engaged in voyages upon which it does not proceed farther from the country from which it trades than the near-by ports of neighbouring countries within geographical limits which—

(i) are clearly specified by national laws, regulations or by collective agreement between organisations of shipowners and seafarers ;

(ii) are uniform in respect of the application of all the provisions of this Part of the Convention ;

(iii) have been notified by the Member when registering its ratification by a declaration annexed thereto ; and

(iv) have been fixed after consultation with the other Members concerned ;

(b) the term " distant trade ship " means a vessel other than a near trade ship ;

(c) the term " passenger ship " means a vessel licensed to carry more than twelve passengers ;

(d) the term " hours of work " means time during which a person is required by the orders of a superior to do work on account of the vessel or the owner.

Article 12

1. This Article applies to officers and ratings employed in the deck, engine-room and radio departments of near trade ships.

2. The normal hours of work of an officer or rating shall not exceed—

(a) when the vessel is at sea, twenty-four hours in any period of two consecutive days ;

(b) when the vessel is in port—

(i) on the weekly day of rest, such time not exceeding two hours as is necessary for ordinary routine and sanitary duties ;

(ii) on other days, eight hours except where a collective agreement provides for less on any day ;

(c) one hundred and twelve hours in a period of two consecutive weeks.

3. Time worked in excess of the limits prescribed in subparagraphs *(a)* and *(b)* of paragraph 2 shall be regarded as overtime for which the officer or rating concerned shall be entitled to compensation in accordance with the provisions of Article 17 of this Convention.

4. When the total number of hours worked in a period of two consecutive weeks, excluding hours regarded as overtime, exceeds one hundred and twelve, the officer or rating concerned shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organisations of shipowners and seafarers concerned.

5. National laws or regulations or collective agreements shall determine when a ship is to be regarded as being at sea and when it is to be regarded as being in port for the purposes of this Article.

Article 13

1. This Article applies to officers and ratings employed in the deck, engine-room and radio departments of distant trade ships.

2. When the vessel is at sea and on days of sailing and arrival, the normal hours of work of an officer or rating shall not exceed eight hours in any one day.

3. When the vessel is in port, the normal hours of work of an officer or rating shall not exceed—

(a) on the weekly day of rest, such time not exceeding two hours as is necessary for ordinary routine and sanitary duties ;

(b) on other days, eight hours except where a collective agreement provides for less on any day.

4. Time worked in excess of the daily limits prescribed in the preceding paragraphs shall be regarded as overtime for which the officer or rating shall be entitled to compensation in accordance with the provisions of Article 17 of this Convention.

5. When the total number of hours worked in a period of one week, excluding hours regarded as overtime, exceeds forty-eight, the officer or rating shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organisations of shipowners and seafarers concerned.

6. National laws or regulations or collective agreements shall determine when a ship is to be regarded as being at sea and when it is to be regarded as being in port for the purposes of this Article.

Article 14

1. This Article applies to persons employed in the catering department of a vessel.

2. In the case of a passenger ship normal hours of work shall not exceed—

(a) when the vessel is at sea and on days of sailing and arrival, ten hours in any consecutive period of fourteen hours ;

(b) when the vessel is in port—

(i) when passengers are on board, ten hours in any period of fourteen hours ;

(ii) in other cases—

on the day preceding the weekly day of rest, five hours ;

on the weekly day of rest, five hours for persons engaged in messing duties and such time not exceeding two hours as is necessary for ordinary routine and sanitary duties in the case of other persons ;

on any other day, eight hours.

3. In the case of a vessel not a passenger ship, normal hours of work shall not exceed—

(a) when the vessel is at sea and on days of sailing and arrival, nine hours in any period of thirteen hours ;

(b) when the vessel is in port—

on the weekly day of rest, five hours ;

on the day preceding the weekly day of rest, six hours ;

on any other days, eight hours in any period of twelve hours.

4. When the total number of hours worked in a period of two consecutive weeks exceeds one hundred and twelve the person concerned shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organisations of shipowners and seafarers concerned.

5. National laws or regulations or collective agreements between the organisations of shipowners and seafarers concerned may make special arrangements for the regulation of the hours of work of night watchmen.

Article 15

1. This Article applies to officers and ratings employed in near and distant trade ships.

2. Time off in port should be the subject of negotiations between the organisations of shipowners and seafarers concerned on the basis that officers and ratings should receive the maximum time off in port that is practicable and that such time off should not count as leave.

Article 16

1. The competent authority may exempt from the application of this Part of this Convention officers not already excluded therefrom by virtue of Article 10, subject to the following conditions :

(a) the officers must be entitled in virtue of a collective agreement to conditions of employment which the competent authority certifies constitute full compensation for the non-application of this Part of the Convention ;

(b) the collective agreement must have been originally concluded before 30 June 1946 and the agreement or a renewal thereof must be still in force.

2. A Member having recourse to the provisions of paragraph 1 shall supply to the Director-General of the International Labour Office full particulars of any such collective agreement and the Director-General shall lay a summary of the information received by him before the Committee referred to in Article 21.

3. The said Committee shall consider whether the collective agreements reported to it provide for conditions of employment which constitute full compensation for the non-application of this Part of this Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions made by the Committee concerning such agreements and further undertakes to bring any such observations or suggestions to the notice of the organisations of shipowners and officers who are parties to such agreements.

Article 17

1. The rate or rates of compensation for overtime shall be prescribed by national laws or regulations or be fixed by collective agreement, but in no case shall the hourly rate of payment for overtime be less than one and a quarter times the basic pay or wages per hour.

2. Collective agreements may provide for compensation by equivalent time off duty and off the vessel in lieu of cash payment or for any other method of compensation.

Article 18

1. The consistent working of overtime shall be avoided whenever possible.

2. Time spent in the following work shall not be included in normal hours of work or be regarded as overtime for the purpose of this Part of this Convention :

(a) work that the master deems to be necessary and urgent for the safety of the vessel, cargo or persons on board ;

(b) work required by the master for the purpose of giving assistance to other vessels or persons in distress ;

(c) musters, fire, lifeboat and similar drills of the kind prescribed by the International Convention for the Safety of Life at Sea for the time being in force ;

(d) extra work for the purposes of customs or quarantine or other health formalities ;

(e) normal and necessary work by officers for the determination of the position of the ship and for making meteorological observations ;

(f) extra time required for the normal relieving of watches.

3. Nothing in this Convention shall be deemed to impair the right and duty of the master of a vessel to require, or the duty of an officer or rating to perform, any work deemed by the master to be necessary for the safe and efficient operation of the vessel.

Article 19

1. No person under the age of sixteen years shall work at night.

2. For the purpose of this Article, " night " means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations or collective agreements.

Part IV. Manning

Article 20

1. Every vessel to which this Convention applies shall be sufficiently and efficiently manned for the purposes of—

(a) ensuring the safety of life at sea ;

(b) giving effect to the provisions of Part III of this Convention ; and

(c) preventing excessive strain upon the crew and avoiding or minimising as far as practicable the working of overtime.

2. Each Member undertakes to maintain, or to satisfy itself that there is maintained, efficient machinery for the investigation and settlement of any complaint or dispute concerning the manning of a vessel.

3. Representatives of the organisations of shipowners and seafarers shall participate, with or without other persons or authorities, in the operation of such machinery.

PART V. APPLICATION OF THE CONVENTION

Article 21

1. Effect may be given to this Convention by *(a)* laws or regulations ; *(b)* collective agreements between shipowners and seafarers (except as regards paragraph 2 of Article 20) ; or *(c)* a combination of laws or regulations and collective agreements between shipowners and seafarers. Except as may be otherwise provided herein, the provisions of this Convention shall be made applicable to every vessel registered in the territory of the ratifying Member and to every person engaged on any such vessel.

2. Where effect has been given to any provision of this Convention by a collective agreement in pursuance of paragraph 1 of this Article, then notwithstanding anything contained in Article 9 of this Convention the Member shall not be required to take any measures in pursuance of Article 9 of this Convention in respect of the provisions of the Convention to which effect has been so given by collective agreement.

3. Each Member ratifying this Convention shall supply to the Director-General of the International Labour Office information on the measures by which the Convention is applied, including particulars of any collective agreements in force which give effect to any of its provisions.

4. Each Member ratifying this Convention undertakes to take part, by means of a tripartite delegation, in any Committee representative of Governments and shipowners' and seafarers' organisations, and including, in an advisory capacity, representatives of the Joint Maritime Commission of the International Labour Office, which may be set up for the purpose of examining the measures taken to give effect to the Convention.

5. The Director-General shall lay before the said Committee a summary of the information received by him under paragraph 3 above.

6. The Committee shall consider whether the collective agreements reported to it give full effect to the provisions of the Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions concerning the application of the Convention made by the Committee, and further undertakes to bring to the notice of the organisations of shipowners and of seafarers who are parties to any of the collective agreements mentioned in paragraph 1 any observations or suggestions of the aforesaid Committee

concerning the degree to which such agreements give effect to the provisions of the Convention.

Article 22

1. Each Member which ratifies this Convention shall be responsible for the application of its provisions to vessels registered in its territory and shall, except where effect is given to the Convention by collective agreements, maintain in force laws or regulations which—

(a) determine the respective responsibilities of the shipowner and the master for ensuring compliance therewith ;

(b) prescribe adequate penalties for any violation thereof ;

(c) provide for adequate public supervision of compliance with Part IV of the Convention ;

(d) require the keeping of the records of hours worked necessary for the purposes of Part III of the Convention and of the compensation granted in respect of overtime and of excess hours of work ;

(e) ensure to seafarers the same remedies for recovering payments due to them in respect of compensation for overtime and for excess hours of work as they have for recovering other arrears of pay.

2. The organisations of shipowners and seafarers concerned shall, so far as is reasonable and practicable, be consulted in the framing of all laws or regulations for giving effect to the provisions of this Convention.

Article 23

For the purpose of giving mutual assistance in the enforcement of this Convention, every Member which ratifies the Convention undertakes to require the competent authority in every port in its territory to inform the consular or other appropriate authority of any other such Member of any case in which it comes to the notice of such authority that the requirements of the Convention are not being complied with in a vessel registered in the territory of that other Member.

