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PROGRESS ACHIEVED BY THE NON-SELF-GOVERNING TERRITORIES IN PURSUANCE OF CHAPTER II OF THE CHARTER

FREEDOM OF ASSOCIATION AND INDUSTRIAL RELATIONS IN NON-SELF-GOVERNING TERRITORIES

Prepared by the International Labour Office

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I. FREEDOM OF ASSOCIATION AND INDUSTRIAL RELATIONS (INCLUDING WAGE-FIXING MACHINERY) IN NON-SELF-GOVERNING TERRITORIES SHOWING DEVELOPMENTS SINCE 1946

A. General background

1. The patterns of relations between employers and workers in Non-Self-Governing Territories are, as elsewhere, essentially a derivative of general local social, economic and political conditions, notwithstanding the fact that, in particular Territories, as is the case, for example, in the development of workers' organizations, the quality of leadership available has had profound influence. Despite the very wide variation in conditions, a number of general factors emerge which differentiate the background of industrial relations in Non-Self-Governing Territories from that of countries where modern procedures, techniques and instruments of industrial relations have found fullest expression.

2. The incidence of wage-earning employment is one of the most important of these factors. In relatively few Non-Self-Governing Territories is such employment the norm of the community's pattern of productive activity, and even in such Territories, in many cases, the extent of casual employment, underemployment and structural unemployment creates an employment scheme different from that of the highly developed countries. In a number of Territories in the Caribbean and in the Far East, regular wage-earning employment has become basic; on the other hand, the situation is radically different in the African Territories if an over-all view is taken. There it is still true that the greater part of the indigenous population is mainly engaged in its own subsistence economy, that a further but smaller proportion devotes itself mainly to the production of marketable goods, and that only a small portion is at present dependent solely on wage earning.

3. This pattern is not confined to Africa. In Territories such as Papua, for example, no indigenous inhabitant is entirely dependent on wages for sustenance and the wages and other emoluments paid to the worker are supplementary to other income or subsistence derived from village and tribal activities.

4. It is, however, to be noted that, in part as a result of deliberate economic development programmes, and in part as a result of the more general process of more intensive utilization of the resources of the Territories, particularly as

suppliers of raw materials and minerals, the trend of wage-earning employment is represented by a distinctly upward curve. In the inter-war years, this trend already could be illustrated in Territories such as Kenya, Malaya, and Northern Rhodesia. War conditions tended to accelerate the pace of expansion of the sector of wage-earning employment in the Belgian Congo, to give only one example, and since the Second World War the same trend has continued.

5. It is clear that although the area of the employer-worker relationship is, on an over-all view, limited, the wage-earning sector is expanding and, with it, the scale of industrial relations problems. It should further be noted that, even in Territories where more or less permanent wage-earning activities are relatively unimportant, significant pockets of such employment exist, as is the case in such British West African Territories as Sierra Leone and Nigeria, and give rise to problems of employer-worker relationship requiring detailed study.

6. A second factor of major importance lies in the migrant labour systems of the Western Pacific and, more important, of Africa. The labour requirements of modern large-scale undertakings, in the areas in which these systems prevail, are largely supplied by workers who come from distant homes where their families generally remain and who, for the most part, return home after a spell in employment. Although there are trends and forces working in the direction of a permanent and stabilized labour force and the establishment of families in the vicinity of employment, this general pattern still obtains.

7. The fluid character and changing composition of such labour forces, their heterogeneous composition in terms of working experience and quite often a language and ways of life, and the fact that they generally include a substantial percentage of workers with habits and traditions alien to the discipline of wage-earning employment, together tend to create conditions obviously unfavourable for the development of trade unions or of any form of collective action in labour relations.

8. A number of other characteristics of the labour force in Non-Self-Governing Territories give rise to difficulties in the formation of collective bargaining units; the importance of these difficulties necessarily varies. In most Territories, agricultural workers represent either a majority or a substantial proportion of the wage-earning population and general experience has indicated the difficulties of

collective action and the development of unions among this category of workers. Workers in domestic service, in regard to whom a similar difficulty exists, likewise form a numerically important group in many Territories. Employment in skilled occupations is at a relatively low level; the point of departure and working core of a trade union structure has often been, in more highly developed communities, the self-organization of skilled workers. Resident labour is important both on plantations and in the extractive industries; the fact that the resident worker is in many cases tied to his employer both by housing and by employment needs clearly tends to make for difficulties in the early stages of the development of trade unions. Finally, where unemployment and intermittent employment exist on a substantial scale, these factors militate against the development of stable and effective trade unions and reduce the possibilities of effective collective action by workers in favour of better wages and working conditions.

9. A number of other elements in the organization of employment tend in the same direction. In the first place, very small scale undertakings, usually indigenous in ownership and origin and often on a family basis, account for a substantial proportion of the gainfully occupied; the difficulties of collective action on the part of either workers or employers in these circumstances are apparent. In some of the larger Territories where wage-earning employment on an important scale occurs largely in widely separated areas, the development of collective bargaining otherwise than on the basis of individual enterprise is hardly possible. The fact also that, in many Territories, government is the largest or one of the largest employers, gives rise to special difficulties: for example, short-term budgetary appropriations limit a flexible approach to demands for wage increases; Governments may have the tendency to regard all government services as essential services requiring limitations on strike action or as involving questions of public order and the labour departments concerned are in a less independent position in advising the workers' side where government is the employer involved.

10. In the Territories in which migration for employment and settlement has created plural societies, the mixed racial composition of the labour force has created additional problems in the field of industrial relations. On the one hand,

in those Territories in which workers of different races belong indifferently to the same unions, as in a number of Territories in the Caribbean area, there have not been wide variations in the standards of living of the various groups involved and the racial pattern has been only one more problem to be solved in the process of promoting collective action by workers to whom, until recently, the concept of collective bargaining was novel. On the other hand, more difficult problems arise in the Territories in which the trade unions are organized primarily or exclusively on a racial basis, as is the case, for example, in the Belgian Congo, Northern Rhodesia, Cyprus, Nyasaland, Kenya, Uganda and a number of French Territories. The problems are particularly grave where different rights and privileges are accorded workers on a racial basis; since there is a natural tendency for the groups initially favoured to attempt to maintain their special rights, a serious conflict of interests necessarily arises at some stage.

11. In the employer-worker relationship, as well as in the worker-worker relationship, it is unquestionable that, in Non-Self-Governing Territories, racial factors play a part that cannot be neglected. To a very large extent wage-earning employment is concentrated in enterprises and industries owned, managed and operated by persons of a different race from the vast majority of workers employed therein. Even in the Territories where social distances between the races do not, per se, constitute fixed barriers, important problems of mutual comprehension arise between employers and workers and add to the difficulties which are generally to be found in the early stages of development of collective bargaining procedures and machinery. Clearly the position is more difficult again where recognized and established racial barriers exist.

12. An important consequence of the non-self-governing status of the Territories under consideration is the influence of the industrial relations law and practice of the respective metropolitan countries on the industrial relations patterns of the Territories for which they are responsible. The aim of policy in general appears to be the adaptation of the metropolitan system to the Territories, due regard being paid to local conditions. Two difficult questions, however, arise. First, in some cases it may be decided that differences as between conditions in the metropolitan country and the Territory are so great that a modern system of industrial relations based on collective bargaining and industrial associations is

inappropriate; alternatively, the procedures introduced may be so hedged with safeguards as to largely defeat their own purposes. Second, it may happen that features of some industrial relations systems which have proved their utility in Non-Self-Governing or under-developed Territories have no part in the system of the metropolitan country concerned, for example, procedures for determining which of a group of rival unions in the same trade, industry or undertaking can claim to be the most representative for the purposes of negotiating with a given employer.

13. In a number of the Territories, particularly in those in which representative political institutions exist, trade union and political leadership, as well as trade union and political activities, have no sharp lines of demarcation. Too often the labour leader and the ambitious politician is one and the same person and immature unions are used to further political purposes to the detriment of their true role and of the harmonious development of collective bargaining and industrial relations procedures. Thus used, they are frequently not recognized by the employers, who consider them to be unrepresentative, irresponsible and unable to enter into serious negotiations or commitments on behalf of all the workers.

14. Finally, in the present stage of development of most Territories and the stage of evolution of most of the trade unions therein, it is difficult to over-estimate the potential and actual influence of government policies, quite apart from the frequent importance of the government as a large employer, earlier mentioned. The extent to which the development of minimum wage-fixing machinery and government regulation of hours and conditions of work may hamper or promote, in different circumstances, the development and activities of collective bargaining units and inhibit the role which trade unions might play in the improvement of conditions of labour, is one of the most fundamental problems of policy in this regard. In the context of Non-Self-Governing Territories, the question of the field of operations of departments of labour poses delicate problems: the assistance they can provide employers' and workers' organizations at an early stage of development is very considerable, whether in organizational and administrative problems or the subject matter of industrial relations; on the other hand, a too extensive range of activity may tend to make workers prone to rely on the department rather than the trade union. A number of areas of positive

action are open to Governments wishing to promote the development of collective bargaining machinery: for example, the provision of facilities for the training of leadership, the association of employers' and workers' representatives on boards and committees dealing with questions of labour policy, even where representative organizations do not exist; and the encouragement of other forms of employer-worker collaboration, for example, at the level of the individual undertaking. Nevertheless, their advisability and practicability in given circumstances require careful examination.

B. Freedom of association

15. The right of association is now fully recognized in United Kingdom, French, Netherlands, New Zealand and United States Non-Self-Governing Territories, either in the constitution or in special legislation relating to the formation and activities of trade unions. The only exception is Netherlands New Guinea, where the under-developed state of the Territory has so far rendered special provisions unnecessary. Special legislation relating to indigenous workers is expected to be enacted in the near future. In Australian Territories there is no special legislation covering the point. In the Belgian Congo separate legislation existed until 1957 in regard to the right of association of European and indigenous workers respectively. The notes that follow summarize the main developments in recent years.

Belgian Territories

16. In the Belgian Congo until 1957 there was separate legislation on freedom of association for European and indigenous workers. The recent data on which this situation was altered, as well as the intrinsic significance of the process of evolution involved, makes it desirable to give an account both of the former and of the present position.

17. Trade unions for Europeans, which were essentially a projection of the trade union movement in metropolitan Belgium, were regulated by Ordinance No. 163 of 16 April 1942. The trade unions affected by this ordinance enjoyed legal personality subject to the terms of the law. They were defined as associations whose exclusive purposes were to be the study, protection and promotion of the occupational interests of their members. Membership of at least seven active

members was necessary and was confined to non-indigenous persons of twenty-one years of age and over. The content of the constitutions of the unions was specified. It was stipulated that copies of the constitution, the list of members and a declaration that the union conformed to the requirements of the law should be submitted to the competent authorities; after verification these documents were published in the official gazette and the union acquired legal personality ten days after such publication. Provision was made for limitation of the property a union might own, for the dissolution of a union which failed to fulfil its obligations under the law and for the disposal of the property of a union on dissolution, whether voluntary or involuntary.

18. Ordinance No. 82 of 17 March 1946, was amended by Ordinance No. 21/17 of 20 January 1948, provided, inter alia, that indigenous inhabitants of the Belgian Congo might constitute indigenous industrial associations of persons in the same occupation or related occupations engaged in industry, commerce, agriculture, the liberal professions or government employment. The purposes of such associations were to be the study, protection and promotion of the occupational and social interests of their members. The Governor-General was empowered to regulate the organization of such associations, particularly in regard to the general terms of their formation and operation, the limits of their activity, the rules which their constitutions should contain, the rules governing their dissolution and special provisions applicable to personnel employed by public authorities. Where appropriate, legal personality might be granted to industrial associations within limits and on conditions to be prescribed by the Governor-General. Penalties were attached to breaches of the ordinance of up to a maximum of six months' penal servitude or a fine of not more than 1,000 francs or both.

19. Ordinance No. 128 of 10 May 1946 regulated the organization of indigenous industrial associations in greater detail. Trade unions or federations of industrial associations might be formed only on the authorization of the Governor-General and in the way prescribed by him. The provisional formation of an industrial association was made subject to the permission of the administrator for the area concerned, and application had to be made in a specified manner. Permission was not to be refused unless these requirements were not fulfilled or unless the application otherwise contravened the legal provisions in force. Provision was

made for appeal from the decision of the administrator. Final approval of the formation of the association was the responsibility of the district commissioner. The constitutions of indigenous industrial associations had to be approved by the competent authority; the contents of such constitutions were laid down in detail by the legal provisions and included: (a) an undertaking to submit to conciliation procedures as required by the competent authority and to abide by agreements reached as a result of such conciliation, and (b) a further undertaking, where the association had agreed to arbitration, to follow the prescribed procedures and to give effect to the arbitration award.

20. A representative of the Administration was entitled to attend all meetings of the executive committee or general assembly of an indigenous industrial association, though he was without power to vote. Detailed requirements for membership, notably in respect of a qualifying period of previous employment and in regard to the qualification by residence or place of employment, were laid down. The budgets of the associations had to be approved by the local administrator. A district commissioner might veto the execution of any decision or action of an association which represented a serious breach of the law or its own constitution or threatened public order; an appeal against such a veto might be made to the Governor of the province. Special provisions were included in regard to workers in the employment of the Government; in particular, such associations might not include workers not employed by the Government and might not act in concert with other associations.

21. Early in 1957 new legislative provisions came into effect in the Belgian Congo which brought to an end the system of separate legislation for Africans and non-Africans in respect of the right to form trade unions. In presenting the new proposals to the Colonial Council the Belgian Minister of Colonies emphasized his view that the stage had been reached at which the system of separate legislation should come to an end and the complexity and number of existing texts be reduced.

22. Two decrees, one of general application and the other applicable to certain categories of public officials, contain the principal new legislative provisions. A decree of 25 January 1957, which came into force on 15 February 1957, regulates the exercise of the right of association by inhabitants of the Belgian Congo with the exception of officials and subordinate officials of the civil service and of the judicial services. The decree provides that the persons it covers may join

trade unions whose sole purpose is the study, protection and promotion of their economic, occupational and social interests. Only organizations approved by the competent authority on conditions to be laid down by Royal Order are accorded recognition. Trade unions in existence on 1 July 1956 are, however, recognized provided that their rules are submitted to the competent authority and that the Governor-General is notified of any change made in those rules. Where a trade union commits acts which contravene seriously the law or its own constitution or threaten public order, recognition may be withdrawn in accordance with conditions to be fixed by Royal Order.

23. Persons who have not been in wage-earning employment for less than three years may not become members of a trade union unless they fulfil certain conditions laid down by the Governor-General. These conditions are specified in Ordinance No. 21/57 of 8 March 1957. Such persons must have reached the age of eighteen and prove that they have completed two years of secondary schooling in order to be eligible for membership in a trade union. As a transitory measure, however, up till 1 January 1962 persons over eighteen years of age who have completed their primary schooling may become members of trade unions.

