

2. The laws and regulations concerning workmen's compensation shall apply to all workers, employees and apprentices employed on vessels and by industrial, commercial, and agricultural undertakings.

3. Provided that exceptions may be made in respect of—

- (a) Persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
- (b) Out-workers;
- (c) Members of the employer's family who work exclusively on his behalf and who live with him;
- (d) Non-manual workers whose remuneration exceeds a limit to be determined by laws or regulations.

Article 40

1. Compensation shall be payable to workers incapacitated by occupational diseases, or, in case of death from any such disease to their dependants, in accordance with the general principles of workmen's compensation.

2. Provided that such compensation may be limited to the occupational diseases of chief importance in the territory concerned.

SECTION. 11.—PROHIBITION OF COLOUR AND RELIGIOUS BARS AND OTHER DISCRIMINATORY PRACTICES

Article 41

1. The standards set by law in each territory with respect to conditions of labour shall have due regard to the equitable economic treatment of all workers lawfully resident or working therein.

2. Discrimination directed against workers for reason of race, colour, confession or tribal association, as regards their admission to public or private employment shall be prohibited.

3. All measures practicable under local conditions shall be taken to promote effective equality of treatment in employment by the provision of facilities for training, by the discouragement of discrimination in the negotiation of collective agreements or on grounds of trade union membership, and by other appropriate means.

SECTION 12.—INSPECTION

Article 42

1. Labour inspection services shall be established in territories where such services do not already exist. Inspectors shall be required to inspect conditions of employment at frequent intervals.

2. The inspectors shall have no direct or indirect interest in undertakings subject to their supervision.

3. Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

SECTION 13.—INDUSTRIAL ORGANIZATION

Article 43

1. The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

2. All practicable measures shall be taken to consult and associate the representatives of organizations of employers and workers in the establishment and working of machinery for conciliation, arbitration, minimum wage fixing and labour inspection. Where representative organizations of workers have not developed, the competent authority shall appoint persons specially qualified to act on behalf of the workers and by advice and guidance to assist in the early development of workers' organizations.

3. All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organizations.

Article 44

1. As rapidly as possible, machinery shall be created for the settlement of collective disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organizations, where such exist, shall where practicable, be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

SECTION 14.—CO-OPERATIVE ORGANIZATIONS

Article 45

1. The assistance and development of co-operative societies, including co-operative organizations of workers for the promotion of health, housing and education, shall be accepted as part of the economic programme of competent authorities in dependent territories, and the measures to be taken shall include financial assistance wherever this is appropriate.

2. To this end consideration shall be given to—

- (a) The adoption of adequate legislation, simple and inexpensive in application, covering all forms of co-operative organizations;
- (b) The creation of special services to promote and supervise the development of co-operative organizations and to encourage education in co-operation.

3. In appropriate cases co-operative organizations shall be effectively represented on public boards and agencies affecting their interests.