Part VI. Final Provisions

Article 24

For the purpose of Article 28 of the Hours of Work and Manning (Sea) Convention, 1936, the present Convention shall be regarded as a Convention revising that Convention.

Article 25

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall first come into force six months after the date at which the following conditions have been fulfilled :

(a) the ratifications of nine of the following Members have been registered : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey, Yugoslavia ;

(b) at least five of the Members whose ratifications have been registered have at the date of registration each not less than one million gross register tons of shipping ;

(c) the aggregate tonnage of shipping possessed at the time of registration by the Members whose ratifications have been registered is not less than fifteen million gross register tons.

3. The provisions of the preceding paragraph are included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

4. After the Convention has first come into force, it shall come into force for any Member six months after the date on which its ratification has been registered.

Article 27

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not within the year following the expiration of the period of five years mentioned in the preceding paragraph exercise the right of denunciation provided for in this Article will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 28

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications, declarations and

denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 29

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 30

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 31

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 32

The English and French versions of the text of this Convention are equally authoritative.

Convention 94

Convention concerning Labour Clauses in Public Contracts

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning labour clauses in public contracts, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Labour Clauses (Public Contracts) Convention, 1949 :

Article 1

1. This Convention applies to contracts which fulfil the following conditions :

(a) that one at least of the parties to the contract is a public authority ;

(b) that the execution of the contract involves—

(i) the expenditure of funds by a public authority ; and

(ii) the employment of workers by the other party to the contract ;

(c) that the contract is a contract for—

(i) the construction, alteration, repair or demolition of public works ;

(ii) the manufacture, assembly, handling or shipment of materials, supplies or equipment ; or

(iii) the performance or supply of services ; and

(d) that the contract is awarded by a central authority of a Member of the International Labour Organisation for which the Convention is in force.

2. The competent authority shall determine the extent to which and the manner in which the Convention shall be applied to contracts awarded by authorities other than central authorities.

3. This Convention applies to work carried out by subcontractors or assignees of contracts ; appropriate measures shall be taken by the competent authority to ensure such application.

4. Contracts involving the expenditure of public funds of an amount not exceeding a limit fixed by the competent authority after consultation with the organisations of employers and workers concerned, where such exist, may be exempted from the application of this Convention.

5. The competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, exclude from the application of this Convention persons occupying positions of management or of a technical, professional or scientific character, whose conditions of employment are not regulated by national laws or regulations, collective agreement or arbitration award and who do not ordinarily perform manual work.

Article 2

1. Contracts to which this Convention applies shall include clauses ensuring to the workers concerned wages (including allowances), 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 or industry concerned in the district where the work is carried on—

(a) by collective agreement or other recognised machinery of negotiation between organisations of employers and workers representative respectively of substantial proportions of the employers and workers in the trade or industry concerned ; or

(b) by arbitration award ; or

(c) by national laws or regulations.

2. Where the conditions of labour referred to in the preceding paragraph are not regulated in a manner referred to therein in the district where the work is carried on, the clauses to be included in contracts shall ensure to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than—

(a) those established by collective agreement or other recognised machinery of negotiation, by arbitration, or by national laws or regulations, for work of the same character in the trade or industry concerned in the nearest appropriate district ; or

(b) the general level observed in the trade or industry in which the contractor is engaged by employers whose general circumstances are similar.

3. The terms of the clauses to be included in contracts and any variations thereof shall be determined by the competent authority, in the manner considered most appropriate to the national conditions, after consultation with the organisations of employers and workers concerned, where such exist.

4. Appropriate measures shall be taken by the competent authority, by advertising specifications or otherwise, to ensure that persons tendering for contracts are aware of the terms of the clauses.

Article 3

Where appropriate provisions relating to the health, safety and welfare of workers engaged in the execution of contracts are not already applicable in virtue of national laws or regulations, collective agreement or arbitration award, the competent authority shall take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.

Article 4

The laws, regulations or other instrument giving effect to the provisions of this Convention—

(a) shall—

(i) be brought to the notice of all persons concerned ;

(ii) define the persons responsible for compliance therewith ; and

(iii) require the posting of notices in conspicuous places at the establishments and workplaces concerned with a view to informing the workers of their conditions of work ; and

(b) shall, except where other arrangements are operating to ensure effective enforcement, provide for the maintenance of—

(i) adequate records of the time worked by, and the wages paid to, the workers concerned ; and

(ii) a system of inspection adequate to ensure effective enforcement.

Article 5

1. Adequate sanctions shall be applied, by the withholding of contracts or otherwise, for failure to observe and apply the provisions of labour clauses in public contracts.

2. Appropriate measures shall be taken, by the withholding of payments under the contract or otherwise, for the purpose of enabling the workers concerned to obtain the wages to which they are entitled.

Article 6

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning the measures by which effect is given to the provisions of this Convention.

Article 7

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may, after consultation with the organisations of employers and workers concerned, where such exist, exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto ; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of this Article shall, at intervals not exceeding three years, reconsider in consultation with the organisations of employers and workers concerned, where such exist, the practicability of extending the application of the Convention to areas exempted in virtue of paragraph 1.

4. Each Member having recourse to the provisions of this Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article and any progress which may have been made with a view to the progressive application of the Convention in such areas.

Article 8

The operation of the provisions of this Convention may be temporarily suspended by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, in cases of *force majeure* or in the event of emergency endangering the national welfare or safety.

Article 9

1. This Convention does not apply to contracts entered into before the coming into force of the Convention for the Member concerned.

2. The denunciation of this Convention shall not affect the application thereof in respect of contracts entered into while the Convention was in force.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate—

(a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 13

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 84

Recommendation concerning Labour Clauses in Public Contracts

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning labour clauses in public contracts, which is the sixth item on the agenda of the session, and

Having decided that these proposals shall take the form of a Recommendation supplementing the Labour Clauses (Public Contracts) Convention, 1949,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-nine the following Recommendation, which may be cited as the Labour Clauses (Public Contracts) Recommendation, 1949 :

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto :

1. In cases where private employers are granted subsidies or are licensed to operate a public utility, provisions substantially similar to those of the labour clauses in public contracts should be applied.

2. Labour clauses in public contracts should prescribe, either directly or by reference to appropriate provisions contained in laws or regulations, collective agreements, arbitration awards or other recognised arrangements—

(a) the normal and overtime rate of wages (including allowances) to be paid to the various categories of workers concerned ;

(b) the manner in which hours of work are to be regulated, including wherever appropriate—

(i) the number of hours that may be worked in any day, week or other specified period in respect of which normal rates of wages are to be paid ;

(ii) the average number of hours that may be worked by persons working in successive shifts on continuous processes ; and

(iii) where hours of work are calculated as an average, the period of time over which this average may be calculated and the normal maximum number of hours that may be worked in any specified period ;

(c) holiday and sick leave provisions.

Convention 95

Convention concerning the Protection of Wages

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning the protection of wages, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Protection of Wages Convention, 1949 :

Article 1

In this Convention, the term " wages " means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered.

Article 2

1. This Convention applies to all persons to whom wages are paid or payable.

2. The competent authority may, after consultation with the organisations of employers and employed persons directly concerned, if such exist, exclude from the application of all or any of the provisions of the Convention categories of persons whose circumstances and conditions of employment are such that the application to them of all or any of the said provisions would be inappropriate and who are not employed in manual labour or are employed in domestic service or work similar thereto.

3. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories of persons which it proposes to exclude from the application of all or any of the provisions of the Convention in accordance with the provisions of the preceding paragraph ; no Member shall, after the date of its first annual report, make exclusions except in respect of categories of persons so indicated.

4. Each Member having indicated in its first annual report categories of persons which it proposes to exclude from the application of all or any of the provisions of the Convention shall indicate in subsequent annual reports any categories of persons in respect of which it renounces the right to have recourse to the provisions of paragraph 2 of this Article and

any progress which may have been made with a view to the application of the Convention to such categories of persons.

Article 3

1. Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited.

2. The competent authority may permit or prescribe the payment of wages by bank cheque or postal cheque or money order in cases in which payment in this manner is customary or is necessary because of special circumstances, or where a collective agreement or arbitration award so provides, or, where not so provided, with the consent of the worker concerned.

Article 4

1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of wages in the form of allowances in kind in industries or occupations in which payment in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned ; the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances.

2. In cases in which partial payment of wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that—

(a) such allowances are appropriate for the personal use and benefit of the worker and his family ; and

(b) the value attributed to such allowances is fair and reasonable.

Article 5

Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

Article 6

Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

Article 7

1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.

2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

Article 8

1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made.

Article 9

Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited.

Article 10

1. Wages may be attached or assigned only in a manner and within limits prescribed by national laws or regulations.

2. Wages shall be protected against attachment or assignment to the extent deemed necessary for the maintenance of the worker and his family.

Article 11

1. In the event of the bankruptcy or judicial liquidation of an undertaking, the workers employed therein shall be treated as privileged creditors either as regards wages due to them for service rendered during such a period prior to the bankruptcy or judicial liquidation as may be prescribed by national laws or regulations, or as regards wages up to a prescribed amount as may be determined by national laws or regulations.

2. Wages constituting a privileged debt shall be paid in full before ordinary creditors may establish any claim to a share of the assets.

3. The relative priority of wages constituting a privileged debt and other privileged debts shall be determined by national laws or regulations.

Article 12

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

Article 13

1. The payment of wages where made in cash shall be made on working days only and at or near the workplace, except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award, or where other arrangements known to the workers concerned are considered more appropriate.

2. Payment of wages in taverns or other similar establishments and, where necessary to prevent abuse, in shops or stores for the retail sale of merchandise and in places of amusement shall be prohibited except in the case of persons employed therein.

Article 14

Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner—

(a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed ; and

(b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change.

Article 15

The laws or regulations giving effect to the provisions of this Convention shall—

(a) be made available for the information of persons concerned ;

(b) define the persons responsible for compliance therewith ;

(c) prescribe adequate penalties or other appropriate remedies for any violation thereof ;

(d) provide for the maintenance, in all appropriate cases, of adequate records in an approved form and manner.