24. All recognized trade unions may apply for legal personality. Trade unions formed in accordance with the provisions of the decree may not engage in a collective stoppage of work until the means of conciliation and arbitration established by law have been fully utilized.

25. Persons who have participated in the creation or functioning of any trade union association formed or carrying out its activities otherwise than as provided by the decree are liable to penalties.

26. A decree of the same date regulates the exercise of freedom of association in the civil service and the judicial service. This decree provides for the persons it covers, for freedom of association on the same basis as for other inhabitants of the Belgian Congo, with some qualifications. The competent authority is to decide which are public undertakings and associations which are to be subject to the provisions of the decree, as well as the trade union status of the persons covered. Persons to whom the decree applies may not form an association, one of whose objectives is to engage in a collective stoppage of work, nor may they become members of such an association. Special penalties are provided for contravention of this latter provision.

27. Further decrees provide for conciliation machinery in the event of a trade dispute and prohibit strikes and lock-outs until this machinery is exhausted.

United Kingdom Territories

28. Legislation specifically designed to protect and assure the right of association exists in all Territories except Brunei. Apart from minor differences of detail, the substance of this body of legislation is essentially the same in all cases, being based on models largely determined by United Kingdom law and practice and intended to enable trade unions to pursue their objectives with legality subject to certain safeguards. The present position had already been largely attained by 1946; the only Territories in which no such legislation was then in force were Aden Protectorate, Hong Kong, the Western Pacific Territories and parts of Malaya, while some essential provisions were missing in the legislation of a few other Territories. The adoption of suitable legislation was unquestionably expedited by the requirements of the Colonial Development and Welfare Acts, from 1940 onwards, which provided that the Secretary of State for the Colonies must satisfy himself that, where a scheme under the Act provided for the payment of the whole or part of the cost of the execution of any works, the law of the Territory concerned provided reasonable facilities for the establishment and activities of trade unions. After an initial period of grace, this stipulation has been strictly observed.

29. The trade union laws under consideration are essentially an extension of the principles of United Kingdom legislation to the Territories, subject to additional provisions in respect of the compulsory registration of trade unions and some variation in regard to the definition of intimidation. The normal definition of a trade union in this legislation is any combination, whether temporary or permanent, the principal purposes of which are the regulation of relations between workmen and masters or between workmen and workmen or between masters and masters; in this way the definition of a trade union applies alike to employers' and workers' organizations. The purposes of a trade union are declared to be not unlawful by reason merely that they are in restraint of trade. Trade unions are immune from actions of tort. An act or an agreement to act by two or more persons in furtherance of a trade dispute is not conspiracy if such act committed by one person is not permissible or actionable. It is lawful for one or more persons in connexion with a trade dispute to attend at or near a

house or place where a person resides or works or carries on business or happens to be if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or to abstain from working. Nevertheless intimidation is an offence, and picketing in such numbers or in such a way as to be calculated to intimidate is likewise an offence. In general, trade unions are required to be registered; the registrar of trade unions may refuse registration if any of the purposes of a trade union are unlawful and its registration is in any case void. Any two or more registered trade unions may, by the consent of a given proportion of each of the unions concerned, become amalgamated as one trade union. Trade unions may not, without the consent of the Government, be affiliated or connected with any organization which is established outside the Territory in such a manner as to place them under the control of such organization.

30. The special position in some Territories needs to be noted. In Brunei, where there is no legislation to give effect to the establishment of trade unions as such, the Societies Enactment No. 11 of 1948 includes in the definition of "society", "any trade union registered and under any written law for the time being regulating trade unions". The Government has under consideration draft legislation to regulate the establishment and registration of trade unions, since at present a combination of workers or employers, formed for the purposes normally attributed to trade unions, could be declared unlawful by reason of one or more of its purposes being in restraint of trade or contrary to the public interest, though in practice this would not occur. In Kenya, the Trade Unions Ordinance, No. 23 of 1952, provides for the existence of probationary unions as does the Trade Unions Ordinance of Uganda (No. 10 of 1952). These bodies are very simple in form, their principal object being to regulate the relations between themselves and their employers. The collection of funds is limited to an annual contribution and may be expended only on office expenses and welfare. Probationary unions have none of the usual trade union privileges; this formula, however, gives to new organizations the legal right to exist and to acquire experience, thus bridging the gap between no organization at all and a full-fledged trade union with the requirements of registration and other formal difficulties. In Gibraltar, the Trade Unions and Trade Disputes Ordinance No. 15 of 1947 lays down that an alien shall not be one of the members of a trade union applying for its

registration; neither, unless he is resident in Gibraltar, may he be an officer of a union, nor vote on any motion connected with the calling or financing of a strike. A union in which not less than one-tenth of the membership are non-resident aliens may elect one such alien member to the general committee of management. The Bahamas Trade Union Act No. 9 of 1943[1] omits some of the usual provisions and excludes agricultural and domestic workers from its coverage. The Bermuda Trade Union and Trade Disputes Act, 1946, lays down that only those objects of a trade union which are specified by law are legal. In Malaya, a 1948 amendment to the 1946 Trade Unions Ordinance provided that federations of trade unions might be registered only where the members of the unions concerned are employed in a similar trade, occupation or industry. In Nyasaland, Sierra Leone, Sarawak and North Borneo, the existence of a sufficiently representative trade union in a particular industry may be a bar to the registration of another union in the same industry, though it appears that the power to refuse registration for this reason is sparingly used.

French Territories

31. In French Non-Self-Governing Territories the most important provisions relating to freedom of association are those contained in the 1952 Labour Code Act, applicable to Territories coming within the competence of the Ministry for Overseas Territories.[2]

32. Under the Act persons who exercise the same occupation, similar occupations or related occupations in the production of specified products, or persons of the same profession, may freely constitute a trade union. Any worker or employer may freely join an organization of his own choice within the limits of his occupation. Officers of a trade union must be citizens of the French Union; they must be in possession of their civil rights and must not have been sentenced to imprisonment. Minors over sixteen years of age may join a union unless forbidden to do so by a parent or guardian. Persons who have left their employment or occupation may continue membership in a trade union provided that they have been in the employment or occupation for at least a year.

1/ New legislation on this subject is at present before the Legislature.

2/ France: Journal officiel de la République française, 15-16 decembre 1952. Among the Territories covered are: French West Africa, French Equatorial Africa, Madagascar and dependencies, the Comoro Archipelago, French Somaliland and the condominium of the New Hebrides.

33. Trade unions are to have as their exclusive object the promotion and protection of economic, industrial, commercial and agricultural interests. They are to constitute legal entities; they have the right to sue in the courts and to acquire personal and real estate without prior authorization; a number of other fields of activity are also enumerated. Unions may freely join together for the promotion and defence of their economic, industrial, commercial and agricultural interests and may establish federations. Occupational associations of the tribal type that are recognized by the competent authority have some of the rights of the trade unions in regard to legal status and to a number of permissible activities.

34. In Morocco, 1936 legislation established the right to organize trade unions for Europeans. A dahir of 12 September 1955, modifying the 1936 legislation, extended its scope to Moroccan workers in general, other than agricultural workers who are to be the subject of a separate decree later. Legislation dating from 1932 in Tunisia made it lawful for all workers to organize trade unions, subject only to notification; the unions are required to abstain from any activity of a commercial, political or religious nature.

New Zealand Territories

35. In the Cook Islands, the right of association, including the right to form trade unions and to conclude collective agreements, is guaranteed by the general law of the land. The Cook Islands Industrial Unions Regulations, 1947, provide a procedure for the registration of unions both in the Cook Islands and in Niue and specify the conditions under which registrations may be cancelled and cancellation of registration made the subject of appeal. The Cook Islands Trade Disputes Intimidation Regulations, 1948, makes intimidation an offence and defines intimidation.

United States Territories

36. In the United States Territories, the right of association for all "lawful purposes" is constitutionally recognized and no special enactment is therefore required to permit formation of industrial associations. Federal legislation designed to add to the protection afforded constitutionally in regard to the association of workers in labour unions is in general applied to the Territories,

even though its application may be limited to workers in certain industries, for example, those engaged in interstate commerce. In Hawaii and in Puerto Rico, local labour relations acts make futher provision in this regard; for example, in Puerto Rico in the Insular Labour Relations Act of 1945, as amended, the rights of employees "to form, join or assist labor organizations; to bargain collectively through representatives of their own choosing, and to encourage any concerted activities for the purpose of bargaining collectively or for other mutual aid and protection" are asserted. Unfair labour practices on the part of the employer are defined by the Act; they include interference with the self-organization of employees, action designed to secure control of workers' organizations, discouragement of union membership by discriminatory employment practices, refusal to bargain collectively with accredited workers' representatives and intervening in elections for the selection of workers' representatives. In the Virgin Islands there is no specialized legislation dealing with the right of association but trade unions exist. In American Samoa and Guam, no trade unions are known to exist but there is no legal barrier to their formation.

C. Employers' and Workers' Organizations

Australian Territories

37. No employers' organizations exist in Papua. This situation is essentially related to general, social and economic conditions in the Territory, in particular the position in regard to wage-earning employment.

Belgian Territories

38. In the Belgian Congo there are a number of employers' associations, the most important being the Association of Industrial Undertakings of the Congo, which comprises some ninety business concerns, many chambers of commerce and various colonists' associations.

39. There are four principal associations of non-indigenous employees. The growth of African trade unions since the enactment of legislation in 1946 covering this question has been slow. In 1954 there were sixty-five unions with a membership of 7,538. These figures rose to sixty-nine unions with a membership of 8,829 in 1956. The estimated number of indigenous wage-earners in the Belgian Congo in that year was 1,146,000.

40. The slow development of trade unions in the Belgian Congo may be accounted for by the fact that there were none prior to the enabling legislation of 1946, that under the legislation their powers were limited and that no encouragement was given to them by the Administration or by employers, both of whom confined any active support to the rather paternalistic Works Councils which have statutory backing.

United Kingdom Territories

41. The growth of employers' and workers' organizations in United Kingdom Territories has been very substantial since 1939. In 1942 the number of organizations registered under trade union legislation, comprising employers' organizations, workers' organizations and trade protection societies, was some 230, with a membership of 83,000. In 1946 the number of organizations had risen to well over 500. In September 1952 there were some 1,325 trade unions with a membership of about 865,000; the corresponding figures in December 1953 were 1,437 (including 206 employers' associations) and 950,000. It is estimated that at the end of 1956 membership of registered trade unions was over 1,200,000 workers in some 1,500 unions.

42. Several interrelated factors have combined to promote this development. In the period immediately following the First World War a number of workers' organizations had sprung up in the Territories, but economic conditions and deficiencies in protective legislation and in labour supervision machinery had militated against their continued life and development. The economic consequences of the world depression had belated repercussions in the form of labour disturbances, principally in the Caribbean area, during the years immediately preceding the Second World War. These disturbances resulted in a fundamental review of labour policies applicable to the Territories. Trade union legislation was extensively modernized, more attention was given to labour questions by a marked extension of labour administrative services and an extensive body of labour legislation along modern lines was enacted.

43. A number of British trade unionists were appointed to the staffs of the new or enlarged labour departments in the Territories; part of their assignment was in some cases specifically to give aid to the development of trade unionism

in the Territories. War-time economic conditions, including, particularly, guaranteed purchases of various commodities by the Government, enabled workers' representatives to secure gains more readily than in peace-time, when it was less easy to assess the employers' capacity to pay; the general and continuous rise in prices generally involved wage increases and stimulated the growth of institutions and relationships which could bring them about with least friction. This situation has been accompanied by the development of local leadership which has been able to base its support at one and the same time on the desire for improved material conditions and for greater self-responsibility in political status. The continued development of the organizations during the postwar period is in part a consequence of the firm roots established during the early period of development, in part to the policies designed to promote such development (policies which are still being actively pursued) and in part to the continued efforts of local leadership. Only fragmentary figures are available of the extent to which workers and employers were organized in the earlier part of the period under review, but the following table illustrates the position in various Territories in 1949 or at the latest date than available:

Organization of employers and employees in United Kingdom Territories 3/
(Latest known trade union particulars available)

Territory	No. of Employees' Unions	Membership	No. of Employers' Organization	Membership
Aden	-		-	
Bahamas	4	...	-	
Barbados	4	11,750 (approx.)	4	57 firms
Bermuda	2	234	-	
British Guiana	26	15,000	8	221
	(and 7 which cannot be specifically classified; the membership of these 7 unions is 237)			
British Honduras	4	2,646	-	
Brunei	-		-	
Cyprus	89	13,130	8	201

3/ From United Kingdom: Colonial Office Memo. No. 18 of 1949.

Territory	No. of Employees' Unions	Membership	No. of Employers' Organization	Membership
Falkland Islands	1	...	-	
Fiji	17	...	-	
Gambia	2	...	-	
Gibraltar	10	...	1	...
Gilbert and Ellice Islands	-		-	
Gold Coast	31	31,748	...	
Hong Kong (registered)	184	106,502	3	244
(awaiting registration)	70	...	...	
Jamaica	23	64,399 (1 union has 58,602 members)	15	...
Kenya	11	...	-	
Leeward Islands:				
Antigua	1	(3,873 paid up (9,473 on roll	-	
St. Kitts-Nevis	1	(2,770 paid up (8,851 on roll	1	(25 on roll (20 paid up
Montserrat	1	(237 paid up (1,858 on roll	-	
Virgin Islands	-		-	
Federation of Malaya (registered)	159	40,147	5	945
(awaiting registration)	26	...	-	
Mauritius	12	16,000 (Plus 5 of government servants numbering 6,003 and 2 of persons working for themselves of 275) Total membership on rolls 22,934	7	656
Nigeria	110	76,035 + ...) figures for unions registered since mid-1948)	13	327

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Territory	No. of Employees' Unions	Membership	No. of Employers' Organization	Membership
North Borneo	1	...	-	
Northern Rhodesia	9	12,256	-	
Nyasaland	1	...	-	
St. Helena	-		-	
Sarawak	5	827	-	
Seychelles	1	...	-	
Sierra Leone	8	13,839	-	
Singapore	96	49,415	36	4,047
Solomon Islands	-		-	
Somaliland Protectorate	-		-	
Trinidad and Tobago	27	20,000	10	...
Uganda	1	...	1	...
Windward Islands:				
Dominica	2	1 with 4,936 and the other with 1,590 (The general position of the second employees' union is reported as "rather obscure")	1	46
Grenada	2	1,232	1	...
St. Vincent	3	756	1	50
St. Lucia	2	5,950	-	
Zanzibar	4	...	-	

44. The present stage of development and the activities and problems of the employers' and workers' organizations may best be illustrated by reference to particular Territories.