Article 16

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning the measures by which effect is given to the provisions of this Convention.

Article 17

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may, after consultation with the organisations of employers and workers concerned, where such exist, exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto ; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of this Article shall, at intervals not exceeding three years, reconsider in consultation with the organisations of employers and workers concerned, where such exist, the practicability of extending the application of the Convention to areas exempted in virtue of paragraph 1.

4. Each Member having recourse to the provisions of this Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article and any progress which may have been made with a view to the progressive application of the Convention in such areas.

Article 18

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 19

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 20

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate—

(a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraphs *(b), (c) or (d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 22, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 21

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will

be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 22, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 23

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 24

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered

by him in accordance with the provisions of the preceding articles.

Article 25

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 26

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 27

The English and French versions of the text of this Convention are equally authoritative.

Recommendation 85

Recommendation concerning the Protection of Wages

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning the protection of wages, which is the seventh item on the agenda of the session, and

Having decided that these proposals shall take the form of a Recommendation supplementing the Protection of Wages Convention, 1949,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Recommendation, which

may be cited as the Protection of Wages Recommendation, 1949 :

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. Deductions from Wages

1. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family.

2. (1) Deductions from wages for the reimbursement of loss of or damage to the products, goods or installations of the employer should be authorised only when loss or damage has been caused for which the worker concerned can be clearly shown to be responsible.

(2) The amount of such deductions should be fair and should not exceed the actual amount of the loss or damage.

(3) Before a decision to make such a deduction is taken, the worker concerned should be given a reasonable opportunity to show cause why the deduction should not be made.

3. Appropriate measures should be taken to limit deductions from wages in respect of tools, materials or equipment supplied by the employer to cases in which such deductions—

(a) are a recognised custom of the trade or occupation concerned ; or

(b) are provided for by collective agreement or arbitration award ; or

(c) are otherwise authorised by a procedure recognised by national laws or regulations.

II. Periodicity of Wage Payments

4. The maximum intervals for the payment of wages should ensure that wages are paid—

(a) not less often than twice a month at intervals not exceeding sixteen days in the case of workers whose wages are calculated by the hour, day or week ; and

(b) not less often than once a month in the case of employed persons whose remuneration is fixed on a monthly or annual basis.

5. (1) In the case of workers whose wages are calculated on a piece-work or output basis, the maximum intervals for the payment of wages should, so far as possible, be so fixed

as to ensure that wages are paid not less often than twice a month at intervals not exceeding sixteen days.

(2) In the case of workers employed to perform a task the completion of which requires more than a fortnight, and in respect of whom intervals for the payment of wages are not otherwise fixed by collective agreement or arbitration award, appropriate measures should be taken to ensure—

(a) that payments are made on account, not less often than twice a month at intervals not exceeding sixteen days, in proportion to the amount of work completed ; and

(b) that final settlement is made within a fortnight of the completion of the task.

III. Notification to Workers of Wage Conditions

6. The details of the wages conditions which should be brought to the knowledge of the workers should include, wherever appropriate, particulars concerning—

(a) the rates of wages payable ;

(b) the method of calculation ;

(c) the periodicity of wage payments ;

(d) the place of payment ; and

(e) the conditions under which deductions may be made.

IV. Wages Statements and Payroll Records

7. In all appropriate cases, workers should be informed, with each payment of wages, of the following particulars relating to the pay period concerned, in so far as such particulars may be subject to change :

(a) the gross amount of wages earned ;

(b) any deduction which may have been made, including the reasons therefor and the amount thereof ; and

(c) the net amount of wages due.

8. Employers should be required in appropriate cases to maintain records showing, in respect of each worker employed, the particulars specified in the preceding Paragraph.

V. Association of Workers in the Administration of Works Stores

9. Appropriate measures should be taken to encourage arrangements for the association of representatives of the workers concerned, and more particularly members of works welfare committees or similar bodies where such bodies exist, in the general administration of works stores or similar services established in connection with an undertaking for the sale of commodities or provision of services to the workers thereof.

Convention 96

Convention concerning Fee-Charging Employment Agencies (Revised 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention, 1933, adopted by the Conference at its Seventeenth Session, which is included in the tenth item on the agenda of the session, and

Having resolved that these proposals shall take the form of an international Convention, complementary to the Employment Service Convention, 1948, which provides that each Member for which the Convention is in force shall maintain or ensure the maintenance of a free public employment service, and

Considering that such a service should be available to all categories of workers,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Fee-Charging Employment Agencies Convention (Revised), 1949 :

Part I. General Provisions

Article 1

1. For the purpose of this Convention the expression " fee-charging employment agency " means—

(a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker ; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers ;

(b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.

2. This Convention does not apply to the placing of seamen.

Article 2

1. Each Member ratifying this Convention shall indicate in its instrument of ratification whether it accepts the provisions of Part II of the Convention, providing for the progressive abolition of fee-charging employment agencies conducted with a view to profit and the regulation of other agencies, or the provisions of Part III, providing for the regulation of fee-charging employment agencies including agencies conducted with a view to profit.

2. Any Member accepting the provisions of Part III of the Convention may subsequently notify the Director-General that it accepts the provisions of Part II ; as from the date of the registration of such notification by the Director-General, the provisions of Part III of the Convention shall cease to be applicable to the Member in question and the provisions of Part II shall apply to it.

Part II. Progressive Abolition of Fee-Charging Employment Agencies Conducted with a View to Profit and Regulation of other Agencies

Article 3

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 *(a)* of Article 1 shall be abolished within a limited period of time determined by the competent authority.

2. Such agencies shall not be abolished until a public employment service is established.

3. The competent authority may prescribe different periods for the abolition of agencies catering for different classes of persons.

Article 4

1. During the period preceding abolition, fee-charging employment agencies conducted with a view to profit—

(a) shall be subject to the supervision of the competent authority ; and

(b) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority.

2. Such supervision shall be directed more particularly towards the elimination of all abuses connected with the operations of fee-charging employment agencies conducted with a view to profit.

3. For this purpose, the competent authority shall consult, by appropriate methods, the employers' and workers' organisations concerned.

Article 5

1. Exceptions to the provisions of paragraph 1 of Article 3 of this Convention shall be allowed by the competent authority in exceptional cases in respect of categories of persons, exactly defined by national laws or regulations, for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service, but only after consultation, by appropriate methods, with the organisations of employers and workers concerned.

2. Every fee-charging employment agency for which an exception is allowed under this Article—

(a) shall be subject to the supervision of the competent authority ;

(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority ;

(c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority ;

(d) shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

Article 6

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 *(b)* of Article 1—

(a) shall be required to have an authorisaiton from the competent authority and shall be subject to the supervision of the said authority ;

(b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority, with strict regard to the expenses incurred ; and

(c) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 7

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

Article 8

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this part of the Convention or of any laws or regulations giving effect to them.

Article 9

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 5, including more particularly information concerning the number of agencies for which such exceptions are allowed and the scope of their activities, the reasons for the exceptions, and the arrangements for supervision by the competent authority of the activities of the agencies concerned.

Part III. Regulation of Fee-Charging Employment Agencies

Article 10

Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 *(a)* of Article 1—

(a) shall be subject to the supervision of the competent authority ;

(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority ;

(c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority ;

(d) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 11

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 *(b)* of Article 1—

(a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority ;

(b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority with strict regard to the expenses incurred ; and

(c) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 12

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

Article 13

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this Part of the Convention or of any laws or regulations giving effect to them.

Article 14

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the arrangements for supervision by the competent authority of the activities of fee-charging employment agencies including more particularly agencies conducted with a view to profit.

Part IV. Miscellaneous Provisions

Article 15

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto ; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

PART V. FINAL PROVISIONS

Article 16

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 17

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 18

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate—

(a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 20, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 19

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 20, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 20

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 21

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organ-

isation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 22

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 23

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 24

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 25

The English and French versions of the text of this Convention are equally authoritative.

Convention 97

Convention concerning Migration for Employment (Revised 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Convention, 1939, adopted by the Conference at its Twenty-fifth Session, which is included in the eleventh item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Migration for Employment Convention (Revised), 1949 :

Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to make available on request to the International Labour Office and to other Members—

(a) information on national policies, laws and regulations relating to emigration and immigration ;

(b) information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment ;

(c) information concerning general agreements and special arrangements on these questions concluded by the Member.

Article 2

Each Member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information.

Article 3

1. Each Member for which this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For this purpose it will where appropriate act in co-operation with other Members concerned.

Article 4

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment.

Article 5

Each Member for which this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for—

(a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment and the members of their families authorised to accompany or join them are in reasonable health ;

(b) ensuring that migrants for employment and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

Article 6

1. Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters :

(a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities—

(i) remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons ;

(ii) membership of trade unions and enjoyment of the benefits of collective bargaining ;

(iii) accommodation ;

(b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations :

(i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition ;

(ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension ;

(c) employment taxes, dues or contributions payable in respect of the person employed ; and

(d) legal proceedings relating to the matters referred to in this Convention.

2. In the case of a federal State the provisions of this Article shall apply in so far as the matters dealt with are regulated by federal law or regulations or are subject to the control of federal administrative authorities. The extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations of the constituent States, provinces or cantons, or subject to the control of the administrative authorities thereof, shall be determined by each Member. The Member shall indicate in its annual report upon the application of the Convention the extent to which the matters dealt with in this Article are regulated by federal law or regulations or are subject to the control of federal administrative authorities. In respect of matters which are regulated by the law or regulations of the constituent States, provinces or cantons, or are subject to the control of the administrative authorities thereof, the Member shall take the steps provided for in paragraph 7 *(b)* of Article 19 of the Constitution of the International Labour Organisation.

Article 7

1. Each Member for which this Convention is in force undertakes that its employment service and other services connected with migration will co-operate in appropriate cases with the corresponding services of other Members.

2. Each Member for which this Convention is in force undertakes to ensure that the services rendered by its public employment service to migrants for employment are rendered free.