45. The following table summarizes the position in the Caribbean Territories towards the end of 1956.

Employers' and Workers' Organizations in United Kingdom Caribbean Territories 4/

Territory	Estimated population	Estimated number wage-earners	Employers' organizations		Workers' organizations	
			Number	Membership	Number	Membership
Bahamas	92,600	32,100	-	-	9	1,725
Barbados	227,500	60,100	3	200	4	17,300
Bermuda	40,450	11,500	-	-	4	1,377
British Guiana	460,000	42,500	10	341	37	16,079
British Honduras	78,100	20,100	-	-	5	11,782
Jamaica (with Turks, Caicos and Cayman Islands	1,522,100	319,400	3	28	19	98,800
Leeward Islands	126,350	20,000	3	83	5	14,800
Trinidad and Tobago	664,000	112,000	12	-	64	41,118
Windward Islands	307,500	64,500	3	166	19	11,881

46. The workers' organizations in the Caribbean area include some of the strongest and most highly developed trade unions existing in United Kingdom Territories. There has also been some development of employers' organizations and it should be pointed out that a number of associations not registered under trade union legislation as employers' organizations do in fact operate as such when the occasion arises. Collective bargaining has made very great progress in the area since the first major collective agreement in 1938 between the Shipping Association of Trinidad and the Seamen and Waterfront Workers' Trade Union of that Territory. Already by 1945 collective agreements had become the procedure for fixing wages in the all-important sugar industry in Antigua, St. Kitts,

4/ This table and later similar tables are based on materials contained in United Kingdom: Trade Unions in the British Colonial Territories, Her Majesty's Stationery Office, January 1957, London.

British Guiana, Jamaica and Trinidad. Since that date, there has been steady progress alike in the number of Territories in which collective bargaining has become a very important means of determining wages and conditions of work, in the number of industries and undertakings in which collective agreements are in force and in the scope of the agreements themselves, which now often include procedural clauses, provision for holidays with pay, sick leave, joint consultative committees and for a number of other items which the evolution of collective bargaining has introduced in highly developed communities.

47. While it can fairly be said that unions in the area are firmly established and that collective bargaining is now an established procedure, many difficulties remain and it can by no means be maintained that the progress shown has been easily achieved or that it is uniform in all the Territories concerned. A multiplicity of unions and jurisdictional problems persist in some Territories; attempts which have in the past been made to bring workers' organizations together through the Trade Union Council have met with success for short periods but have generally disintegrated subsequently. In Jamaica the existence of several strong rival trade union groups has led to the development of a system of elections to determine which, in respect of particular employers, shall be the recognized collective bargaining representative of the workers.

48. It should finally be noted that despite the very considerable development of employers' and workers' organizations in this area, there continues to be wide-spread utilization of minimum wage-fixing machinery and that the trade unions play an important part in the working of such machinery and in other forms of joint consultation.

49. The following table summarizes the position in regard to employers' and workers' organization in United Kingdom African Territories towards the end of 1956:

Employers' and Workers' Organizations in United Kingdom African Territories

Territory	Estimated population	Estimated number wage-earners	Employers' organizations		Workers' organizations	
			Number	Membership	Number	Membership
Aden Colony	138,400	31,100	3	72	21	10,831
Kenya	6,000,000	543,763	6	323	18	29,600
Seychelles	37,800	20,000	-	-	3	199
Somaliland[a/]	640,000	-	-	-	-	-
Uganda	5,425,000	257,434	1	100	13	4,790
Zanzibar	278,000	8,000	1	10	5	907
Mauritius	539,000	164,000	10	684	45	31,000
Northern Rhodesia	2,106,000	270,000 (African) 23,230 (European)	12	-	25	50,000
Nyasaland	2,500,000	108,237	3	100	5	1,192
Gambia	280,500	5,200	-	-	3	-
Nigeria	31,171,000	323,830	25	719 (incomplete figures)	222	150,723 (incomplete figures)
Sierra Leone	2,005,000	76,000	1	22	11	23,726

a/ No trade unions in this Territory.

50. The following points may be noted in connexion with this table. The unions existing in the Gambia are small and in an early stage of development, none of them as yet having full-time paid officials. In Sierra Leone a number of the strongest unions in West Africa are to be found, for example, the Sierra Leone Artisans' and Allied Workers' Union(membership of 7,640), the Transport and General Workers' Union (1,400), the Maritime and Waterfront Workers' Union (4,850), the Railway Workers' Union (2,200) and the United Mineworkers' Union (6,000); there is also a Sierra Leone Council of Labour designed to co-ordinate the activities of the different unions. The unions in Sierra Leone

have been influential largely through the machinery of joint consultation existing in the Territory. Trends noted in recent teports of the Nigerian Department of Labour include "a discernible improvement in industrial relations: employers are becoming increasingly aware of the need for positive and continued endeavour on their part to secure and maintain the confidence and understanding of their employees and the trade unions are attaining a realisation of the harm done by irresponsible and ill-considered demands and actions".5/ Confusion in the minds of workers as to the function and purpose of trade unions is regarded by the Department as an important factor and a number of labour officers (trade unions) have been appointed especially to advise and assist the trade unions in their development. Trade union education committees managed by local trade union leaders have been established in a number of centres of employment; on the other hand, a government scheme for the training of trade unionists proved a disappointment - most scholars on return from training secured appointments which took them away from their union and in other cases the unions themselves were reluctant to restore the scholars to office. Associations of employers are few in number.

51. In Central and East Africa, African trade unionism is less developed than in the West African Territories; on the other hand, a number of important European and Asian unions exist. In Nyasaland, Kenya and Uganda, separate trade unions have been established by Asians employed on the railways. The principal problems in this regard arise, however, in Northern Rhodesia.

52. In this Territory, no trade unions have members of more than one race; at the end of 1956 there were nine European, two Asian and fourteen African unions in existence. The African Mineworkers' Trade Union, with a membership of some 26,000 is the most important African union. The main area of conflict is in the mines of the Copperbelt, where the principal protagonists are the two European trade unions in the mining industry and the African Mineworkers' Union; the essential question has been that of the advancement of the African workers to grades at present exclusively occupied by European workers. Without going into detail on the difficult and complicated problems to which this question has given rise, it may be noted generally that agreements have been reached between the employers and the European unions on this question during the past eighteen months,

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5/ Federation of Nigeria: Annual Report of the Department of Labour for the Year 1952-53, Lagos, p. 23.

resulting in a considerably expanded opportunity of employment for Africans in the intermediate grades of employment.

53. A few further points may be made in regard to employers' and workers' organizations in United Kingdom Central and East African Territories. Collective bargaining is virtually unknown and a number of the labour department reports of the Territories give instances of the unwillingness of given employers to meet trade union representatives for negotiation purposes. It is clear that in many Territories in this area the atmosphere for collective negotiation is far from propitious; social distances are great, unions are in many instances small and weak and employers are not prepared to regard them as representative. An exception to the general position is Mauritius where, for example, an agreement exists between employers and workers in the sugar industry, with a joint committee of representatives of the two sides to settle issues as part of the agreement. In Kenya, the workers' organizations with the largest membership in 1956 were the Building and Construction Workers' Union (5,500), the Transport and Allied Workers' Union (2,000), the Dockworkers' Union (3,420) and the Railway African Union (4,000); on the employers' side, organizations such as chambers of commerce, the Kenya National Farmers' Union and the Coffee and Sisal Boards act in certain respects as employers' organizations. In Uganda there has been some recent interest in the development of trade unions, particularly among civil servants.

54. An interesting fact in all three Territories of East Africa, as indeed elsewhere, is the wide fluctuations in membership of individual unions from year to year, indicating clearly a lack of stability, a tendency to be guided in adherence or non-adherence by very temporary circumstances, and probably over-dependence on the personality of a single individual leader.

55. The following table summarizes the position in respect of employers' and workers' organizations in the principal United Kingdom Territories not previously considered.

Employers' and Workers' Organizations in some United Kingdom Territories, 1956

Territory	Estimated population	Estimated number wage-earners	Employers' organizations		Workers' organizations	
			Number	Membership	Number	Membership
Falkland Islands	2,200	630	-	-	1	500
Gibraltar	25,000	18,400	2	18	13	3,715
Cyprus	520,000	263,000	4	177	160	26,666
Fiji	333,400	20,750	14	-	17	22,000
Hong Kong	2,277,000	772,600	68	9,398	229	193,000
Federation of Malaya	5,982,600	467,400	6	741	233	237,361
North Borneo	368,000	24,380	2	35	2	453
Sarawak	605,000	13,530	1	22	24	4,211
Singapore	1,210,600	433,000	55	5,921	209	155,562

56. As will be noted from the above table, there has been considerable development of employers' and workers' organizations in the Territories of Hong Kong, Malaya and Singapore.

57. In Hong Kong, a substantial number of the registered workers' organizations are operating with a very small membership; there are frequently several small unions in the same trade or industry which might be helped by amalgamation but "sectional differences, personal antagonisms and wide divergences of political views continue to divide unions of the same trade .... Political considerations continue to form the biggest obstacle to the effective development of trade unionism in the Colony."[6/] Two central organizations of trade unions exist: the Trades Union Council, which commands the support of the largest number of unions, and the Federation of Trade Unions. A number of collective agreements are in force. Through the Trade Union Section of the Labour Department, classes on basic trade union problems are given to union members as well as classes

6/ Hong Kong: Annual Report, Hong Kong, 1954, p. 26

in accountancy for unions, and advice is provided on the drafting of rules, the keeping of accounts and the general administration of union affairs.

58. In the Federation of Malaya there were at the end of 1956, 233 registered trade unions, with a total membership of 237,361, more than double the figures of two years previously. Special "trade union months" in certain areas have led to an appreciable increase in the strength of some unions. Considerable progress continues to be made in the process of amalgamating the large number of unions in the Territory and co-ordinating their activity. A Malayan Trade Union Council, established in 1950, has been recognized as a representative body of both organized and unorganized workers in the Territory. A particularly notable example of progress in organisation was the formation in 1954 of the National Union of Plantation Workers by the amalgamation of all the rubber workers' unions except the salaried staff unions, which are separately organized in the Federation of All Malayan Estates Staff Unions; the new union is to include in its membership workers on coconut, oil palm and tea estates, as well as those on rubber estates. Much attention is given to trade union education and there is a Trade Union Adviser.

59. In Singapore there are five federations of workers' organizations and a multiplicity of trade unions. At the end of 1956 there were 204 unions with a total membership of 155,562. A number of permanent joint negotiating bodies exist and there is also a Trade Union Adviser.

French Territories

60. A notable difference between French and United Kingdom Non-Self-Governing Territories in regard to workers' organizations is that organizations in United Kingdom Territories have normally no organic links with the British Trade Union Congress, while the organizations in the French Territories have been until recently for the most part affiliated to one or other of the metropolitan organizations - the Confédération Générale du Travail (C.G.T.), the Confédération Générale du Travail Force Ouvrière (C.G.T.F.O.), or the Confédération Française des Traveilleurs Chrétiens (C.F.T.C.). A process of reorganization and regrouping is now going on to break the formal links between the trade unions in French African Territories and the metropolitan organizations and to establish their autonomy on an African basis. This realignment was not complete at the end of 1956 in the sense that the nature of the links between the various federations of African trade unions formerly owing allegiance to metropolitan organizations with different ideological tendencies was not yet fully determined. A second

general point that should be borne in mind is the fact that although separate provision in respect of the right of association as between indigenous and non-indigenous workers has now almost completely disappeared, there is a general tendency in practice for these two groups of workers to organize themselves in separate unions.

61. No reliable figures are available as to the number and membership of employers' organizations throughout French Non-Self-Governing Territories. However, such organizations exist in all the Territories and play their full part in the negotiation of collective agreements which are developing in number and importance, particularly since the entry into force of the provisions of the Overseas Labour Code of 15 December 1952.

62. The following tables contain the most recent information available (1956) in regard to the development of workers' organizations in French Territories, together with some information in regard to 1946. These figures should be regarded as estimates, since the legislation in the French Territories does not provide for compulsory registration of trade unions, involving the provision of detailed annual returns on membership and finances, as is the case in United Kingdom Territories.

Employers' and Workers' Organizations in some French Territories, 1946

(a) Employers' Organizations (European and Indigenous)

Territory	Number of organizations	Membership
French West Africa	18	1,178
Senegal	5	298
Sudan	1	35
Dahomey	1	85
Ivory Coast	12	637
Madagascar	31	2,714
Guinea	4	69
Total	72	5,016

Employers' and Workers' Organizations in some French Territories, 1946 (continued)

(b) Workers' Organizations (European and Indigenous)

French West Africa	18	10,627
Senegal	4	592
Sudan	1	152
Ivory Coast	3	5,456
Dahomey	1	180
Madagascar	44	48,703
Guinea	7	382
Somaliland	1	110
Total	79	66,202

(c) Associations of Government Employees (Indigenous)

French West Africa	10	2,737
Senegal	3	428[a/]
Sudan	4	505
Dahomey	3	2,058
Ivory Coast	5	4,076
Madagascar	11	2,907
Somaliland	1	87
Total	37	12,798

a/ Incomplete.

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Trade Unions in French West Africa

	C.G.T.		C.G.T.-F.O.		C.F.T.C.		C.G.C.		C.G.T.A.		Autonomes		Indépendants	
	No.	Membership	No.	Membership	No.	Membership	No.	Membership	No.	Membership	No.	Membership	No.	Membership
Senegal (465-63,200)	134	27,500	138	7,200	45	4,200	4	100	74	16,200	70	7,400		
Mauritania (49-1,250)	-	-	14	380	13	320	1	10	21	540				
Guinea	4	1,000	13	300	9	3,000	-	-	22	38,500	15	3,000		
Dahomey	19	6,175	6	220	28	7,001	-	-			29	4,975		
Ivory Coast	34	10,000	1	100	23	2,300	3	580			18	2,700	15	2,500
Haute-Volta	-	-	13	3,393	6	780	-	-			25	11,000		
Sudan	51	14,449	33	2,500	7	335	1	150						
Niger	15	1,120	2	330	4	130	-	-						
Total	257	60,244	220	14,423	135	18,066	9	840	117	55,240	147	29,075	15	2,500

63. It is not possible to give comparable figures in respect of French Equatorial Africa. It is estimated, however, that in 1956 some 7 per cent of employed workers, i.e. 10,832 out of 154,750 wage-earners, were members of trade unions. The table of voting for workers' delegates[7/] which is reproduced below shows the trade union affiliations of the various voters for these workers' delegates in respect of elections in French Equatorial Africa in 1955/56. It should be noted that out of a total of 1,642 delegates and substitute delegates elected, 859 or 52.32 per cent had no trade union affiliation and that in the Gabon the proportion of non-trade unionists elected amounted to 66.66 per cent and in the Chad 80 per cent.

64. In Madagascar the latest figures suggest a trade union membership of around 40,000 out of an employed population of 250,000, differently affiliated. In the smaller Territories, with the exception of the Comoro Archipelago, trade unions exist, and though sometimes with relatively small membership, are fairly active. In the New Hebrides the only trade union groups some 500 expatriated Viet-Namese workers.

65. While the figures quoted may tend to give the impression that in many Territories the trade union movement is not yet either strong in numbers or stable in membership, it is undoubtedly true that it is growing steadily in influence. Strong leadership, sympathetic support from administrations, plus the opportunities given by the 1952 Labour Code and latterly the strongly nationalistic flavour injected into the movement, particularly in African Territories, have combined to add to its stature.

66. Collective bargaining practices have been steadily developing in French African Territories, and a number of collective agreements are in force. The difference between United Kingdom and French African Territories in this respect may in part be due to the formal status given the collective agreement in the French legislation. Evidence of this may be found, for example, in Sierra Leone. There, exceptionally for United Kingdom Territories, collective agreements arrived at by Joint Industrial Councils, consisting of representative organizations of

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7/ Workers' delegates carry out roughly the duties of shop stewards and are elected under procedures laid down in the Labour Code of 1952 for all establishments having more than ten workers.

French Equatorial Africa

Elections of Workers' Delegates

Global Results

(December 1955 - January 1956)

Territory	Number eligible to vote	Number of voters	Number of delegates		Trade union affiliation					No Trade Union Affiliation
			Titular	substitutes	C.F.T.C.	C.G.T.	C.G.T.-F.O.	Cadres C.G.C.	Independent	
Middle Congo	15,479	12,603	354	354	124	130	170	12	-	272
					17.5%	18.4%	24%	1.7%		38.4%
Gabon	4,573	3,928	36	36	12	12	-	-	-	48
					16.66%	16.66%	-	-	-	66.66%
Ubangi	12,151	9,058	325	307	47	176	27	26	1	355
					7.43%	27.84%	4.25%	4.11%	0.15%	56.17%
Tchad	8,410	5,956	115	115	-	38	8	-	-	184
					-	16.52%	3.47%	-	-	80%
Total for French Equatorial Africa	40,613	31,545	830	812	183	356	205	38	1	859
		77.67%	16%	42%	11.15%	21.69%	12.49%	2.32%	0.06%	52.32%

employers and workers in the industries concerned, can be extended to cover compulsorily all workers of the classes set out in the agreement. Whether as a result of this possibility or not, it is certainly true that unions in the industries concerned are among the best organized and most powerful in United Kingdom African Territories and there is quite a long history of joint bargaining on a basis of equality.

Netherlands Territory

67. It was estimated in 1952 that there were in Surinam over thirty trade unions with a total membership of 12,000 and four in the Netherlands Antilles with a total membership of some 2,000; the unions concerned were small and had only recently been established.

United States Territories

68. In Alaska in 1953 there were 122 workers' organizations with a total membership of over 20,000, a high percentage of workers in all forms of employment

69. In Hawaii, despite the variegated social structure of the community, all workers' organizations are entirely non-racial in character. Most trade unions are affiliated either to the International Longshoremen's and Warehousemen's Union (I.L.W.U.) or to the American Federation of Labour (A.F.L.). There were also in 1952 four associations of federal and territorial government employees and eight independent unions. Membership from 1950-52 of I.L.W.U. and A.F.L. affiliates was as follows:

	1950	1951	1952
I.L.W.U.	30,000	25,000	25,000
A.F.L.	12,000	10,000	10,000

70. In March 1955 there were sixty-four A.F.L. unions, ten independent, four associations of Government employees, three C.I.O. unions, two I.L.W.U. locals and five labour councils recorded with the Department of Labour. No details of membership were available.

71. In the Virgin Islands of the United States there were in 1952 two active workers' organizations, one in St. Thomas and one in St. Croix, each with a membership of several hundred workers.

72. Industry-wide collective agreements in Puerto Rico date from 1934 when an agreement was signed between the Sugar Producers' Association and the Free Federation of Workingmen, affiliated to the American Federation of cover the sugar industry. Despite jurisdictional conflict between rival groups of unions, the unionization of workers has proceeded rapidly. Already in 1949 it was estimated that over half the labour force were members of workers' organizations. Under the National and Insular Labour Relations Acts, provision is made for elections to determine the representative collective bargaining unit in respect of particular employers.

D. Minimum wage fixing and the regulation of hours and conditions of work

73. The present brief account of government action in regard to the regulation of wages, hours and conditions of work is not intended to be definitive but is designed rather to provide general data for the purpose of assessing, in general terms, the relative importance of collective bargaining and government regulation in this field, and thus to provide some basis for assessing the influence of trade unions in the improvement of labour conditions in Non-Self-Governing Territories.

Australian Territories

74. In the Australian Territory of Papua even the early stages of collective bargaining procedures have not yet been reached and, consequently, government regulation of wages, hours and conditions of work represents the only procedure for the fixing of standards. The Native Labour Ordinance of 1950-55 is in fact a comprehensive one and covers not only wages and conditions of work, but also protection of wages. Regulations dealing with minimum wages also prescribe the employer's liability as regards provision of housing, food, clothing, cooking utensils and medical care, not only for the worker but also for his family.

75. Minimum wage rates and other conditions of employment are prescribed under this Ordinance. As there are no organizations of Native workers or employers of Native labour, such organizations cannot be consulted but the interests of the workers are protected by the Administration and the general views of the employers are considered prior to any alteration in minimum wage rates or employment conditions.

Belgian Territories

76. As has been noted above, indigenous trade unions in the Belgian Congo are in a very early stage of development; collective bargaining and collective agreements, therefore, do not constitute one of the procedures for regulating wages, hours and conditions of work. Minimum wage-fixing machinery in force for African workers does not apply to skilled workers; the wages, hours and conditions of this category of workers are covered by individual contracts in respect of these matters, apart from such general labour legislation as exists. In respect of unskilled workers, the Government intervenes for the purpose of guaranteeing such workers in all occupations a minimum wage which in given cases is increased by family allowances. The 1954 Ordinance making provision in this respect provides for the fixing of minimum wage rates by Provincial Governors, after consultation with the appropriate regional or provincial indigenous labour and social development committees, which include representatives of employers and workers. The Ordinance also prescribes the measures to be taken in the protection of wages.

United Kingdom Territories

77. The general tendency of policy in regard to the method of determining minimum wages, as well as hours and conditions of work, has been to prefer voluntary negotiations to statutory machinery. One official account, referring to a circular despatch to the Territories regarding minimum wage-fixing machinery, noted that the following policy was emphasized:

> "Every effort should continue to be made whenever circumstances permit, to encourage both employers and workers to settle their differences in this, as in other fields, by voluntary negotiation rather than by relying on the operation of the statutory machinery."8/

78. The same report describes in the following terms the position in the United Kingdom Territories in regard to the determination of wages:

> "There is no uniformity in the Colonies in the determination of wages. In some, where collective bargaining is possible, agreements covering all conditions of service are made directly between organisations of employers and organisations of workers in a particular industry. ... In other territories there is joint standing machinery of workers and employers for wage negotiations on the basis of Joint Industrial Councils, while a few Colonies have statutory Wages Councils composed of employers,

8/ United Kingdom: Labour Administration in the Colonial Territories, 1944-1950, London, Her Majesty's Stationery Office, 1951, p.6.

workers and independent members on the United Kingdom model. Others have Labour Advisory Boards on a tripartite basis (Government, employers and workers) which are in permanent session and act as Minimum Wages Boards when so requested by the Governor. In other territories, a minimum wage may be fixed ad hoc by the Governor when he is advised that wages in a particular industry area or district are too low."

The above account, given in 1951, represents substantially the position at the present time and only a few supplementary notes need be added to annotate the arrangements above described.

79. First, a further category of wage-fixing machinery may be distinguished from the categories described above, namely, the machinery existing in Territories where there are no Labour Advisory Boards of a permanent character and in which the Governor may appoint an advisory committee or board, including representatives of employers and workers in equal numbers to make recommendations in regard to minimum wages as well as hours and various aspects of conditions of work.

80. Second, it should be noted that the area of employment covered by collective agreements is tending to expand, even if slowly, that wages councils' legislation has been extending its territorial range at the expense of legislation of other types and that joint standing machinery has made considerable progress.

81. Third, an aspect of considerable interest is the viewpoint in regard to the relative merits of collective negotiations and agreements of the governments of Territories with a high degree of internal autonomy; a recent development in Nigeria may be noted in this respect. As a result of the introduction in the Western Region of Nigeria in October 1954 of a minimum daily wage of 5/ - for all its employees, the Federal Government set up a Fact-Finding Committee to collect information to enable it to formulate a policy for recommendation to the Federal Legislature. After the Committee's report was considered, the Federal Government issued a statement on 16 February 1955 reaffirming its confidence in the effectiveness of voluntary negotiation and collective bargaining for the determination of wages.

82. The general conclusion that may be drawn in respect of British Territories on the over-all question here under consideration is that while collective bargaining resulting in collective agreements is the objective desired, this objective has been attained only to a limited extent in the Territories; efforts

are being directed to promote joint standing machinery and, where appropriate, wages councils, but minimum wage-fixing machinery is being restricted in its application to essential cases, in order not to prejudice the future development of collective bargaining.

83. The protection of wages is assured by statutory provisions largely corresponding to prescriptions of the relevant International Labour Conventions.

French Territories

84. The relationship between collective agreements and government regulation of wages, hours and conditions of work in French Territories may be illustrated by reference to the Territories covered by the Labour Code of 1952. The Code inter alia provides that orders issued by the Governor after consultation with the appropriate labour advisory board shall fix the guaranteed minimum wage and the areas in which specified wage differentials shall apply; these boards are attached to the inspectors-general and territorial inspectors of labour and social legislation in the Territories. This membership comprises an equal number of employers' and workers' organizations respectively or, if no organization can be regarded as representative by the Governor of the Territory. The guaranteed minimum wage provides a general floor for wage levels: wage rates for different categories of workers, for different occupations and, in certain cases, for different regions in a given Territory are determined by collective agreements where they exist. An important feature of collective agreements under the legislation here considered is that the Government may, either on the request of a representative organization or on its own initiative, extend the application of a given collective agreement to all employers and workers within the occupational and territorial scope of the agreement.

85. In practice, the extent to which collective agreements supplement government regulation of minimum wages varies from Territory to Territory. In French West Africa, collective agreements are numerous and cover most occupational categories. They are now also frequent in French Equatorial Africa. In Madagascar, and French Somaliland there are now a few collective agreements but the minimum rates fixed for the various categories by the Governor are still very largely applicable. In the Comoro Archipelago, in the absence of trade unions all rates are fixed by government action.

86. In respect of the regulation of hours and conditions of work, it is to be noted that not only may provisions in a collective agreement be extended to a given occupation and region, but in certain cases, the authorities concerned may, after consulting the labour advisory board concerned, regulate conditions of work in a given occupation along the lines of provisions contained in existing collective agreements.

Netherlands Territory

87. In Netherlands New Guinea no workers' organizations exist and there is no collective bargaining. No information available indicates the existence of minimum wage-fixing machinery. In the Netherlands Antilles, the law requires that the advice of a committee composed of an equal number of employers' and workers' representatives be obtained before minimum wages are laid down; up to 1954 minimum wages had been fixed only for female shop assistants. No minimum wage-fixing machinery exists in Surinam and no information is available as to the extent to which collective bargaining has developed in the two Territories.

New Zealand Territories

88. As has been noted above, no workers' organizations exist in the New Zealand Territories and consequently collective bargaining is not utilized for the regulation of wages, hours and conditions of work. While the Cook Islands Industrial Unions Regulations, 1947, in the view of the Government provide adequate wage-fixing machinery for all purposes, there is no information available indicating the extent to which they have in practice been utilized for this purpose.

United States Territories

89. In these Territories for the most part, collective bargaining procedures are well developed and at the same time minimum wage-fixing machinery prescribes wage rates for an important percentage of workers. In Alaska, Hawaii, Puerto Rico and the Virgin Islands there is local minimum wage-fixing legislation and in some cases federal legislation also applies; in Guam and American Samoa a large proportion of the limited members of local wage-earners are in government employment and their wage scales are fixed by the Government.

90. The general pattern in the Territories in which wage-earning employment is of significance may be illustrated by brief reference to Puerto Rico. As has been noted above, collective bargaining and the conclusion of collective agreements have a history of over twenty years in Puerto Rico and are now well established procedures. Minimum wage-fixing machinery is also of importance. Apart from locally applicable federal legislation in the form of the Fair Labour Standards Act 1938 and the Sugar Act 1937, which are restricted in their application, the local Minimum Wage Act, 1941, has had extensive repercussions on wage levels, particularly in the sections of industry in which workers' organizations are less developed. The Act creates a tripartite Minimum Wage Board empowered, after examination of conditions by an ad hoc tripartite Minimum Wage Committee and public hearings, to issue mandatory decrees having the force of law establishing minimum wage rates and maximum hours of work and regulating labour conditions. It is the duty of the Board to appoint such a committee whenever it considers wages too low in any industry, business or occupation. The utilization of minimum wage-fixing machinery in Puerto Rico does not appear to have in any way hindered the development of workers' organizations or the development of collective bargaining along modern lines. The collective agreements reached, particularly in recent years, have tended to be well above the minima laid down by administrative orders, except in the case of agricultural workers. These minima, however, were designed only to "put a floor under wages", and the tendency sometimes noticed of statutory minimum rates of pay becoming in practice maximum rates has been only partially operative in Puerto Rico.

E. Co-operation between public authorities, employers and workers

91. The preceding parts of this report have indicated that, in many Territories, the present stage of development of workers' organizations, together with other factors, has seriously limited the practical possibilities of development of modern collective bargaining machinery. In consequence, it is of real importance to examine the arrangements that have been evolved in Territories in which the need has been recognized for the development of machinery to establish contacts and an exchange of views between employers' and workers' representatives in the absence of collective bargaining procedures. At the same time, attention can be given to tripartite machinery for the formulation of labour and social policy which has developed in Non-Self-Governing Territories.

92. The following account, which is confined to Belgian, United Kingdom and French Territories, describes briefly tripartite machinery, joint negotiating machinery and arrangements designed to bridge the gap between the stage of development at which there are no organized contacts between employers and workers for the purpose of reaching agreement on wages, hours and conditions of work and the stage at which collective negotiation and collective bargaining procedures are normally utilized for this purpose.

93. Ordinance No. 82 of 17 March 1946, applicable to the Belgian Congo, empowered the Governor-General to establish (a) provincial indigenous Labour and Social Development Committees meeting periodically and composed of representatives of the Government, employers and indigenous workers; (b) regional committees of indigenous workers which would meet in the presence of a representative of the competent authority; and (c) Indigenous Councils for individual undertakings composed of representatives of indigenous workers employed in the undertaking concerned which would meet in the presence of the employer or his representative. These bodies have been designed to ensure permanent liaison between the Government, employers and workers; their terms of reference extend to all questions relating to employment, the vocational and social education of indigenous workers and the improvement of their living conditions. These Councils were made mandatory for all employers with at least 100 workers by Ordinance No. 21/83 of 14 June 1957.

94. In United Kingdom Territories, several types of machinery of the kind here under consideration may be distinguished; a number of these have already been mentioned in connexion with minimum wage-fixing machinery in these Territories.