Article 8

1. A migrant for employment who has been admitted on a permanent basis and the members of his family who have been authorised to accompany or join him shall not be returned to their territory of origin or the territory from which they emigrated because the migrant is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which the Member is a party so provides.

2. When migrants for employment are admitted on a permanent basis upon arrival in the country of immigration the competent authority of that country may determine that the provisions of paragraph 1 of this Article shall take effect only after a reasonable period which shall in no case exceed five years from the date of admission of such migrants.

Article 9

Each Member for which this Convention is in force undertakes to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire.

Article 10

In cases where the number of migrants going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

Article 11

1. For the purpose of this Convention the term "migrant for employment" means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.

2. This Convention does not apply to—

(a) frontier workers ;

(b) short-term entry of members of the liberal professions and artistes ; and

(c) seamen.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 14

1. Each Member ratifying this Convention may, by a declaration appended to its ratification, exclude from its ratification any or all of the Annexes to the Convention.

2. Subject to the terms of any such declaration, the provisions of the Annexes shall have the same effect as the provisions of the Convention.

3. Any Member which makes such a declaration may subsequently by a new declaration notify the Director-General that it accepts any or all of the Annexes mentioned in the declaration ; as from the date of the registration of such notification by the Director-General the provisions of such Annexes shall be applicable to the Member in question.

4. While a declaration made under paragraph 1 of this Article remains in force in respect of any Annex, the Member may declare its willingness to accept that Annex as having the force of a Recommendation.

Article 15

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate—

(a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention and any or all of the Annexes shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention and any or all of the Annexes shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention and any or all of the Annexes, are inapplicable and in such cases the grounds on which they are inapplicable ; and

(d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 16

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 and 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of this Convention and any or all of the Annexes will be applied in the territory concerned without modification or subject to modifications ; and if the declaration indicates that the provisions of the Convention and any or all of the Annexes will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention or any or all of the Annexes are subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

3. At any time at which this Convention is subject to denunciation in accordance with the provisions of the preceding paragraphs any Member which does not so denounce it may communicate to the Director-General a declaration denouncing separ-

ately any Annex to the Convention which is in force for that Member.

4. The denunciation of this Convention or of any or all of the Annexes shall not affect the rights granted thereunder to a migrant or to the members of his family if he immigrated while the Convention or the relevant Annex was in force in respect of the territory where the question of the continued validity of these rights arises.

Article 18

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 20

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority a revised text of any one or more of the Annexes to this Convention.

2. Each Member for which this Convention is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such revised text to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such revised text shall become effective for each Member for which this Convention is in force on communication by that Member to the Director-General of the International Labour Office of a declaration notifying its acceptance of the revised text.

4. As from the date of the adoption of the revised text of the Annex by the Conference, only the revised text shall be open to acceptance by Members.

Article 23

The English and French versions of the text of this Convention are equally authoritative.

ANNEX I

RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS FOR EMPLOYMENT RECRUITED OTHERWISE THAN UNDER GOVERNMENT-SPONSORED ARRANGEMENTS FOR GROUP TRANSFER

Article 1

This Annex applies to migrants for employment who are recruited otherwise than under Government-sponsored arrangements for group transfer.

Article 2

For the purpose of this Annex—

(a) the term " recruitment " means—

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants ;

(b) the term " introduction " means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of paragraph *(a)* of this Article; and

(c) the term " placing " means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of paragraph *(b)* of this Article.

Article 3

1. Each Member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to—

(a) public employment offices or other public bodies of the territory in which the operations take place ;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by agreement between the Governments concerned ;

(c) any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, the operations of recruitment, introduction and placing may be undertaken by—

(a) the prospective employer or a person in his service acting on his behalf, subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority ;

(b) a private agency, if given prior authorisation so to do by the competent authority of the teritory where the said operations are to take place, in such cases and under such conditions as may be prescribed by—

(i) the laws and regulations of that territory, or

(ii) agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instru-

ment and the competent authority of the territory of immigration.

4. The competent authority of the territory where the operations take place shall supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of paragraph 3 *(b)*, other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

5. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any Member by any person or body other than the competent authority of the territory of immigration.

Article 4

Each Member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

Article 5

1. Each Member for which this Annex is in force which maintains a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require—

(a) that a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration ;

(b) that the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant ;

(c) that the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

Article 6

The measures taken under Article 4 of the Convention shall, as appropriate, include—

(a) the simplification of administrative formalities ;

(b) the provision of interpretation services ;

(c) any necessary assistance during an initial period in the settlement of the migrants and members of their families authorised to accompany or join them ; and

(d) the safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them.

Article 7

1. In cases where the number of migrants for employment going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employers shall be enforced.

Article 8

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

Annex II

RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS FOR EMPLOYMENT RECRUITED UNDER GOVERNMENT-SPONSORED ARRANGEMENTS FOR GROUP TRANSFER

Article 1

This Annex applies to migrants for employment who are recruited under Government-sponsored arrangements for group transfer.

Article 2

For the purpose of this Annex—

(a) the term " recruitment " means—

(i) the engagement of a person in one territory on behalf of an employer in another territory under

a Government-sponsored arrangement for group transfer, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory under a Government-sponsored arrangement for group transfer,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants ;

(b) the term "introduction" means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited under a Government-sponsored arrangement for group transfer within the meaning of subparagraph *(a)* of this paragraph ; and

(c) the term "placing" means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced under a Government-sponsored arrangement for group transfer within the meaning of subparagraph *(b)* of this paragraph.

Article 3

1. Each Member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to—

(a) public employment offices or other public bodies of the territory in which the operations take place ;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by agreement between the Governments concerned ;

(c) any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, and subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority, the operations of recruitment, introduction and placing may be undertaken by—

(a) the prospective employer or a person in his service acting on his behalf ;

(b) private agencies.

4. The right to engage in the operations of recruitment, introduction and placing shall be subject to the prior authorisation of the competent authority of the territory where the said operations are to take place in such cases and under such conditions as may be prescribed by—

(a) the laws and regulations of that territory, or

(b) agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.

5. The competent authority of the territory where the operations take place shall, in accordance with any agreements made between the competent authorities concerned, supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of the preceding paragraph, other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

6. Before authorising the introduction of migrants for employment the competent authority of the territory of immigration shall ascertain whether there is not a sufficient number of persons already available capable of doing the work in question.

7. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any Member by any person or body other than the competent authority of the territory of immigration.

Article 4

1. Each Member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

2. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

Article 5

In the case of collective transport of migrants from one country to another necessitating passage in transit through a third country, the competent authority of the territory of transit shall take measures for expediting the passage, to avoid delays and administrative difficulties.

Article 6

1. Each Member for which this Annex is in force which maintains a system of supervision of contracts of employment

between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require—

(a) that a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration ;

(b) that the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant ;

(c) that the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

Article 7

1. The measures taken under Article 4 of this Convention shall, as appropriate, include—

(a) the simplification of administrative formalities ;

(b) the provision of interpretation services ;

(c) any necessary assistance, during an initial period in the settlement of the migrants and members of their families authorised to accompany or join them ;

(d) the safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them ; and

(e) permission for the liquidation and transfer of the property of migrants for employment admitted on a permanent basis.

Article 8

Appropriate measures shall be taken by the competent authority to assist migrants for employment, during an initial period, in regard to matters concerning their conditions of employment ; where appropriate, such measures may be taken in co-operation with approved voluntary organisations.

Article 9

If a migrant for employment introduced into the territory of a Member in accordance with the provisions of Article 3 of this Annex fails, for a reason for which he is not responsible, to secure the employement for which he has been recruited or other suitable employment, the cost of his return and that of the members of his family who have been authorised to accompany or join him, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, shall not fall upon the migrant.

Article 10

If the competent authority of the territory of immigration considers that the employment for which a migrant for employment was recruited under Article 3 of this Annex has been found to be unsuitable, it shall take appropriate measures to assist him in finding suitable employment which does not prejudice national workers and shall take such steps as will ensure his maintenance pending placing in such employment, or his return to the area of recruitment if the migrant is willing or agreed to such return at the time of his recruitment, or his resettlement elsewhere.

Article 11

If a migrant for employment who is a refugee or a displaced person and who has entered a territory of immigration in accordance with Article 3 of this Annex becomes redundant in any employment in that territory, the competent authority of that territory shall use its best endeavours to enable him to obtain suitable employment which does not prejudice national workers, and shall take such steps as will ensure his maintenance pending placing in suitable employment or his resettlement elsewhere.

Article 12

1. The competent authorities of the territories concerned shall enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the Members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employer shall be enforced.

3. Such agreements shall provide, where appropriate, for co-operation between the competent authority of the territory of emigration or a body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration, in respect of the

assistance to be given to migrants concerning their conditions of employment in virtue of the provisions of Article 8.

Article 13

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

ANNEX III

IMPORTATION OF THE PERSONAL EFFECTS, TOOLS AND EQUIPMENT OF MIGRANTS FOR EMPLOYMENT

Article 1

1. Personal effects belonging to recruited migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on arrival in the territory of immigration.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to recruited migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on arrival in the territory of immigration if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

Article 2

1. Personal effects belonging to migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on the return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there and if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

Recommendation 86

Recommendation concerning Migration for Employment (Revised 1949)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Recommendation, 1939, and the Migration for Employment (Co-operation between States) Recommendation, 1939, adopted by the Conference at its Twenty-fifth Session, which are included in the eleventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Recommendation, which may be cited as the Migration for Employment Recommendation (Revised), 1949 :

The Conference,

Having adopted the Migration for Employment Convention (Revised), 1949, and

Desiring to supplement its provisions by a Recommendation;

Recommends as follows :

I

1. For the purpose of this Recommendation—

(a) the term " migrant for employment " means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment ;

(b) the term " recruitment " means—

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants ;

(c) the term " introduction " means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of subparagraph *(b)* ;

(d) the term " placing " means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of subparagraph *(c)*.

2. For the purpose of this Recommendation, references to the Government or competent authority of a territory of emigration should be interpreted as referring, in the case of migrants who are refugees or displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

3. This Recommendation does not apply to—

(a) frontier workers ;

(b) short-term entry of members of the liberal professions and artistes ; and

(c) seamen.