95. In a number of Territories, Labour Advisory Boards at the territorial level have referred to them questions of labour policy, thereby permitting employers' and workers' representatives to participate in the framing of policy for the Territory. Among the Territories in which this form of consultation exists are British Honduras, Fiji, Gibraltar, Hong Kong, Federation of Malaya, North Borneo, St. Lucia, Singapore and Zanzibar. In Nyasaland and Uganda there are Central Labour Advisory Boards, in Northern Rhodesia an African Labour Advisory Board, and in Nyasaland Provincial Labour Advisory Boards, as well as a Central Board.

96. In recent years considerable attention has been given to the development of joint industrial councils, works committees and staff councils; reference to a few African Territories will serve to illustrate progress made in this field. In Nyasaland a number of employers had by 1953 established successful works committees. In Uganda in 1954 it was estimated that there were over fifty works committees and staff councils for over 35,000 employees in existence at the end of the year. In Kenya in the same year, "in addition to the Joint Industrial Council for the Mombasa docks industry and the Whitley machinery set up in the Kenya Government, numerous works councils and joint staff committees have taken a hand in negotiating wages and conditions of employment. In these smaller consultative bodies, workers may be represented either through their trade unions or, where trade union membership is small, by their own elected nominees."9/ In Sierra Leone in 1955, in addition to three statutory wages boards for miners, maritime and waterfront workers and printers, there were joint industrial councils covering the transport industry and artisans and general workers. There were also twelve works committees and a Joint Consultative Committee on which employers and workers in the major industries of the country were represented. In Nigeria, joint consultative committees in various forms have been increasing in number from year to year.

97. Detailed provision is made by the French Overseas Labour Code of 1952 for co-operation between the public authorities, employers and workers. The Code provides that a Higher Labour Council should be attached to the French Ministry for Overseas Territories with the following functions:

(a) To study problems relating to labour, employment, vocational guidance and training, placement, movements of manpower, migration, the improvement of the material and moral condition of the workers and social security.

(b) To advise and formulate proposals and resolutions with regard to the negotiation of these matters.

98. The Higher Labour Council is presided over by the Minister for Overseas Territories or his representative and comprises: two members of the National Assembly, a member of the Council of the Republic and a member of the

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9/ United Kingdom: Kenya, 1954, London, p. 18.

Council of the French Union; four representatives of the workers and four of the employers, appointed by order of the Minister for Overseas Territories, on the proposal of the most representative employers' and workers' organizations; the President of the Social Division of the Council of State; and experts and technicians who will sit in a consultative capacity and are to be appointed by order of the Minister for Overseas Territories.

99. As has been previously noted, the Code also contains provision for the establishment of labour advisory boards in the Territories, with equal numbers of employers' and workers' representatives, under the chairmanship of the appropriate inspector-general or territorial inspector of labour and social legislation overseas. Such boards may be consulted on all matters relating to labour and employment; they are to carry out all inquiries that may serve as a basis for minimum wage-fixing and are therefore required to ascertain what would be a living wage and to study general economic conditions.

F. Concluding Considerations[10/]

100. Perhaps the most fundamental problem of policy in regard to industrial relations in Non-Self-Governing Territories, as elsewhere, is the extent to which wages, hours and certain aspects of conditions of work should be determined by agreement between the parties and how far they should be the subject of direct and detailed government regulation.

101. The present position in the Territories, as has been shown, is that collective negotiations and collective bargaining, even where formal agreements are not signed, are becoming to an increasing extent the means by which wages, hours and certain aspects of conditions of work are being determined. Government regulation through wage-fixing machinery and otherwise has its part to play, particularly in the less developed Territories and, in general, in industries in which workers are unorganized. In general, the Metropolitan Governments concerned have accepted the proposition that collective bargaining should be promoted, even if, in some cases, in their view the communities concerned are not

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10/ Any views on policy appearing in this section are essentially those of the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories (Fourth Session, Dakar, 1955). See ILO African Labour Survey; Geneva, 1958, pp. 617-8.

sufficiently advanced to utilize collective bargaining machinery. The international labour instruments concerned, notably the Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Right of Association (Non-Metropolitan Territories) Convention, 1947, assume, as a basic premise, collective bargaining as the most flexible procedure and the one most likely to encourage harmonious industrial and human relations.

102. Collective bargaining, however, presupposes the existence of collective bargaining units and therefore of freedom of association. The question of the form in which this principle should be restated in respect of Non-Self-Governing Territories is one which clearly merits consideration. In the first place, in the legal systems applicable to a number of the Territories under consideration, special legal provision is necessary to ensure that employers' and workers' organizations are able to carry out the functions they are created to fulfil; an important question is therefore that of the enactment of suitable legislation, where the national legal system so requires, to enable employers' and workers' organizations to function satisfactorily. In the second place, the existence at the present time in some Territories of complicated legal requirements for indigenous trade unions, in particular regarding their formation, recognition and registration, does not seem likely to promote the rapid development of these organizations. The simplification of formalities and of special legal requirements for indigenous trade unions presents complicated problems because of the varying character of such formalities and requirements, which include, for example: (a) complicated processes of registration; (b) the need to secure the permission of the competent authority for a variety of matters such as the control of expenditures; (c) special requirements for trade unions composed of government employees; (d) varying requirements for membership and office-holding in terms of periods of residence and periods of employment; (e) the requirements as to the procedures to be followed by, and the functions of, the executive organs of trade unions; and (f) the requirement that representatives of the public authorities take part in trade union meetings. While existing conditions in some Territories may make it more difficult than in others to proceed far with the simplification of formalities and special legal requirements and although the aim of many of these requirements is to protect the indigenous worker himself, it would seem that

the aim of policy with a view to rapid development of the organizations concerned should be such simplification, even if the process by which it is carried out necessarily has to vary in the light of local conditions.

103. Separate trade union legislation for different racial groups has largely disappeared. The general purpose of separate legislation of this kind has apparently been to make special provision for workers belonging to groups unfamiliar with the purposes and working of trade unions. Difficulties and tensions arise under these circumstances and, moreover, problems of organization are posed for workers, who have to fulfil a wide variety of special legal requirements as a preliminary to the formation and operation of a trade union. The objective of policy should be to apply the same legislation in regard to the right to organize to all sections of the community.

104. Separate trade unions for different racial groups still exist in a number of Territories. This arrangement is normally found where widely varying ways of life and standards of living separate the groups concerned. Particular instances have been cited of the long-term difficulties to which crystallization of trade union organization along racial lines lends itself. While freedom of association necessarily implies the right of members of an association to determine the criteria of membership of the association, the aim of policy should be that trade unions should be constituted as to membership without regard to race, national origin or political affiliations and pursue their trade union objectives on the basis of the common economic and social interests of all workers.

105. In his report to the thirtieth session of the International Labour Conference in 1947, the Director-General referred to the fact that "the distinction between official encouragement of trade union growth and the kind of active intervention in trade union affairs which incurs grave risks of political domination of the trade union movement is often a fine one". In the Territories these and similar problems have to be borne in mind in the efforts made by Governments to promote collective bargaining practices by assistance in various forms to the employers' and workers' organizations. Nevertheless, at the present stage, such assistance can be very helpful in many fields without detriment to the independence of the organizations concerned. On the other hand, labour departments which are too active in their assistance to workers, for example in the settlement of individual disputes, may, in some cases, render the process of development of trade unions more difficult.

106. The extent to which the operations of trade unions may be limited by detailed government regulation of wages, hours and conditions of work is also important. Here the point is made that Governments should bear in mind the fact that while it may well be desirable to fix certain basic standards by law, the early stages of the development of workers' organizations may be hampered by too extensive and detailed regulations fixing wages, hours and conditions of work. It is, however, also necessary to take into account the fact that in many cases in those Territories where trade unions are undeveloped, there is at the same time an absence of protective measures in the workers' interests. Government regulation should, therefore, be limited in such circumstances only in so far as the safeguarding and progressive development of workers' interests as a whole are not thereby prejudiced.

107. The level at which collective bargaining should take place, for the region, for the industry, or for the enterprise is a question to which varying answers are given in the industrial relations practice of different countries. In the Territories, in which employers' organizations as such are relatively infrequent, difficulties arise in three respects, because of the small number of such organizations: in the first place, workers' organizations created on an industrial or territory-wide basis may have no single corresponding employers' organization with which they can bargain; second, where employers' organizations exist, they are sometimes not fully representative or cannot bind their members through collective agreements; third, this state of affairs has its repercussions on the number and size of workers' organizations, a situation which, in view of the limited munber of effective trade union leaders available, creates additional problems. It is, therefore, a desirable aim of policy to encourage the development of employers' organizations adequate to the industrial patterns of the country concerned.

108. As can be appreciated from what has already been said, the development of workers' organizations in the Territories is, in general, inadequate for the extensive development of collective bargaining practices; reference is made here in particular to organizational and financial questions. Membership of unions is fluctuating and dues-paying membership often insignificant; jurisdictional conflict is frequently important and personal and political rivalries create

further problems. It is clear that a major contribution to harmonious industrial relations in the Territories will be made if more workers recognize the need for representative organizations based on a stable dues-paying membership to represent their industrial interests.

109. A difficult question is that of the extension of the terms of collective agreements to all workers in a given industry or occupation, a practice which is endorsed by the legislation of some Territories. This principle needs necessarily to be approached with some hesitation; the automatic extension of collective agreements may react to the detriment of the membership and influence of a developing union, since it would apparently remove one of the reasons for workers becoming members. On the other hand, recent experience in the French Territories and in Sierra Leone would hardly seem to bear this out. In any event, the extension of agreements reached by organizations of a sufficiently representative character to workers not members of the organizations concerned, but employed in the occupation, industry or undertaking covered by the agreement, might be a policy worthy of consideration in appropriate circumstances.

110. In most Territories where collective negotiation has been developed or is developing as a working procedure, the familiarity of both employers and workers with modern industrial relations patterns, the importance of satisfactory human relations in industry and related questions are a recent element in employer-worker relations, and both sides have clearly much to learn in this respect, as is often the case in more highly developed countries. There are three fields in which education in industrial relations can be of particular value: (a) facilities for leaders of management and labour to study general labour-management problems and human relations in industry; (b) facilities for trade union officials to familiarize themselves with appropriate methods for their day-to-day activities such as general administrative methods, accounting, promotion of membership drives and so on; (c) facilities, within the framework of workers' educational programme, for education of the worker and trade union member in trade union principles.

111. There has been considerable development of tripartite and bipartite machinery for labour and social policies and problems, from the level of the undertaking to that of the territorial labour advisory board. Four important points are stressed: (a) the desirability of promoting, particularly at the present early stage of development of most Territories, all means of organized contact between

employers and workers, particularly at the level of the undertaking and through joint negotiating machinery at the level of the industry; (b) the desirability of associating employers, workers and their organizations in the framing of labour policy and legislation through such machinery as regional or territorial labour advisory boards; (c) the advisability of the participation, in equal numbers and on equal terms, of employers' and workers' representatives in machinery for minimum wage-fixing; (d) the desirability of conciliation machinery for the settlement of collective disputes being provided for in all Territories and for the representatives of employers and workers being consulted and associated in the establishment and working of such machinery.

II. NOTES ON PROGRESS IN LABOUR LEGISLATION SINCE 1946 IN THE NON-SELF-GOVERNING TERRITORIES

A. Employment and Employment Services

112. Developments in the employment situation in the Non-Self-Governing Territories since 1946 have naturally reflected economic and social developments in those Territories. The progressive change from a subsistence economy to a market economy has resulted in the formation of an ever-growing working class. This tendency is neither universal nor constant. It is to be noted, however, that in most Non-Self-Governing Territories the recruitment of labour loses some of its importance because workers present themselves spontaneously at places of work in order to find employment. Although there may be a certain shortage of labour in under-populated areas, the characteristic feature of a large number of Non-Self-Governing Territories is latent under-employment or intermittent employment and there are even a certain number of unemployed in some large towns as for example Leopoldville, Dakar and Lagos. Employment policies are therefore justified almost everywhere but may have very varying characteristics in different places.

113. The progress of industrialization as a result of five- and ten-year plans adopted by Belgium, France and the United Kingdom, the increase in agricultural productivity, the growth of the means of communication and organized migratory movements have made long-term employment policies necessary. Quicker results may be obtained through the establishment of employment offices whose main aim is to bring employers and workers together so that those seeking work may find suitable vacancies. The employment departments on which these offices depend may in certain cases ensure better organization of the labour market. In addition the surveys they make of available labour and its distribution must be one of the basic elements in the various plans for economic development. Employment offices have in fact been set up in a large number of Non-Self-Governing Territories particularly during the last ten years.

United States Territories

114. Workers are found employment in different ways in different territories; the work of the Puerto Rico Migration and Employment Bureau which has two branch

offices in New York and Chicago to facilitate the emigration of workers from the island increased continuously until 1951 when Puerto Rico ceased to be a Non-Self-Governing Territory.[11] The Puerto Rican Migration and Employment Bureau is responsible for finding vacancies for workers as much in Puerto Rico itself as in the continental United States and even, in certain circumstances, in the Virgin Islands. In the Virgin Islands themselves vacancies for workers are found by the local government. In Hawaii the Employment Service is part of the Bureau of Employment Security which has employment offices throughout the Territory. In Alaska the Territorial Employment Service works in liaison with the Alaska unemployment commission which is part of the United States Employment Service. The Alaska Native Service is responsible for finding vacancies for the indigenous inhabitants.

Australian Territories (Papua)

115. There is no employment office properly speaking in this territory as it is still thought to be too early to set up such an office; workers are recruited through the local government.

Belgian Territories (Belgian Congo)

116. A recent decree dated 30 June 1954 concerning the recruitment and acclimatization of native workers authorized the establishment of "public emigration or employment offices" and of private employment agencies listing spontaneous offers of services at places other than that of employment. These offices and agencies must be officially approved by the authorities as laid down in ordinances Nos. 21/413 of 8 December 1954 and 21/105 of 18 April 1957.[12] Workers cannot be made responsible for payment either directly or indirectly for the services provided by these offices and agencies. The departments dealing with these offices and agencies must keep up-to-date documentation on applications for and offers of employment.

11/ Act No. 51 of 1923 provided for the establishment of a general system of public employment offices in Puerto Rico and laid down their functions. The regulations concerning private employment agencies were contained in Act No. 417 of 14 May 1947 amended.

12/ See Belgian Congo: Bulletin administratif du Congo Belge, No. 51 (18 December 1954) and No. 18 (4 May 1957).