II

4. (1) It should be the general policy of Members to develop and utilise all possibilities of employment and for this purpose to facilitate the international distribution of manpower and in particular the movement of manpower from countries which have a surplus of manpower to those countries that have a deficiency.

(2) The measures taken by each Member should have due regard to the manpower situation in the country and the Government should consult the appropriate organisations of employers and workers on all general questions concerning migration for employment.

III

5. (1) The free service provided in each country to assist migrants and their families and in particular to provide them with accurate information should be conducted—

(a) by public authorities ; or

(b) by one or more voluntary organisations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities ; or

(c) partly by the public authorities and partly by one or more voluntary organisations fulfilling the conditions stated in subparagraph *(b)* of this Paragraph.

(2) The service should advise migrants and their families, in their languages or dialects or at least in a language which they can understand, on matters relating to emigration, immigration, employment and living conditions, including health conditions in the place of destination, return to the country of origin or of emigration, and generally speaking any other question which may be of interest to them in their capacity as migrants.

(3) The service should provide facilities for migrants and their families with regard to the fulfilment of administrative formalities and other steps to be taken in connection with the return of the migrants to the country of origin or of emigration, should the case arise.

(4) With a view to facilitating the adaptation of migrants, preparatory courses should, where necessary, be organised to inform the migrants of the general conditions and the methods of work prevailing in the country of immigration, and to instruct them in the language of that country. The countries of emigration and immigration should mutually agree to organise such courses.

6. On request information should be made available by Members to the International Labour Office and to other Members concerning their emigration laws and regulations, including administrative provisions relating to restrictions on emigration and facilities granted to emigrants, and appropriate details concerning the categories of persons wishing to emigrate.

7. On request information should be made available by Members to the International Labour Office and to other Members concerning their immigration laws and regulations, including administrative provisions, entry permits where needed, number and occupational qualifications of immigrants desired, laws and regulations affecting admission of migrants to employment, and any special facilities granted to migrants and measures to facilitate their adaptation to the economic and social organisation of the country of immigration.

8. There should, as far as possible, be a reasonable interval between the publication and the coming into force of any measure altering the conditions on which emigration or immigration or the employment of migrants is permitted in order that these conditions may be notifed in good time to persons who are preparing to emigrate.

9. Provision should be made for adequate publicity to be given at appropriate stages to the principal measures referred

to in the preceding Paragraph, such publicity to be in the languages most commonly known to the migrants.

10. Migration should be facilitated by such measures as may be appropriate—

(a) to ensure that migrants for employment are provided in case of necessity with adequate accommodation, food and clothing on arrival in the country of immigration ;

(b) to ensure, where necessary, vocational training so as to enable the migrants for employment to acquire the qualifications required in the country of immigration ;

(c) to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of migrants for employment as the migrants may desire ;

(d) to arrange, in the case of permanent migration, for the transfer, where desired, to the country of immigration, of the capital of migrants for employment, within the limits allowed by national laws and regulations concerning export and import of currency ;

(e) to provide access to schools for migrants and members of their families.

11. Migrants and the members of their families should be assisted in obtaining access to recreation and welfare facilities, and steps should be taken where necessary to ensure that special facilities are made available during the initial period of settlement in the country of immigration.

12. In the case of migrants under Government-sponsored arrangements for group transfer, medical assistance should be extended to such migrants in the same manner as provided for nationals.

IV

13. (1) Where necessary in the interest of the migrant, Members should require that any intermediary who undertakes the recruitment, introduction or placing of migrants for employment on behalf of an employer must obtain a written warrant from the employer, or some other document proving that he is acting on the employer's behalf.

(2) This document should be drawn up in, or translated into, the official language of the country of emigration and should set forth all necessary particulars concerning the employer, concerning the nature and scope of the recruitment, introduction or placing which the intermediary is to undertake, and concerning the employment offered, including the remuneration.

14. (1) The technical selection of migrants for employment should be carried out in such a way as to restrict migration as little as possible while ensuring that the migrants are qualified to perform the required work.

(2) Responsibility for such selection should be entrusted—

(a) to official bodies ; or

(b) where appropriate, to private bodies of the territory of immigration duly authorised and, where necessary in the interest of the migrant, supervised by the competent authority of the territory of emigration.

(3) The right to engage in selection should be subject to the prior authorisation of the competent authority of the territory where the said operation takes place, in such cases and under such conditions as may be prescribed by the laws and regulations of that territory, or by agreement between the Government of the territory of emigration and the Government of the territory of immigration.

(4) As far as possible, intending migrants for employment should, before their departure from the territory of emigration, be examined for purposes of occupational and medical selection by a representative of the competent authority of the territory of immigration.

(5) If recruitment takes place on a sufficiently large scale there should be arrangements for close liaison and consultation between the competent authorities of the territories of emigration and immigration concerned.

(6) The operations referred to in the preceding subparagraphs of this Paragraph should be carried out as near as possible to the place where the intending migrant is recruited.

15. (1) Provision should be made by agreement for authorisation to be granted for a migrant for employment introduced on a permanent basis to be accompanied or joined by the members of his family.

(2) The movement of the members of the family of such a migrant authorised to accompany or join him should be specially facilitated by both the country of emigration and the country of immigration.

(3) For the purposes of this Paragraph, the members of the family of a migrant for employment should include his wife and minor children ; favourable consideration should be given to requests for the inclusion of other members of the family dependent upon the migrant.

V

16. (1) Migrants for employment authorised to reside in a territory and the members of their families authorised to

accompany or join them should as far as possible be admitted to employment in the same conditions as nationals.

(2) In countries in which the employment of migrants is subject to restrictions, these restrictions should as far as possible—

(a) cease to be applied to migrants who have regularly resided in the country for a period, the length of which should not, as a rule, exceed five years ; and

(b) cease to be applied to the wife and children of an age to work who have been authorised to accompany or join the migrant, at the same time as they cease to be applied to the migrant.

17. In countries where the number of migrants for employment is sufficiently large, the conditions of employment of such workers should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specialising in this work.

VI

18. (1) When a migrant for employment has been regularly admitted to the territory of a Member, the said Member should, as far as possible, refrain from removing such person or the members of his family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between the competent authorities of the emigration and immigration territories concerned.

(2) Any such agreement should provide—

(a) that the length of time the said migrant has been in the territory of immigration shall be taken into account and that in principle no migrant shall be removed who has been there for more than five years ;

(b) that the migrant must have exhausted his rights to unemployment insurance benefit ;

(c) that the migrant must have been given reasonable notice so as to give him time, more particularly to dispose of his property ;

(d) that suitable arrangements shall have been made for his transport and that of the members of his family ;

(e) that the necessary arrangements shall have been made to ensure that he and the members of his family are treated in a humane manner ; and

(f) that the costs of the return of the migrant and the members of his family and of the transport of their house-

hold belongings to their final destination shall not fall on him.

19. Appropriate steps should be taken by the authorities of the territories concerned to consult the employers' and workers' organisations concerning the operations of recruitment, introduction and placing of migrants for employment.

VII

20. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any condition as to previous residence or employment in the country or place.

VIII

21. (1) Members should in appropriate cases supplement the Migration for Employment Convention (Revised), 1949, and the preceding paragraphs of the present Recommendation by bilateral agreements, which should specify the methods of applying the principles set forth in the Convention and in the Recommendation.

(2) In concluding such agreements, Members should take into account the provisions of the Model Agreement annexed to the present Recommendation in framing appropriate clauses for the organisation of migration for employment and the regulation of the conditions of transfer and employment of migrants, including refugees and displaced persons.

ANNEX

Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons [1]

ARTICLE 1. EXCHANGE OF INFORMATION

1. The competent authority of the territory of immigration shall periodically furnish appropriate information to the com-

[1] The phrases and passages in italics refer primarily to permanent migration; those enclosed within square brackets refer solely to migration of refugees and displaced persons.

petent authority of the territory of emigration [or in the case of refugees and displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] concerning—

(a) legislative and administrative provisions relating to entry, employment, residence and *settlement* of migrant *and of their families* ;

(b) the number, the categories and the occupational qualifications of the migrants desired ;

(c) the conditions of life and work for the migrants and, in particular, cost of living and minimum wages according to occupational categories and regions of employment, supplementary allowances, if any, nature of employments available, bonus on engagement, if any, social security systems and medical assistance, provisions concerning transport of migrants and of their tools and belongings, housing conditions and provisions for the supply of food and clothing, measures relating to the transfer of the migrants' savings and other sums due in virtue of this Agreement ;

(d) special facilities, if any, for migrants ;

(e) facilities for general education and vocational training for migrants ;

(f) *measures designed to promote rapid adaptation of migrants ;*

(g) *procedure and formalities required for naturalisation.*

2. The competent authority of the territory of emigration [or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] shall bring this information to the attention of persons or bodies interested.

3. The competent authority of the territory of emigration [or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] shall periodically furnish appropriate information to the competent authority of the territory of immigration concerning—

(a) legislative and administrative provisions relating to emigration ;

(b) the number and occupational qualifications of intending emigrants, *as well as the composition of their families* ;

(c) the social security system ;
(d) special facilities, if any, for migrants ;
(e) *the environment and living conditions to which migrants are accustomed ;*
(f) *the provisions in force regarding the export of capital.*

4. The competent authority of the territory of immigration shall bring this information to the attention of persons or bodies interested.

5. The information mentioned in paragraphs 1 to 4 above shall also be transmitted by the respective parties to the International Labour Office.

ARTICLE 2. ACTION AGAINST MISLEADING PROPAGANDA

1. The parties agree, with regard to their respective territories, to take all practical steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

2. For this purpose the parties will, where appropriate, act in co-operation with the competent authorities of other countries concerned.

ARTICLE 3. ADMINISTRATIVE FORMALITIES

The parties agree to take measures with a view to accelerating and simplifying the carrying out of administrative formalities relating to departure, travel, entry, residence, *and settlement* of migrants and as far as possible for the members of their families. Such measures shall include the provision of an interpretation service, where necessary.

ARTICLE 4. VALIDITY OF DOCUMENTS

1. The parties shall determine the conditions to be met for purposes of recognition in the territory of immigration of any document issued by the competent authority of the territory of emigration in respect of migrants *and members of their families* [or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government concerning—
(a) civil status ;
(b) legal status ;
(c) occupational qualifications ;
(d) general education and vocational training ; and
(e) participation in social security systems.

2. The parties shall also determine the application of such recognition.

[3. In the case of refugees and displaced persons, the competent authority of the territory of immigration shall recognise the validity of any travel document issued in lieu of a national passport by the competent authority of the territory of emigration and, in particular, of travel documents issued in accordance with the terms of an international Agreement (*e.g.*, the travel document established by the Agreement of 15 October 1946, and the Nansen passport).]

ARTICLE 5. CONDITIONS AND CRITERIA OF MIGRATION

1. The parties shall jointly determine—

(a) the requirements for migrants *and members of their families*, as to age, physical aptitude and health, as well as the occupational qualifications for the various branches of economic activity and for the various occupational categories ;

(b) *the categories of the members of the migrants' families authorised to accompany or to join them.*

2. The parties shall also determine, in accordance with the provisions of Article 28 of this Agreement—

(a) the numbers and occupational categories of migrants to be recruited in the course of a stated period ;

(b) the areas of recruitment and the areas of placing and settlement [except that in the case of refugees and displaced persons the determination of the areas of recruitment shall be reserved to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government].

3. In order to recruit migrants required to meet the technical needs of the territory of immigration and who can adapt themselves easily to the conditions in the territory of immigration, the parties shall determine criteria to govern technical selection of the migrants.

4. In drawing up these criteria, the two parties shall take into consideration—

(a) with respect to medical selection :

(i) the nature of the medical examination which migrants shall undergo (general medical examination, X-ray examination, laboratory examination, etc.) ;

(ii) the drawing up of lists of diseases and physical defects which clearly constitute a disability for employment in certain occupations ;

(iii) minimum health provisions prescribed by international health conventions and relating to movement of population from one country to another ;

(b) with respect to vocational selection :

(i) qualifications required of migrants with respect to each occupation or groups of occupations ;

(ii) enumeration of alternative occupations requiring similar qualifications or capacities on the part of the workers in order to fulfil the needs of specified occupations for which it is difficult to recruit a sufficient number of qualified workers ;

(iii) development of psycho-technical testing ;

(c) with respect to selection based on the age of migrants, flexibility to be given to the application of age criteria in order to take into consideration on the one hand the requirements of various occupations and, on the other, the varying capacities of different individuals at a given age.

Article 6. Organisation of Recruitment, Introduction and Placing

1. The bodies or persons which engage in the operations of recruitment, introduction and placing of migrants *and of members of their families* shall be named by the competent authorities of the respective territories [or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government on the one hand and the competent authority of the territory of immigration on the other] subject to the approval of both parties.

2. Subject to the provisions of the following paragraphs, the right to engage in the operations of recruitment, introduction and placing shall be restricted to—

(a) public employment offices or other public bodies of the territory in which the operations take place ;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by an agreement between the parties ;

(c) any body established in accordance with the terms of an international instrument.

3. In addition, in so far as the national laws and regulations of the parties permit and subject to the approval and supervision of the competent authorities of the parties, the operations of recruitment, introduction and placing may be undertaken by—

(a) the prospective employer or a person in his service acting on his behalf ; and

(b) private agencies.

4. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

Article 7. Selection Testing

1. An intending migrant shall undergo an appropriate examination in the territory of emigration ; any such examination should inconvenience him as little as possible.

2. With respect to the organisation of the selection of migrants, the parties shall agree on—

(a) recognition and composition of official agencies or private bodies authorised by the competent authority of the territory of immigration to carry out selection operations in the territory of emigration ;

(b) organisation of selection examinations, the centres where they are to be carried out, and allocation of expenses resulting from these examinations ;

(c) co-operation of the competent authorities of the two parties and in particular of their employment services in organising selection.

Article 8. Information and Assistance of Migrants

1. The migrant accepted after medical and occupational examination in the assembly or selection centre shall receive, in a language that he understands, all information he may still require as to the nature of the work for which he has been engaged, the region of employment, the undertaking to which he is assigned, travel arrangements and the conditions of life and work including health and related matters in the country and region to which he is going.

2. On arrival in the country of destination, and at a reception centre if such exists, or at the place of residence, migrants *and the members of their families* shall receive all the documents which they need for their work, their residence *and their settlement* in the country, as well as information, instruction and advice regarding conditions of life and work, and any other assistance that they may need to adapt themselves to the conditions in the country of immigration.

Article 9. Education and Vocational Training

The parties shall co-ordinate their activities concerning the organisation of educational courses for migrants, which shall

include general information on the country of immigration, instruction in the language of that country, and vocational training.

ARTICLE 10. EXCHANGE OF TRAINEES

The parties agree to further the exchange of trainees, and to determine in a separate agreement the conditions governing such exchanges.

ARTICLE 11. CONDITIONS OF TRANSPORT

1. During the journey from their place of residence to the assembly or selection centre, as well as during their stay in the said centre, migrants *and the members of their families* shall receive from the competent authority of the territory of emigration [or in the case of refugees and displaced persons, from any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] any assistance which they may require.

2. The competent authorities of the territories of emigration and immigration shall, each within its own jurisdiction, safeguard the health and welfare of, and render assistance to, migrants *and the members of their families* during the journey from the assembly or selection centre to the place of their employment, as well as during their stay in a reception centre if such exists.

3. Migrants *and members of their families* shall be transported in a manner appropriate for human beings and in conformity with the laws and regulations in force.

4. The parties shall agree upon the terms and conditions for the application of the provisions of this Article.

ARTICLE 12. TRAVEL AND MAINTENANCE EXPENSES

The parties shall agree upon the methods for meeting the cost of travel of the migrants *and the members of their families* from the place of their residence to the place of their destination, and the cost of their maintenance while travelling, sick or hospitalised, as well as the cost of transport of their personal belongings.

ARTICLE 13. TRANSFER OF FUNDS

1. The competent authority of the territory of emigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign

currency, authorise and provide facilities for migrants *and for members of their families* to withdraw from their country such sums as they may need for their initial settlement abroad.

2. The competent authority of the territory of immigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorise and provide facilities for the periodical transfer to the territory of emigration of migrants' savings and of any other sums due in virtue of this Agreement.

3. The transfers of funds mentioned in paragraphs 1 and 2 above shall be made at the prevailing official rate of exchange.

4. The parties shall take all measures necessary for the simplification and acceleration of administrative formalities regarding the transfer of funds so that such funds may be available with the least possible delay to those entitled to them.

5. The parties shall determine if and under what conditions a migrant may be required to remit part of his wages for the maintenance of his family remaining in his country or in the territory from which he emigrated.

Article 14. Adaptation and Naturalisation

The competent authority of the territory of immigration shall take measures to facilitate adaptation to national climatic, economic and social conditions and facilitate the procedure of naturalisation of migrants and of members of their families.

Article 15. Supervision of Living and Working Conditions

1. Provision shall be made for the supervision by the competent authority or duly authorised bodies of the territory of immigration of the living and working conditions, including hygienic conditions, to which the migrants are subject.

2. With respect to temporary migrants, the parties shall provide, where appropriate, for authorised representatives of the territory of emigration [or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] to cooperate with the competent authority or duly authorised bodies of the territory of immigration in carrying out this supervision.

3. During a fixed period, the duration of which shall be determined by the parties, migrants shall receive special assistance in regard to matters concerning their conditions of employment.

4. Assistance with respect to the employment and living conditions of the migrants may be given either through the regular labour inspection service of the territory of immigration or through a special service for migrants, in co-operation where appropriate with approved voluntary organisations.

5. Provision shall be made where appropriate for the co-operation of representatives of the territory of emigration [or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] with such services.

ARTICLE 16. SETTLEMENT OF DISPUTES

1. In case of a dispute between a migrant and his employer, the migrant shall have access to the appropriate courts or shall otherwise obtain redress for his grievances, in accordance with the laws and regulations of the territory of immigration.

2. The authorities shall establish such other machinery as is necessary to settle disputes arising out of the Agreement.

ARTICLE 17. EQUALITY OF TREATMENT

1. The competent authority of the territory of immigration shall grant to migrants *and to members of their families* with respect to employment in which they are eligible to engage treatment no less favourable than that applicable to its own nationals in virtue of legal or administrative provisions or collective labour agreements.

2. Such equality of treatment shall apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within the territory of immigration in respect of the following matters :

(a) in so far as such matters are regulated by laws or regulations or are subject to the control of administrative authorities,

(i) remuneration, including family allowances where these form part of remuneration, hours of work, weekly rest days, overtime arrangements, holidays with pay and other regulations concerning employment, including limitations on home work, minimum age provisions, women's work, and the work of young persons ;

(ii) membership of trade unions and enjoyment of the benefits of collective bargaining ;

(iii) admission to schools, to apprenticeship and to courses or schools for vocational or technical train-

ing, provided that this does not prejudice nationals of the country of immigration ;

(iv) recreation and welfare measures ;

(b) employment taxes, dues or contributions payable in respect of the persons employed ;

(c) hygiene, safety and medical assistance ;

(d) legal proceedings relating to the matters referred to in this Agreement.

ARTICLE 18. ACCESS TO TRADES AND OCCUPATIONS AND THE RIGHT TO ACQUIRE PROPERTY

Equality of treatment shall also apply to—

(a) access to trades and occupations to the extent permitted under national laws and regulations ;

(b) acquisition, possession and transmission of urban or rural property.

ARTICLE 19. SUPPLY OF FOOD

The treatment applied to migrants *and the members of their families* shall be the same as that applied to national workers in the same occupation as regards the supply of food.

ARTICLE 20. HOUSING CONDITIONS

The competent authority of the territory of immigration shall ensure that migrants *and the members of their families* have hygienic and suitable housing, in so far as the necessary housing is available.