117. A public employment office was set up at Leopoldville in 1956. This office is concerned not only with keeping a record of applications for and offers of employment but also keeps details of applicants' work qualifications. It is proposed that this office should be provided an appointments board to consider applicants' qualifications. It should be noted that the decree of 6 April 1957 regarding the maintenance of non-indigenous workers who are out of work provides for the establishment of a public employment office for non-indigenous labour.[13/]

British Territories

118. Employment services have developed considerably in certain Territories during the last decade. As soon as the Second World War ended a certain number of employment offices were established in these Territories[14/] in order to make it easier for demobilized ex-servicemen to find employment. The scope of the activities of some of these offices has been limited while others have done extremely useful work and have later become employment offices open to all workers. The functions of employment offices include in certain Territories the compulsory or voluntary registration (this depends on circumstances) of workers in general and not solely of unemployed workers. Available figures show that the number of workers for whom vacancies have in fact been found by employment offices, while varying from one Territory to another, is still on the whole limited in number. In fact, the total number of workers finding employment through employment offices represents a small proportion of the total number of wage-earners in each Territory.

119. In Cyprus, the six employment offices in the island had, in 1955, 903 persons on their books.

120. Sierra Leone and Gambia have a system of compulsory registration of workers, operated by the employment offices. Employers may not take on workers who have no registration certificate.[15/] The compulsory labour registration system can

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13/ Bulletin Officiel du Congo Belge, No. 9 (1 May 1957).

14/ It has been noted that in a number of Territories these offices were set up as a result of an administrative decision without the adoption of any special legislation.

15/ See United Kingdom: An Ordinance to provide for the Registration of Employees in Sierra Leone, No. 8 of 1947; and also: An Ordiance to provide for the Registration of Employees in Gambia, No. 10 of 1951.

therefore be used to prevent an unduly large number of workers from presenting themselves at places of employment and this is indeed one of the aims which the local governments of these Territories are pursuing. In Sierra Leone a central employment office exists at Freetown and four others have been set up in different localities. In 1956, 5,609 vacancies were filled through these offices. In addition, work aptitude certificates are issued to workers and a special section has been set up in the central office at Freetown to find openings for young people completing their studies. In Gambia an employment office was established at Bathurst in 1952.

121. In Nigeria there was until 1952 a compulsory labour registration system applicable to all workers usually resident at Lagos. In December 1952 new regulations were brought into force under which workers might without discrimination register voluntarily in employment offices while employers might freely take on workers even if they were not registered. Apart from the Lagos employment office four other offices have been set up, two of which, at Ibadan and Enugu, are mainly responsible for finding openings for young people leaving school.

122. In British East Africa there has been considerable growth of employment services in Kenya, while in Uganda employment offices are less active. In Kenya three new employment offices for Africans were opened in 1955 and this brought the total number of such offices up to twenty-one. At the same date, there was also one office especially responsible for finding vacancies for African women, four offices for Asian workers and one office for European workers. In 1955, the number of workers for whom vacancies were found by these offices was 67,642; this figure represents an increase of 36 per cent over 1954. In Uganda the number of workers for whom vacancies were found in 1955 by the seven existing bureaux was only 3,748.

123. In Northern Rhodesia there are ten employment offices for African workers in the different districts under the supervision of the labour inspectors. Registration of workers is voluntary. During the period 1953-1954 the number of Africans registered was 6,986, 3,283 of whom found work through these offices. A central office has the special task of finding vacancies for European workers.

124. In Nyasaland a certain number of labour registration offices was opened at the end of the last war with a view particularly to assisting demobilized

ex-servicemen to find vacancies. It would seem that these offices have so far been used only to a very limited extent.

125. In Mauritius the central employment office has three main offices and ten branches and also has a job description service and a vocational guidance service.

126. In the Federation of Malaya there are seven official employment offices, but the offices of the Labour Department situated in other regions also serve unofficially as employment offices when necessary. Employment offices are competent to find vacancies in all types of employment and vacancies were found for 8,394 workers in 1956. Advisory boards with representatives of employers, labour and other appointed members are attached to the three main employment offices in the Territory. The purpose of these boards is to advise the responsible Minister on matters relating to employment, to study questions involving the operation of the offices and to encourage local communities to use the employment offices.

127. In Singapore the employment office set up in 1946 is intended for persons of all races and nationalities. In 1956 this office found vacancies for an average of 306 persons a month.

128. In the British West Indies employment departments did a great deal of important work during the Second World War. Their work included the recruitment of labour for work abroad, particularly on the American Continent, and the selection of volunteers for the armed forces. At the end of the war, they were responsible for the reassimilation of demobilized ex-servicemen into civilian life.

129. In Jamaica the Kingston Employment Office found vacancies for 5,764 persons in 1955. During the same year 2,674 persons were recruited for employment in the United States.

130. There are also employment services in British Guiana, Trinidad and Barbados.

French Territories

131. Under articles 174 to 178 of the Labour Code of the Overseas French Territories[16/] an employment service for workers was established in those

16/ France: Act No. 52/1322 of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Minister for Overseas France.

Territories. A central manpower office (office central de main-d'oeuvre) was set up in Continental France and was attached to the Office of the Inspector-General of Labour and Social Legislation. This office is specially responsible for the employment of workers from metropolitan France who wish to find a vacancy in the overseas territories. The Code also provides for the establishment of man-power offices with territorial jurisdiction in the different Territories. These offices are supervised by the inspectors of labour and social legislation and are responsible for the placement of workers and generally speaking for all questions relating to the use and distribution of labour. They have a managing board on which employers and workers are represented.

132. In French West Africa there are at present seven man-power offices.

133. In French Equatorial Africa there are four man-power offices. During the period from September 1955 to June 1956 the Brazzaville Office handled 1,862 applications for, and 669 offers of employment.

134. There is also a regional man-power office in French Somaliland.

135. Lastly, in Madagascar the territorial man-power office for which the Labour Code provides has not yet been set up; there has, however, been an employment office at Tananarive since 1949. Between July 1955 and June 1956 work was found for 1,200 workers through this office. In addition, commissions of inquiry on careers for and the guidance of students holding diplomas were set up by an order dated 31 May 1955 for the purpose of providing employment for them and selecting persons qualified to enter the various branches of activity.

Netherlands Territories (for the period preceding 1949)

136. The legislation in the Netherlands Antilles governing the establishment of employment offices provides for an employment service to deal with offers of and applications for employment and to act as intermediary between employers in Curaçao and workers from abroad and vice versa; the service collects and provides information on the position of the labour market in Curaçao and outside the island; it collects data which can be used as a basis for employment statistics. It submits an annual report on the public employment services, publishes information regarding vocational guidance and encourages vocational training.

Provision has been made for a central office in the island of Curaçao and a branch office in the island of Aruba.[17]

137. An act which came into force in the Netherlands Antilles in 1946 provides for the registration of workers with a view to classifying applications for employment and supervising conditions of employment. This act is applicable to all workers in gainful employment who have come from the Netherlands or are Netherlands subjects, whether they are domiciled in the Netherlands Antilles or not, working for private employers, the Public Authorities or the Netherlands State.[18]

B. Forced Labour

138. The existence of systems of compulsory labour in some parts of the world, particularly in Non-Self-Governing Territories, led after the 1914-1918 war to international action, originally based on the League of Nations Covenant, Article 22 of which defined the principles applicable to Territories under mandate. When the Slavery Convention was adopted in 1926 the Assembly of the League of Nations invited the International Labour Office to study "the best means of preventing forced or compulsory labour from developing into conditions analagous to slavery". The work done by the ILO resulted in the adoption by the International Labour Conference in 1930 of the Convention concerning Forced or Compulsory Labour. The Convention was of general application, but some of its provisions related directly to practices and situations then obtaining in some Non-Self-Governing Territories. The Convention limited the power of indigenous chiefs, provided that porterage should be abolished and specified authorized forms of compulsory cultivation. In addition, the Convention specifically prohibited the importation of labour for the benefit of private individuals or companies, and authorized forced or compulsory labour in the public interest only if it were a temporary and exceptional measure, and on strictly defined conditions. Thus far the Convention has been ratified by all States responsible for the international relations of Non-Self-Governing Territories,

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17/ Netherlands: Ordinance of 4 July 1946, Publicatieblad, No. 109, 1946.

18/ Netherlands: Ordinance No. 106, 1945.

with the exception of the United States. It should be added, however, that no form of compulsory labour appears ever to have been applied in the United States Territories concerned. The Convention was ratified by the United Kingdom in 1931, by Australia and Denmark in 1932, by the Netherlands in 1933, by France in 1937, by New Zealand in 1938 and by Belgium in 1944. With regard to the existing situation in the Non-Self-Governing Territories concerned, available information shows that there is no longer any form of forced labour as defined by the Convention in the Territories for whose international relations France, New Zealand and the Netherlands are responsible, and the same is true for most of the Territories for whose international relations the United Kingdom is responsible. This state of affairs was not achieved immediately; it was the outcome of an evolution which became particularly rapid during the last ten years. With regard to French Territories, Act No. 46-645 of 11 April 1946 absolutely prohibited forced or compulsory labour in the overseas territories (article 1). Article 2 of the Labour Code of 1952 reproduced the text of article 1 of the Act of 11 April 1946.

139. Similarly, compulsory porterage in the British Territory of North Borneo, which since 1946 had been the only remaining form of compulsory labour, was abolished by the 1950 ordinances on forced labour and on the indigenous administration. Similar obligations were abolished in Nyasaland by Ordinance No. 4 of 1950 on forced labour, and in Nigeria by Ordinance No. 3 of 1956 amending the labour code. Services imposed for the benefit of the chiefs of Basutoland were abolished in 1949-1950. In the Federation of Malaya and in Singapore certain legal provisions that authorized the imposition of a working day in excess of the normal nine-hour day were abolished in 1955. Even in the Territories where certain forms of compulsory labour, authorized by the Convention as a temporary measure, are still in force, other forms of forced labour are disappearing or are prohibited. Thus, porterage obligations were abolished in Kenya by an administrative decision in 1950-1951, and in the Australian territory of Papua on 14 January 1947.

140. According to the conclusions reached in 1955 by the ILO Committee on the Application of Conventions and Recommendations, it would seem that the only Non-Self-Governing Territories where use is still made of any of the forms of

forced labour authorized by the Convention, which relate to porterage, cultivation of food crops and public works, are the following:

Australian Non-Self-Governing Territories: Papua[a/]

Belgian Non-Self-Governing Territories: Belgian Congo[a/b/c/]

British Non-Self-Governing Territories: Bechuanaland[a/c/]
Fiji Islands,[b/] Gambia,[a/] Kenya,[c/] Uganda.[b/c/]

It should be added that in Papua compulsory cultivation is now the exception, and that the Government of the Fiji Islands does not agree with the views of the ILO Committee with regard to the porterage services required of the population.

141. In the Belgian Territories, it should be noted that articles 71 to 75 and 82 of the decree of 10 May 1957 on indigenous circonscriptions constitute a marked improvement compared with the previous system and make it possible to foresee the total abolition of compulsory labour.

C. Penal sactions for failure to fulfil a labour contract

142. Formerly penal sanctions for failure by indigenous workers to fulfil a labour contract were a feature of the relations between employers and workers in a great many Non-Self-Governing Territories. Such penalties were a more serious trial to workers where long-term contract systems existed. These long-term contracts, which were arranged by recruitment and reinforced by penal sanctions used to be a common employment practice in large parts of Africa and the Far East. However, both long-term contracts and recruitment have tended to diminish in those areas, since indigenous workers are no longer prepared to accept such contracts or to be recruited for work with employers about whom they know nothing.

143. Although penal sanctions are still provided by provisions in the laws of some Territories, particularly in central and southern Africa, their coercive effect has been generally reduced as a result of the more widespread use of oral contracts concluded for short periods or for an indeterminate period, and

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a/ Cultivation of food crops.

b/ Porterage.

c/ Public works.

also as a result of a more limited enforcement of these sanctions and a decrease in the severity of the penalties imposed.

144. In recent years considerable progress has been made in abolishing these penal sanctions. The first step taken in this direction at the international level was the adoption in 1939 of the ILO Penal Sanctions (Indigenous Workers) Convention. This instrument provides for the abolition of penal sanctions, immediately in the case of non-adult persons, and progressively and as soon as possible in the case of adults. After a report had been published in 1951 by the ILO expert committee on Social Policy in Non-Metropolitan Territories, the question was examined in 1954 and 1955 by the International Labour Conference, and this led to the adoption in 1955 of the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, which provided for the complete abolition of penal sanctions. Penal sanctions no longer exist in Non-Self-Governing Territories, except in Basutoland, Bechuanaland, Swaziland, Kenya, Northern Rhodesia and the Belgian Congo. Even in these Territories, measures for the reduction of penalties or for the total or partial abolition of penal sanctions have been taken or are under consideration. Thus sanctions applying to non-adult persons have been abolished in Basutoland, and measures that are already applied in practice are about to be incorporated in the legislation of Bechuanaland and Swaziland. In some cases desertion is no longer subject to penal sanctions in Kenya. In Northern Rhodesia a new ordinance on the employment of Africans is under consideration. In the Belgian Congo steps were taken in 1954 to improve the system in force; prison sentences were replaced by fines and the Governor-General was empowered to abolish penal sanctions in certain areas (subsequently designated), with due regard to labour conditions and the degree of advancement of the people.

145. In a number of territories measures have been taken to abolish legal provisions providing penal sanctions. In many territories penal sanctions had not been applied in recent years. Territories that abolished such provisions during the past few years include: British Guiana, the Gold Coast, the Federation of Malaya, Nyasaland, Uganda, Zanzibar, Papua and the territories under New Zealand administration.

D. Hours of work and weekly rest

146. In most Non-Self-Governing Territories agriculture is still the principal activity and employs the largest number of workers. The intermittent and seasonal character of such work and the fact that it is very often done as piecework make it very difficult to apply rules limiting the hours of work.

147. Nevertheless, a study of legislation enacted since 1946 shows that in many territories new laws relating to hours of work have been adopted, and in others existing laws have been added to and improved.

148. The eight hours day and the forty-eight hours week have more and more come to be adopted as the maximum in nearly all territories, at least in industry and in the administrative services.

149. Moreover, available statistics for the various territories show a general trend towards a progressive reduction in actual hours of work. It has been found that in some occupations the average hours of work are less than the forty-eight hours' week maximum. In this respect the situation is approximating more and more closely to that prevailing in the metropolitan countries. The same applies, even more strikingly, to the weekly rest, and in this connexion it can be said that the new laws enacted during the period under consideration merely constitute a legal clarification or confirmation of rules long consecrated by usage.

150. The most noteworthy advances that have been noted in the various territories in limiting hours of work are indicated below.

151. In the Belgian Congo, although in practice the eight hours' working day had long been adopted by most undertakings of any size, there were until recently no regulations establishing or limiting hours of work. That situation was modified by a decree of 14 March 1957 which may be viewed as a considerable advance in the Territory's social legislation, since it applies to all workers without distinction, whereas in 1957 established working conditions still differed to some extent according to whether the workers were Europeans or Africans.

152. The decree of March 1957 set forth the general principle that the actual hours of work should not exceed an eight hours' day or a forty-eight hours' week. However, lower maximum hours of work are permitted for underground work and for dangerous, unhealthy or unpleasant work. On the other hand, in undertakings

where the work is carried on by a succession of shifts and in work which cannot be interrupted because of its special nature, the normal hours of work may be exceeded subject to a written authorization by the competent authority, but the total hours of work in such cases may not exceed 144 hours and 168 hours, respectively, during a twenty-one day period.