ARTICLE 21. SOCIAL SECURITY

1. The two parties shall determine in a separate agreement the methods of applying a system of social security to migrants and their dependants.

2. *Such agreement shall provide that the competent authority of the territory of immigration shall take measures to ensure to the migrants and their dependants treatment not less favourable than that afforded by it to its nationals, except where particular residence qualifications apply to nationals.*

3. *The agreement shall embody appropriate arrangements for the maintenance of migrants' acquired rights and rights in course of acquisition framed with due regard to the principles of the Maintenance of Migrants' Pension Rights Convention, 1935, or of any revision of that Convention.*

4. The agreement shall provide that the competent authority of the territory of immigration shall take measures to grant to temporary migrants and their dependants treatment not less favourable than that afforded by it to its nationals, subject in the case of compulsory pension schemes to appropriate arrangements being made for the maintenance of migrants' acquired rights and rights in course of acquisition.

ARTICLE 22. CONTRACTS OF EMPLOYMENT

1. In countries where a system of model contracts is used, the individual contract of employment for migrants shall be based on a model contract drawn up by the parties for the principal branches of economic activity.

2. The individual contract of employment shall set forth the general conditions of engagement and of employment provided in the relevant model contract and shall be translated into a language which the migrant understands. A copy of the contract shall be delivered to the migrant before departure from the territory of emigration or, if it is agreed between the two parties concerned, in a reception centre on arrival in the territory of immigration. In the latter case before departure the migrant shall be informed in writing by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category in which he is to be engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The individual contract of employment shall contain necessary information, such as—

(a) the full name of the worker as well as the date and place of birth, his family status, his place of residence and of recruitment ;

(b) the nature of the work, and the place where it is to be performed ;

(c) the occupational category in which he is placed ;

(d) remuneration for ordinary hours of work, overtime, night work and holidays, and the medium for wage payment ;

(e) bonuses, indemnities and allowances, if any ;

(f) conditions under which and extent to which the employer may be authorised to make any deductions from remuneration ;

(g) conditions regarding food if food is to be provided by the employer ;

(h) the duration of the contract as well as the conditions of renewal and denunciation of the contract ;

(i) the conditions under which entry and residence in the territory of immigration are permitted ;

(j) the method of meeting the expenses of the journey of the migrant *and the members of his family* ;

(k) in case of temporary migration, the method of meeting the expenses of return to the home country or the territory of migration, as appropriate ;

(l) the grounds on which a contract may be prematurely terminated.

ARTICLE 23. CHANGE OF EMPLOYMENT

1. If the competent authority of the territory of immigration considers that the employment for which the migrant has been recruited does not correspond to his physical capacity or occupational qualifications, the said authority shall provide facilities for placing the said migrant in an employment corresponding to his capacity or qualifications, and in which he may be employed in accordance with national laws or regulations.

2. During periods of unemployment, if any, the method of maintaining the migrant *and the dependent members of his family authorised to accompany or join him* shall be determined by arrangements made under a separate agreement.

ARTICLE 24. EMPLOYMENT STABILITY

1. If before the expiration of the period of his contract the migrant for employment becomes redundant in the undertaking or branch of economic activity for which he was engaged, the competent authority of the territory of immigration shall, subject to the provisions of the contract, facilitate the placing of the said migrant in other suitable employment in which he may be employed in accordance with national laws or regulations.

2. If the migrant is not entitled to benefits under an unemployment insurance or assistance scheme, his maintenance, *as well as that of dependent members of his family,* during any period in which he is unemployed shall be determined by a separate agreement in so far as this is not inconsistent with the terms of his contract.

3. The provisions of this Article shall not affect the right of the migrant to benefit from any provisions that may be included in his contract in case it is prematurely terminated by the employer.

ARTICLE 25. PROVISIONS CONCERNING COMPULSORY RETURN

1. The competent authority of the territory of immigration undertakes that a migrant *and the members of his family who have been authorised to accompany or join him* will not be

returned to the territory from which he emigrated unless he so desires if, because of illness or injury, he is unable to follow his occupation.

2. The Government of the territory of immigration undertakes not to send refugees and displaced persons or migrants who do not wish to return to their country of origin for political reasons back to their territory of origin as distinct from the territory from which they were recruited, unless they formally express this desire by a request in writing addressed both to the competent authority of the territory of immigration and the representative of the body set up in accordance with the provisions of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

ARTICLE 26. RETURN JOURNEY

1. The cost of the return journey of a migrant introduced under a plan sponsored by the Government of the territory of immigration, who is obliged to leave his employment for reasons for which he is not responsible, and who cannot, in virtue of national laws and regulations, be placed in an employment for which he is eligible, shall be regulated as follows :

(a) the cost of the return journey of the migrant, and persons dependent upon him, shall in no case fall on the migrant himself ;

(b) supplementary bilateral agreements shall specify the method of meeting the cost of this return journey ;

(c) in any case, even if no provision to this effect is included in a bilateral agreement, the information given to migrants at the time of their recruitment shall specify what person or agency is responsible for defraying the cost of return in the circumstances mentioned in this Article.

2. In accordance with the methods of co-operation and consultation agreed upon under Article 28 of this Agreement, the two parties shall determine the measures necessary to organise the return home of the said persons and to assure to them in the course of the journey the conditions of health and welfare and the assistance which they enjoyed during the outward journey.

3. The competent authority of the territory of emigration shall exempt from customs duties on their arrival—

(a) personal effects ; and

(b) portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades, which have been in possession and use of the said persons for an appreciable time and which are

intended to be used by them in the course of their occupation.

ARTICLE 27. DOUBLE TAXATION

The two parties shall determine in a separate agreement the measures to be taken to avoid double taxation on the earnings of a migrant for employment.

ARTICLE 28. METHODS OF CO-OPERATION

1. The two parties shall agree on the methods of consultation and co-operation necessary to carry out the terms of the Agreement.

2. When so requested by the representatives of the two parties the International Labour Office shall be associated with such consultation and co-operation.

ARTICLE 29. FINAL PROVISIONS

1. The parties shall determine the duration of the Agreement as well as the period of notice for termination.

2. The parties shall determine those provisions of this Agreement which shall remain in operation after expiration of this Agreement.

Recommendation 87

Recommendation concerning Vocational Guidance

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning vocational guidance which is the ninth item on the agenda of the session, and

Having determined that the proposals shall take the form of a Recommendation,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Recommendation, which may be cited as the Vocational Guidance Recommendation, 1949 :

I. General

1. For the purpose of this Recommendation the term "vocational guidance" means assistance given to an individual in solving problems related to occupational choice and progress with due regard for the individual's characteristics and their relation to occupational opportunity.

2. Vocational guidance is based on the free and voluntary choice of the individual ; its primary object is to give him full opportunity for personal development and satisfaction from work, with due regard for the most effective use of national manpower resources.

3. Vocational guidance is a continuous process, the fundamental principles of which are the same irrespective of the age of the individuals being counselled. These principles have an immediate importance for the welfare of individuals everywhere and for the prosperity of all countries.

4. Facilities for vocational guidance should be adapted to the peculiar needs of each country and be adopted progressively. Their development within each country should proceed from a widespread understanding of the purpose of vocational guidance, the establishment of an adequate administrative structure, and the provision of technically qualified personnel.

II. Scope

5. To the maximum possible extent consistent with national and local policy and resources, public vocational guidance facilities should be provided for all persons requiring such assistance.

6. Special provision should be made for :

(a) programmes suitable for young persons, including those in school, who require counselling on problems related to entering occupations or planning careers, and

(b) programmes suitable for all other persons who require counselling on employment and related vocational problems ; such persons are referred to hereafter in this Recommendation as adults.

III. Principles and Methods of Vocational Guidance for Young Persons Including those in School

7. (1) Vocational guidance policies and programmes should be determined through the co-operative efforts of the schools and other organisations and services concerned with young persons in the transition from school to work, and the representative organisations of employers and workers, to the end

that each young person receiving vocational guidance may have the benefit of unified and co-ordinated assistance.

(2) These co-operative efforts should also include consultation and co-operation with the parents and guardians concerned and with associations of parents where such exist.

(3) In applying these general principles, due account should be taken of the principles of administrative organisation set forth in Part V of this Recommendation.

8. (1) During the period of general education, preliminary vocational guidance should be included within the educational programme. Such guidance should be primarily designed to make the young person aware of his aptitudes, qualifications and interests and of the various occupations and careers so as to facilitate future vocational adjustment.

(2) The preliminary vocational guidance should receive increasing emphasis at those stages of schooling at which the young person may choose to enter special vocational courses or seeks other training or employment on leaving school.

(3) The preliminary vocational guidance should include—

(a) the provision, in suitable form, of comprehensive occupational and industrial information ;

(b) wherever possible in the national and local circumstances, visits, adequately supervised, to industrial and commercial establishments and other workplaces, and

(c) counselling by means of personal interview supplemented by group discussions or talks.

9. The methods of vocational guidance for young persons set forth in Paragraphs 10 to 15 should be given particular attention and their use encouraged to the widest practicable extent.

10. (1) Each young person seeking vocational guidance should be provided with adequate opportunity for a counselling interview with a vocational guidance officer, more particularly at the time he may be able to choose specific vocational courses, or to leave school for other occupational training (including apprenticeship) or for work.

(2) Methods of interview should be continuously adapted with a view to ensuring the most complete analysis possible of individual ability in relation to occupational opportunities and requirements.

11. Records of school progress, including, as desired and as appropriate in individual cases, an evaluation of capacity, educational attainments, aptitudes and personality, should be used as may be considered appropriate for vocational guidance with due respect to the confidential character of the information contained therein.

12. (1) The facilities for the medical examination of young

persons should be utilised as appropriate and developed as necessary for purposes of vocational guidance.

(2) Advice for remedial action and such other help as may be possible and useful for the purposes of vocational adjustment should be provided as needed in each individual case.

13. (1) Wherever practicable, appropriate tests of capacity and aptitude and, where so desired, other psychological tests should be made available for use in vocational guidance as appropriate to the needs of individual cases.

(2) Advice for remedial action and such other help as may be possible and useful for the purposes of vocational adjustment should be made available in individual cases.

14. (1) Suitable and reliable information regarding careers in the different occupations and industries and regarding employment and training opportunities should be made available to young persons through counselling interviews and otherwise, with due regard for the aptitudes, physical capacities, qualifications, preferences and personality of the young person concerned and the prospective needs of the economy.

(2) In this connection the competent authorities should maintain continuous co-operation with such other public and private bodies, including more particularly the representative organisations of employers and workers, as are able—

(a) to provide information concerning probable future openings in each industry, trade or occupation, and

(b) to assist with the preparation and conclusion of contracts of apprenticeship and to supervise their application.

15. Consideration should also be given to the desirability of ascertaining the aptitudes of young persons by providing opportunity for appropriate work experience and by other similar means.

16. Special attention should be given to the development, within the framework of the general vocational guidance services, of adequate and appropriate arrangements for the vocational guidance of young persons in rural areas.

17. Special attention should be given to the development, within the framework of the general vocational guidance services, and in co-operation with the appropriate rehabilitation services, of adequate and appropriate arrangements for the vocational guidance of young persons—

(a) who have physical or mental handicaps or limitations, or

(b) who manifest personality disorders of such a nature as to prevent or make specially difficult their vocational adjustment.

18. The competent national and local authorities should encourage full voluntary use of vocational guidance facilities, more particularly in the case of—

(a) young persons who may choose among several vocational courses within the school ;
(b) young persons who are near school-leaving age ;
(c) young persons who are entering the employment market for the first time ;
(d) young persons who are seeking admission to apprenticeship or other vocational training ;
(e) young persons who are unemployed, who are employed in declining industries or who are likely to become unemployed ;
(f) young persons who have physical or mental handicaps or limitations ; or
(g) young persons who manifest personality disorders of such a nature as to prevent or make specially difficult their vocational adjustment.

19. The competent authorities should take the necessary measures to facilitate the execution of the young persons' vocational plans wherever these are feasible ; where appropriate in individual cases suggestions should be made for carrying out these plans and assistance should be provided in making the necessary contacts with other services or persons also concerned with placing the young person in training or employment in the occupation chosen by him.

20. (1) The competent authorities should take measures to organise follow-up aimed primarily at assisting in so far as possible the young person to overcome any difficulties he may be experiencing in following his vocational plans and ascertaining whether the occupation selected is proving suitable.

(2) Wherever possible, methods of follow-up should include general enquiries on a sampling basis to measure the results of vocational guidance in individual cases and to evaluate vocational guidance policy and methods. Such enquiries should permit of securing medical information in co-operation, where possible, with the medical facilities existing at workplaces.

IV. Principles and Methods of Vocational Guidance for Adults (Employment Counselling)

21. (1) Appropriate arrangements for adults should be made within the framework of the public vocational guidance services to assist any person requiring aid in choosing an occupation or in changing his occupation.

(2) The process involved in rendering this assistance is referred to in this Recommendation as employment counselling.

22. The process of employment counselling should include, as far as practicable in the national circumstances and as appropriate in individual cases—

(a) interview with an employment counsellor ;
(b) examination of record of work experience ;
(c) examination of scholastic or other records relating to education or training received ;
(d) medical examination ;
(e) appropriate tests of capacity and aptitude, and, where so desired, other psychological tests ;
(f) ascertainment of aptitudes by appropriate work experience and by other similar means ;
(g) technical trade tests, either verbal or otherwise, in all cases where such seem necessary ;
(h) analysis of physical capacity in relation to occupational requirements ;
(i) provision of information concerning employment and training opportunities relating to the qualifications, physical capacities, aptitudes, preferences and experience of the person concerned and to the needs of the employment market ;
(j) follow-up, on a sampling basis, aimed at discovering whether satisfactory placement in employment, training or retraining has been achieved and at evaluating employment counselling policy and methods.

23. (1) The competent national and local bodies should take all necessary measures to encourage the extended use, on a voluntary basis, of employment counselling services in the case of—

(a) persons entering employment for the first time ;
(b) persons unemployed for a long period ;
(c) persons unemployed or likely to be unemployed, as a result of declining industries or changes in the technique, structure or location of industry ;
(d) persons living in rural areas who comprise surplus manpower in the light of current or prospective employment opportunity ;
(e) persons desirous of benefiting from public facilities for vocational training and readjustment.

(2) All necessary and practicable measures should be taken to develop, within the framework of the general vocational guidance facilities and with the co-operation of any appropriate rehabilitation services when the person requires such assistance, specialised employment counselling for physically disabled persons and those having personality disorders that hinder their vocational adjustment.

(3) All necessary and practicable measures should be taken to develop, within the framework of the general vocational guidance facilities, specialised employment counselling for technicians, professional workers, salaried employees and executive staff.

24. Special attention should be given, in connection with employment counselling, to the development of appropriate methods for the technical selection of workers for particular occupations and industries.

V. Principles of Administrative Organisation

25. Vocational guidance and employment counselling should be organised and co-ordinated on the basis of a comprehensive general programme, established and developed in the light of regional and local conditions and adaptable to changes in such conditions.

26. In order to encourage the development of vocational guidance and employment counselling facilities, provision should be made by the central authorities (including, where appropriate, the central authorities of the federated units of federal States) for—

(a) adequate financing of such facilities ;

(b) appropriate technical assistance ; and

(c) development of methods and materials suitable for use on a nationwide basis.

27. All necessary and desirable measures should be taken by the competent authorities to secure effective co-operation, nationally and locally, between the public and private bodies engaged in vocational guidance or employment counselling activities.

A. *Administrative Arrangements for Vocational Guidance for Young Persons, including those in School*

28. (1) The competent authorities should make appropriate arrangements for the co-ordination, nationally and locally, of policy and action in the field of vocational guidance, due regard being paid to the responsibility of the parents and to the appropriate functions of private vocational guidance bodies.

(2) These arrangements should be directed more particularly towards—

(a) maintaining effective public service to young persons, in co-operation with other interested agencies as appropriate without duplication of effort ; and

(b) facilitating, as may be desirable and with due respect for confidential data, the exchange of information concerning—

(i) the extent and character of the need for vocational guidance services and of the facilities already available ;

(ii) the young persons applying for vocational guidance ;

(iii) industries, trades and occupations ;

(iv) employment and training opportunities ; and
(v) the preparation and use of vocational guidance materials including appropriate tests.

29. (1) National and local administrative responsibility for vocational guidance should be clearly defined.

(2) With due regard to this division of authority, primary responsibility should be entrusted either—

(a) jointly to the education and employment service authorities ; or

(b) to one of these authorities working in close co-operation with the other.

30. (1) Appropriate arrangements should be made through advisory committees for the co-operation of representatives of employers and workers in the development of vocational guidance policy.

(2) Such committees should be maintained nationally and as far as possible locally and should normally include representatives of the public and private bodies concerned with education, training (including apprenticeship), vocational guidance and other questions directly affecting the vocational adjustment of young persons.

B. *Administrative Arrangements for Vocational Guidance for Adults (Employment Counselling)*

31. (1) Administrative responsibility for employment counselling should be entrusted primarily to the public employment service, with due regard to the administrative responsibility assigned by public authority to educational or other agencies.

(2) The offices of the public employment service should include, at each administrative stage so far as practicable, specialised employment counselling units or officers.

(3) Administrative arrangements should be made to ensure, as may be necessary or desirable, co-operation by the public employment service with specialised employment counselling services maintained for special groups or persons.

32. Appropriate arrangements should be made, nationally and locally, to ensure that employment counselling is organised in close relation with—

(a) all other activities of the employment service ;

(b) other vocational guidance services ;

(c) educational and training institutions ;

(d) the administration of unemployment insurance and assistance schemes ;

(e) the administration of training and retraining schemes and of other plans to promote occupational or geographical mobility of labour ;

(f) the representative organisations of employers and workers ; and

(g) public and private organisations providing rehabilitation services to disabled persons.

VI. Training of Officers

33. (1) In order to secure the efficiency of the vocational guidance services, the competent authority should ensure the employment of an adequate number of officers with suitable training, experience and other qualifications, and should organise, to the fullest possible extent and in co-operation where appropriate with other bodies concerned, specialised scientific and technical training for vocational guidance staff.

(2) The measures to be taken should include, for example :

(a) the establishment by the competent authority of minimum qualifications for vocational guidance officers ;

(b) the establishment by the competent authority of regulations for the selection of officers on the basis of such qualifications ;

(c) the organisation of specialised training courses for persons seeking to undertake the work of vocational guidance ;

(d) the provision of supplementary training and refresher courses for all officers ; and

(e) the maintenance by the competent authority of conditions of appointment and employment sufficiently attractive to provide an inducement to qualified persons to undertake and continue in such work.

(3) Consideration should be given to—

(a) the interchange of vocational guidance officers among the different branches of the services with which they are respectively concerned ;

(b) the publication of technical material suitable for developing the professional skill of officers.

(4) Where useful, the Members should co-operate for the purposes of training staff, availing themselves of the help of the International Labour Office if they so desire.

VII. Research and Publicity

34. (1) Special measures should be taken on a co-ordinated basis, to promote public and private research and experiment in methods of vocational guidance.

(2) The public employment service should co-operate in such research.

(3) Wherever appropriate in the circumstances such research should include examination of such questions as—

(*a*) methods of interviewing ;
(*b*) the analysis of the requirements of the different occupations ;
(*c*) the provision of industrial and occupational information appropriate for vocational guidance ;
(*d*) aptitude and other psychological testing ;
(*e*) the development of model vocational guidance forms ; and
(*f*) the measurement of the result of vocational guidance.

35. Systematic efforts should be made by the authorities responsible for vocational guidance in co-operation with employers' and workers' organisations and where appropriate with other bodies concerned, to promote wide public understanding of the purposes, principles and methods of vocational guidance.

Convention 98

Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning the application of the principles of the right to organise and to bargain collectively, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Right to Organise and Collective Bargaining Convention, 1949 :

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—

(*a*) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership ;

(b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts 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, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding articles.

Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Article 5

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 6

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate—

(a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification ;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph *(b)*, *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 10

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

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