153. In addition, the decree establishes the rate of pay for overtime. For the first two hours the rate must be one and one-quarter times the regular rate; for each hour of overtime in excess of two hours the rate must be one and one-half times the regular rate.

154. With regard to the weekly rest and public holidays, the decree of 1957 has established the principle much more explicitly than the provisions previously in force.

155. In the French Territories in Africa, the legal maximum period of work prior to 1952 was generally the forty-eight hours' week. In practice this was also the rule observed in most cases, especially in industrial undertakings generally. The act of 15 December 1952 establishing a Labour Code in the overseas territories set a uniform maximum of a forty hours' week, with the exception of agriculture, in which the maximum established was 2,400 hours a year, which is the equivalent of a forty-eight hours' working week. In many cases permanent or temporary exceptions to the system are provided for and authorized, and this is done by overtime work which must be paid for, in most cases at a higher rate. Thus in practice the average hours of work in most branches of employment are the forty-eight hours' week. Various regulations applying the rules laid down by the code have been enacted since 1953 in the various Territories of French West Africa, French Equatorial Africa, Madagascar and French Somaliland. These regulations lay down how the hours of work are to be divided up on a daily basis, or in some cases on a seasonal basis, with due regard for the special requirements of each Territory and each occupation. These provisions also establish the system of permanent or temporary exceptions and overtime rates.

156. In British Territories, hours of work are generally fixed by custom, by collective agreements or by specific provisions relating to a given occupation. However, some provisions of more general application were adopted during the period under consideration. In Uganda, the Employment Ordinance of 1946 provides that no worker shall be obliged to work in industry for more than forty-eight

hours a week, and, as far as possible, for more than eight hours a day. Similarly, in Sarawak, the Labour Ordinance adopted in 1952 established an eight hours' day and a six days' working week for all wage-earners, and the same system is laid down by the North Borneo Labour Code enacted in 1948.

151. New labour legislation enacted in 1956 in the Federation of Malaya and in Singapore limits hours of work to a forty-eight hours' week in Malaya and a forty-four hours' week and an eight hours' day in Singapore.

158. Generally speaking, a maximum of an eight hours' day prevails throughout the Territories under British administration. In most cases the maximum is established by wage ordinances and by other provisions resulting from the deliberations of wage councils. In many instances, moreover, there has been considerable progress towards a reduction of actual hours of work in certain occupations. Typical examples of this development are the reduction in Jamaica of the average hours of work on the sugar plantations from ten to eight hours a day between 1950 and 1955; the introduction in 1947 in Gibraltar of a forty-four hours', five days' week for industrial workers in Government services; the reduction of hours of work in the mines in Sierra Leone from a forty-eight hours' week in 1947 to a forty-five hours' week in 1954, and the reduction in Kenya of the average hours of work of Asian and African workers in industry from a sixty to forty-eight hours' week between 1951 and 1956.

E. Leave with pay

159. An analysis of the information available shows that there are considerable differences between Territories in the way the system of leave with pay is applied. In a number of Territories no legislation has as yet been enacted on the subject, while in other cases, particularly in Africa, there are sometimes different systems in force for European and indigenous workers, which may be explained in part by the distance of the Europeans from their native country. There is no doubt, however, that considerable progress has been made in this field as shown by the following developments.

160. Not only have discriminatory practices been eliminated to some extent but systems of compulsory leave with pay have been set up for the first time in many Territories. With regard to the Territories in the Caribbean area, mention

should be made of the publication in Jamaica in 1947 of a law on holidays with pay, authorizing the Governor to fix for workers in any occupation the duration of annual holidays and the minimum remuneration payable during such holidays. This law was amended in 1954 to authorize the Governor to grant sick leave to workers in special cases. A similar law was enacted in 1952 in British Guiana. In Barbados an Act of 1951 laid down that employers were required to grant a paid annual holiday of at least two weeks to workers in all industries, except for workers paid on a daily basis, either by the hour or at piece rates. Lastly, in Surinam and Curacao, a paid annual leave of at least one week, after a full year of work, was made compulsory in 1949 for all workers employed in establishments employing more than one person.

161. In the Belgian Congo, a compulsory system of leave with pay for native workers was established for the first time by a Decree of 30 June 1954. According to this Decree after one year of service with the same employer the worker will be entitled to paid leave at the rate of one day for every two full months of employment. During his leave, the worker will receive remuneration equal to that paid him while he is in service; after eighteen months of uninterrupted service with the same employer, a bonus for regular service, equal to the gross daily wage multiplied by the number of days of leave will be added to his leave allowance; after three years of service, the period of leave will be extended by such time as is necessary for the worker to travel from the place of employment to the place of hiring and to return.

162. In addition, the system of leave with pay applicable to non-native workers was outlined in a Decree of 25 June 1949. The period of service required for entitlement to leave is in principle set at three years but this period may be extended to four years. The period of leave corresponds to three months per year, and the worker is to be paid during this period an allowance of not less than three-quarters of his average remuneration. The employer shall be responsible for the travelling expenses of the worker and his family, at least in employment involving the residence of the worker outside the Territory.

163. In the African Territories under British administration, general legislation concerning leave with pay is particularly limited, working conditions as a whole being often regulated by the orders of wages councils relating to a

specific industry. Reference may be made, however, to the Uganda Ordinance on Employment, published in 1946, which requires every employer to grant his workers an annual holiday of at least one week with full pay, provided the employees have worked for not less than 240 days within the preceding year.

164. In Kenya, a number of regulations based on the terms of the 1951 Ordinance for the Regulation of Remuneration and Conditions of Employment provide that employees are entitled to a period of leave with full pay, after twelve months of uninterrupted service with the same employer. The duration of this period is fourteen consecutive days in regulations concerning road transport employees and hotel and catering trade employees; it is twelve days for workers in the clothing industry.

165. In the French African Territories, a system of paid leave applicable to all workers without distinction, was established for the first time by the provisions of the 1952 Labour Code. That system was modified by an Act of 1956 applicable to both the metropolitan and Overseas Territories. According to this Act and to the supplementary regulations enacted in each Territory the period of leave is five days per month of effective service for workers whose normal residence is outside the Territory in question, and one and a half days in other cases. This period is increased respectively by two, four and six days after twenty, twenty-five and thirty years of service, whether continuous or not, with the same employer. For workers granted leave on the basis of five days per month, the leave will accrue after a period of two years in French West Africa, French Equatorial Africa, Togoland, Cameroons, French Somaliland and three years in Madagascar and the Comoro Islands. For this category of workers, travelling time corresponding to the normal time required for their repatriation is to be added to the leave period. The employer pays the travelling expenses of the worker and of his wife and children under age, in the event they proceed to their normal place of residence to spend their leave.

166. It should also be noted that at Singapore, the Labour Ordinance which came into force in 1955 provides that every worker is entitled to seven days' paid leave for every twelve months' continuous service with the same employer. Likewise, in North Borneo the Labour Ordinance was amended in 1956 to acknowledge the right of all workers to a paid holidy of seven days per year.

F. Employment of children and young workers

167. In most Non-Self-Governing Territories, the low level of income of the population and the still very limited number of children attending school are the main reasons for the frequent use of child labour, in family enterprises or in paid employment. There is no doubt that some abuses still exist in this area. Thus, the wages and working conditions of young persons are often very inadequate and may affect the health and normal development of young workers. In some cases the legal minimum age of employment is still too low. An added difficulty, particularly in Africa, is the fact that inadequate systems of population registration often make it impossible to determine the exact age of young workers.

168. Thus, the effective protection of young workers in the Non-Self-Governing Territories should be considered as an objective to be attained only gradually. There has nevertheless been considerable progress in regulating the labour of children and of young persons during the period in question, as the following analysis will show. In that connexion, it may be noted that the basic standards set up by the international labour conventions for the various aspects of the protection of young persons have been increasingly accepted by legislative and statutory provisions adopted in the various Territories.

Age for admission to employment

169. In a number of Territories, the age for admission to employment laid down in the laws and regulations is the same for all industries; in other cases, age limits are provided only for industrial work; in a third group of Territories, various limits, depending on whether the work is industrial or not, are in force. Whatever the system followed, in many cases age limits which did not exist before 1946 have been laid down by newly adopted legislation, while limits already in force have been raised.

170. Thus, in Kenya the 1948 Ordinance on the Employment of Women, Young Persons and Children, which provided that fifteen was the minimum age for admission to industrial employment and for employment at sea, was amended in 1956 by a new Ordinance raising the limit to sixteen years. The new Ordinance further established a general minimum age of thirteen years for admission to any employment requiring a child to reside away from his parents. Also, according to the

provisions which came into force in 1956, before employing children between the ages of thirteen and sixteen, employers must obtain a permit granted by a labour officer.

171. In Uganda, the legislation in force until 1946 merely set a minumum age of sixteen years for admission to industrial work. Since 1946, a new Ordinance further establishes a general age limit of twelve years for any employment except for such light work as the Labour Commissioner may from time to time prescribe. In addition this new Ordinance sets a minimum age of eighteen years for the employment of young persons on vessels as trimmers or stokers, as prescribed in the 1921 International Convention.

172. In Northern Rhodesia the minimum age for industrial work had been set at thirteen years by a 1933 Ordinance, which was amended in 1950 to prohibit the employment of children under the age of sixteen years in an industrial undertaking other than an undertaking in which only members of the same family worked unless such young person was employed under a contract of apprenticeship or in possession of a certificate signed by a District Officer or Labour Officer.

173. With regard to the West African Territories, the system most generally adopted is the establishment of a general minimum age for admission to any employment. There has been no change in this age limit, which was set at fourteen years in the territories of French West Africa and French Equatorial Africa, during the period in question. On the other hand, in Nigeria, the system established by the 1945 Labour Code (a general age limit of twelve years and a limit of fourteen years for industrial work) was changed with regard to the age for admission to industrial employment which was raised to fifteen years. Likewise, in Sierra Leone this same age limit, set at fourteen years in 1934, was raised to fifteen years by a 1947 Ordinance. Moreover, the new Ordinance established a minimum age of sixteen years for employment in underground mines and a minimum age of eighteen for employment on vessels as trimmers and stokers.

174. In the territories in the Caribbean region, the most common legal provisions are likewise those which fix the minimum age for admission to all types of employment. This minimum age varies between twelve and fourteen years depending on the Territory. In addition there are special provisions for certain industries and for the employment of children between the ages of twelve and fourteen

during school hours. Generally speaking, there have been no important changes in the legislation in force since 1946. Reference might be made, however, to British Guiana, which raised the minimum age for admission to employment in general from twelve to fourteen years by a 1947 Ordinance.

175. In a number of other territories, considerable improvements have been made in the provisions in force. Thus, in Cyprus the minimum age for admission to employment in general was raised from twelve to thirteen years and in Gibraltar the minimum age for admission to industrial employment was raised from fourteen to fifteen years, as a result of a new Ordinance on Education which made school attendance compulsory up to the age of fifteen years. In the Federation of Malaya an Ordinance on the Employment of Children and Young Persons was enacted in 1947; it set fourteen as the minimum age for admission to employment which might be injurious to the health of children or which required the handling of heavy loads. A limit of sixteen years was also fixed for employment in public entertainments.

176. In Papua, the 1951-1953 Native Labour Ordinance forbids the employment of any native who "is under or apparently under the age of sixteen years".

177. In Hawaii, since 1947, young persons under seventeen years of age have been prohibited from taking up any employment other than domestic service and certain commercial occupations. Minors between fourteen and sixteen years of age, when not legally required to attend school, are exempted from this prohibition.

178. Lastly, at Singapore the general minimum age of eight years which had been established by the 1949 Ordinance on Children and Young Persons was raised to the minimum age of twelve years for light work and fourteen years for any other type of employment by a new Ordinance in 1955.

Medical examination

179. In many territories provision is made for medical supervision of the employment of children and young persons, either by means of a medical examination before employment or of periodic examinations during employment. The effectiveness of such supervision no doubt depends in practice on the stage of development reached by the various medical services. Despite the marked deficiencies in these services, there is no doubt that considerable progress has been made since 1946. It would seem therefore that the medical supervision of young workers has nearly everywhere become more effective and more systematic.

180. In addition, a study of the legislation adopted since 1946 shows that standards for medical examinations were introduced in a number of Territories where none had existed previously, while in other cases the regulations in force were improved.

181. In most of the French African Territories, the legislative texts before 1946 already provided for a medical examination of young workers prior to their employment. However, more specific and detailed regulations came into force after the adoption of the 1952 Labour Code, particularly in the Territories of French West Africa and French Equatorial Africa, Madagascar and French Somaliland. These regulations prescribe that, at the request of the employer, children are to be examined either by the medical practitioner of the undertaking, or, in the absence of one, by a physician under oath. Such medical examinations shall take place at least once a year. The chief officer of the territory may, however, prescribe more frequent examinations. In addition, as expressly stated in the Labour Code, the inspector of labour may order children to be examined in order to ascertain that the work which they are given is not beyond their strength.

182. In Kenya new regulations adopted in 1956 provide that an authorized officer may, at any time during employment, order that a young worker should be examined by a medical practitioner; he may not give his consent to the employment of any young person who is in any particular below the physical standard necessary for the work in question. Furthermore, the 1952 regulation on apprenticeship provides that apprentices must be certified fit by a medical practitioner to undertake the tasks required to be performed during the apprenticeship. Likewise, at Singapore since 1949 the employment of a young person is not authorized unless he holds a certificate from the official medical services stating that the work to be performed by him is not liable to injure his health.

183. Lastly, it should be noted that a number of Territories which, during the period in question, introduced provisions on the employment of young persons on board vessels adopted, at least in part, the standards set by the 1921 International Convention with regard to medical certificates attesting the fitness of young persons for employment at sea. These Territories include Uganda, Sarawak and Papua. It may be said that, in practice, medical examinations for young persons employed at sea are now generally required in all the Non-Self-Governing Territories.

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Night work

184. The prohibition of night work for children and young persons is accepted, as a legal principle, in the laws and regulations of nearly all the Non-Self-Governing Territories. The minimum age of eighteen and the definition of the term "night" given in the 1919 International Convention have been adopted in the great majority of cases. Thus night work is generally prohibited in the case of young persons under eighteen years of age and is defined as 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. The provisions in force concern for the most part only industrial undertakings. Some legislation however provides for rest periods during the whole night for all young workers.

185. In the majority of cases, laws and regulations prohibiting night work for children had already been adopted before the period in question. Nevertheless the many laws which have come into force since 1946 have made it possible to apply international standards in this field far more thoroughly.

186. The French African Territories may be given as an example. The 1952 Labour Code and additional provisions resulting therefrom not only prohibit night work for children employed in industry in these Territories but also provide for a compulsory rest period of eleven consecutive hours comprising the night, for young workers in all types of employment. Such provisions, which were part of the legislation in force in French West Africa before 1946, have been applied to all French Territories since 1952.

187. In the Non-Self-Governing Territories under the control of the United Kingdom, the prohibition of night work for children is generally applied only to industrial undertakings. Some progress has undoubtedly been made, however. In the case of Kenya, the term "night" was defined by a 1948 Ordinance as the period between 7 p.m. and 6 a.m. A new 1956 Ordinance fixes the period from 6.30 p.m. to 6.30 a.m.; the latter Ordinance also provides for a night break of twelve consecutive hours, which should include the period from 10 p.m. to 7 a.m.

188. In the Belgian Congo, a 1948 Ordinance prohibits night work for indigenous children under eighteen years of age in industrial undertakings; in contrast to the provisions which were previously in force, the new Ordinance gives a list of the undertakings which should be considered as "industrial undertakings" for the purpose of the regulation.

G. Employment of women

189. In most of the Non-Self-Governing Territories, it is still unusual for women to be employed, except in certain traditional forms of agricultural work. However, a definite tendency towards an increase in the female labour force can be observed nearly everywhere.

190. Measures for the protection of women wage-earners have long been included in the legislation of the different Territories. The most important of these measures provide for the protection of motherhood. In this field, the right of pregnant women to maternity leave at the time of their confinement is generally recognized and there is provision for free medical care and the payment of benefits to compensate for the loss of earnings during maternity leave. Considerable progress has been made during the period under review with regard to this aspect of the protection of women wage-earners, as is indicated in the section of this report dealing with social security.

191. The employment of women on night work and in dangerous and unhealthy occupations is prohibited by the laws or regulations of nearly all the Territories. However, most of these measures were promulgated some time ago, generally during the period between the two world wars, so that there have been very few new developments since 1946.

192. We should point out in this connexion that, in the French African Territories, the Decrees passed after the publication of the 1952 Labour Code are a definite improvement on the regulations previously in force. For instance, fuller and more specific lists have been drawn up not only of the occupations in which women may not be employed but also of the undertakings in which they may be employed only under certain conditions.

193. Among dangerous occupations, underground work is the one most frequently prohibited to certain groups of persons. It has not been prohibited in a small number of Territories presumably because there are no mining undertakings in them. In others, such as the Belgian Congo, the authorities have stated that, although there are no regulations on the subject, women are in practice not employed on underground work in mines.

H. Hygiene and safety at work: factory legislation

194. In most of the Non-Self-Governing Territories, the laws and regulations applied differ very little from the laws on the hygiene and safety conditions in the workplace in force in the metropolitan countries. Only a very few Territories are still without appropriate legislation in this field, doubtless because they have practically no industrial undertakings at present.

195. Of course, the supervision of the application of the different laws and regulations is still a very difficult problem, which will not be solved until Governments have enough technically qualified inspectors. Nevertheless, considerable progress has been made in the matter of legislation in many Territories. Again, it should be pointed out that most of the laws now in force were enacted between 1946 and 1956.

196. In the British West Indies, the need to improve the existing hygiene and safety regulations was recognized as early as 1939. At that time, the United Kingdom Government suggested that the local authorities should adopt new legislation based on the United Kingdom Factory Act of 1937. This was subsequently done. Factory acts were adopted in Trinidad (1946), British Guiana (1947) and Barbados (1947). In the latter Territory, the Factory Act, widened in scope by a 1951 amendment, came into force in 1952. Since that time, there has been considerable progress, particularly with regard to protection against the use of certain types of machinery in sugar factories, which constitute the only important industrial activity of that Territory. Furthermore, new factory acts are now under study in Grenada and Antigua.

197. At Gibraltar, a factory act which embodies, for the most part, the provisions in force in the United Kingdom, was put into force in 1956. New factory ordinances have been adopted since 1946 in some of the United Kingdom's African Territories also, including Kenya (1950), Uganda (1952) and the Federation of Nigeria (1956). These new regulations, which are based directly on United Kingdom legislation, have led to the general application of specific measures covering, on the one hand, the cleaning, lighting, ventilation and sanitary equipment of workplaces and, on the other, the prevention of accidents due to the use of various machines, boilers, inflammable substances, dangerous gases, etc.

198. Furthermore, special safety regulations, applicable to specific sectors of industry, came into force in many Territories during the period under review (e.g. regulations on mining in Nigeria (1946) and cotton ginning in Uganda (1956)).

199. In the French African Territories, the measures taken following the publication of the 1952 Labour Code have considerably improved the local regulations regarding hygiene and technical safety in workplaces. The aim was, to quote the Code itself, to secure "hygiene and safety conditions equal to those enjoyed by workers in the home country". Thus, the new regulations on this matter which came into force during 1954 in French West Africa, French Equatorial Africa and Madagascar are based directly on French legislation.

200. Besides the general measures concerning hygiene and safety conditions in the workplace, special regulations were laid down from 1954 onwards in the different Territories with regard to certain activities for which special protective measures were required. Such regulations are particularly numerous in French West Africa for instance, where they cover both industrial activities directly connected with agriculture, such as the shelling of groundnuts and the ginning of cotton and kapok, and a wide variety of types of work, such as building and public works, mining, drilling, work in quick-setting cement factories, work in compressed air, paint or varnish spraying and work involving exposure to X-rays and radium.

201. In the Belgian Congo, a decree dated 1950 authorized the Governor-General to lay down appropriate measures with regard to hygiene and security conditions at work. An ordinance comprising general measures was issued in 1953 and was followed by various other ordinances laying down special protective measures for certain kinds of work, such as transport (1951), paint spraying (1951), building (1953 and 1955) and work in open quarries (1955). Regulations for the prevention of silicosis were issued in 1952 and amended in 1953.

202. In the Federation of Malaya, an ordinance concerning machinery was issued in 1953. In conformity with this ordinance, regulations were drawn up in order to ensure proper security and hygiene conditions for workers employed in enterprises using machinery.

203. In the Hawaiian Islands, a General Safety Code was put into force in 1956.

I. Labour administration and inspection

204. In the Non-Self-Governing Territories in general, the tasks and responsibilities incumbent upon the labour administration greatly increased during the period under review, while various labour problems either made their appearance or widened in scope. For instance, in many cases it was necessary to provide for the drafting, bringing into force and practical application of entirely new, extensive and complex laws and regulations, to take into consideration the development of certain aspects of relations between employers and employees, such as the growth of the trade union movement or the increase in the number of labour disputes, and to try to find the best solution for the problems of employment, taking into account the development of a labour market which was creating new demands for labour, particularly skilled workers. In many Non-Self-Governing Territories, labour administration and inspection services were established or developed mainly during and after the Second World War.

205. On the other hand, the ILO recommendation No. 70 concerning Social Policy in Dependent Territories, 1944, the supplementary recommendation of 1945 and the Labour Inspectorates (Non-Metropolitan Territories) Convention (No. 85), 1947, laid down specific standards regarding the powers and functions of labour inspectors. The 1947 Convention has been widely ratified by interested Governments and enforced in a large number of Non-Self-Governing Territories. It is, therefore, not surprising that considerable progress has been made in this field in most of the Territories concerned since 1946. Among the Territories which do not yet have a specialized labour service, we may mention the Virgin Islands, Papua, Swaziland, Bechuanaland and British Somaliland. These are Territories in which there is very little wage-earning employment.

206. In the United States Territories of Puerto Rico and Hawaii, there have been specialized services for many years. In Puerto Rico for instance, under a 1931 act, a Department of Labour was established which was divided as early as 1946 into fifteen different sections and was administered by twenty-six inspectors-general. During the period under review, these services continued to be active; in Hawaii, the Department of Labor and Industrial Relations, which carried out 1,200 inspections of undertakings employing about 15,000 workers in 1946, inspected 1,800 undertakings employing more than 37,000 workers in 1955.

207. In the Belgian Congo, the labour administration developed considerably during the period under review. Labour inspection, which used to be carried out mainly by officials of the territorial administration, became the responsibility of a specialized service of labour inspectors under the Decree of 16 March 1950. Under this Decree, the labour inspectorate was attached to one of the directorates of the Governor-General's office and forms a separate administrative unit. In 1957, forty labour inspectors were employed in the Belgian Congo, compared with thirteen in 1951, sixteen in 1952 and nineteen in 1954. According to the information available, the activity of the labour inspectorate is growing steadily. For instance, the number of employers' files kept for the purpose of registering and classifying enterprises was 6,000 in 1953, 7,500 in 1954 and 7,700 in 1955. The number of workers employed in the enterprises inspected was 410,000 in 1954, compared with 230,000 in 1953.

208. In the British Territories, the labour administration developed considerably during and after the Second World War. Specialized labour services now exist in nearly all the United Kingdom's Non-Self-Governing Territories. These services, most of which were established between 1940 and 1946, in general expanded remarkably during the period under review.

209. In Nigeria, the total staff of the Labour Department, established in 1942, was 400 in 1956, including one Labour Commissioner, two Assistant Commissioners, fifty-four labour officers, six labour inspectors and eighteen specialists (medical officers, statisticians, etc.). In Sierra Leone, the Department of Labour, established in 1941, had a total staff of eighty-five in 1955. In Kenya, the Department of Labour, set up in 1940, had a staff of about 500 in 1955, including one Labour Commissioner, two Assistant Commissioners, thirty-eight labour officers, twenty-seven labour inspectors, five factory inspectors and twenty-four specialists. In Uganda, the Labour Department, founded in 1943, comprised 130 persons in 1954. In Nyasaland the Department of Labour, established in 1941, had a staff of 120 in 1954. In Jamaica, the staff of the Labour Department was composed in 1943 of a Labour Adviser and nine officials, two of whom were responsible for manpower; in 1953, this Department was headed by a Minister and comprised one Permanent Secretary, two Secretaries and eighteen senior officers to say nothing of their subordinate personnel. In Barbados, the Department of Labour, the staff of which

comprised, in 1944, only a Labour Commissioner and one labour inspector, consisted in 1954, of the Labour Commissioner, an Assistant Labour Commissioner, three labour officers, one official responsible for the emigration and employment service and eight employees responsible for the protection of workers employed in the United States. In the British Asian Territories, the labour departments also expanded during the period under review. In 1956, the Labour Department had eleven senior civil servants at Singapore and a staff of 329 altogether throughout the Federation of Malaya.

210. In the French overseas territories, there were no labour departments which were really separate from the general administrative services until 1944, when the special corps of colonial labour inspectors was created. In principle, colonial administrators were responsible for ensuring the application of regulations and supervising employment conditions. They were usually assisted by officials with the rank of judicial police officers and by the medical officers of the health service. Since 1944, legislation has been enacted to organize and define the functions of the labour services. During the period under review, special labour services, responsible directly to the central office of the Ministry of Overseas France and administered by a body of officials with a special status, were established in each Territory. Besides inspectors of labour and social legislation, provision is made for labour supervision officers and medical inspectors of labour. In 1957, there were twenty-two inspectors of labour and social legislation in French West Africa, eight in French Equatorial Africa, eight in Madagascar, one in French Somaliland and one in the Comoro Islands.

211. During the period under review, different organizations concerned with labour problems were set up in the French Non-Self-Governing Territories, in accordance with the Act of 1952 introducing a Labour Code into the territories and associated territories coming under the Ministry of Overseas France. These include labour advisory boards, technical advisory committees, manpower offices, and labour courts. In many cases, these organizations have tended to increase in number since 1952.

III. APPLICATION OF ILO CONVENTIONS IN NON-SELF-GOVERNING TERRITORIES

212. The foregoing developments have indicated the progress in the field of labour legislation achieved in the Non-Self-Governing Territories since 1946. It may be useful to supplement this information with a brief comment on the work done since 1955 by the ILO Committee of Experts on the Application of Conventions and Recommendations, in order to appraise to what extent the international labour conventions are being applied in non-metropolitan territories.

213. In 1955, the Committee prepared a Chart of the Application of Conventions in Non-Metropolitan Territories for whose International Relations Members Are Responsible.[19/] This chart, brought up to date in 1957 in order to take into account the most recent information furnished by Governments, is attached to this report.

214. The chart shows, side by side, for each territory and for each Convention, the formal declarations communicated and the degree of application of the Convention as far as the Committee of Experts was able to ascertain it solely on the basis of reports supplied by the governments since 1949. The appraisal attempted in the chart of the extent of application of the international labour standard is therefore to a great extent dependent on the amount of detail in the information furnished.

215. Furthermore, the chart covers only the ratified Conventions on which each Member State is required to report to the International Labour Office. It therefore gives only a partial picture of the actual situation which may exist in the Territories with regard to the application of the international labour standards as a whole, particularly since, in certain cases, the metropolitan country may have been unable to ratify a particular convention owing to a technical difficulty of a relatively minor nature although the standards applied in that country and in its territories are as high as those prescribed by the Conventions.

19/ See Annex.

216. The chart shows in respect of each non-metropolitan territory those conventions which have been declared applicable or accepted without modification, applicable or accepted with modifications, those declared inapplicable and those on which decision was reserved. On examining the data, it will be seen that a fairly considerable number of ratified Conventions have not been the subject of a declaration of application in respect of certain Territories. However, too much significance should not be attached to this fact as it frequently happens that ratified Conventions regarding which no declaration of application has been received (or on which the Government has reserved decision) are actually applied by legislation and local practice. This is quite evident from the chart on which the number of Conventions declared applicable is far less than the number of Conventions which the Committee of Experts on the Application of Conventions and Recommendations could estimate as fully applied on the basis of the information supplied by the governments. In the case of the Belgian Congo, for instance, although only nineteen conventions were declared applicable with or without modifications, twenty-five conventions are fully or to a large extent applied, according to the appraisal made by the Committee of Experts.

217. For all these reasons, the Committee of Experts, submitting in 1955, for the first time, a Chart of the Application of Conventions in Non-Metropolitan Territories, emphasized in its report the fact that the document should be interpreted with caution and as far as possible in conjunction with the summaries of reports supplied by the governments, which are published each year by the International Labour Office and laid before the Conference. The Committee considered such caution necessary because all the indications which might appear desirable could not be recorded in the chart. For instance, the same typographical symbol used to show that a Convention had not been put into effect, could apply to widely divergent situations: it could mean that the instrument was inapplicable for geographical reasons (as in the case of maritime Conventions in territories which had no sea coast), that the work or undertakings covered by the Convention in question did not exist in the territory (as in the case of underground work or work in sheet-glass works) or, finally, that the demographic conditions or the degree of economic and social development of the territory did not yet permit even partial application of the Convention (this is the case of the social insurance Conventions in many territories).

218. However, irrespective of the caution to be exercised in interpreting the chart, the latter appears to provide a fairly accurate picture of the situation prevailing in 1957 in the Non-Self-Governing Territories with regard to the application of international labour standards. It thus serves to underline the progress achieved in those Territories in the field of social legislation, a progress which the ILO Committee of Experts on the Application of Conventions and Recommendations saw fit to qualify in its 1955 report as "considerable".