



Wartime Policy in British Colonial Dependencies

In the 1939-40 issue of the *I.L.O. Year-Book* the effect was noted of the outbreak of war on the extensive plans which were being evolved for social and economic reorganisation in British dependencies. In particular it was stated that, although reforms involving expenditure might be delayed, the importance of reforms directed towards raising the social and economic standards of life in the colonies was being increasingly recognised as essential both for the intensification of the war effort and for the realisation of the purposes of the war.¹ Action which has been taken since the aggravation of the war situation suggests that, while difficulties in the way of colonial reform have become much greater, the policy indicated above has not been abandoned.

STATEMENT OF POLICY ON COLONIAL DEVELOPMENT

In February 1940 the publication of the *Recommendations of the West India Royal Commission* and of the *Government Statement of Policy on Colonial Development and Welfare*² marked an amplification by the British Government of its programme of assistance to colonial dependencies.

The Statement of Policy laid down that "His Majesty's Government are trustees for the well-being of the peoples of the Colonial Empire" and that "the primary aim of colonial policy is to protect and advance the interests of the inhabitants of the colonies". The Statement went on to recognise that:

If full and balanced development is to be obtained, and if colonial Governments are to be placed in a position to maintain administrative, technical and social services at proper standards, some assistance from outside is necessary at this stage (since) . . . many colonies cannot finance out of their own resources the research and survey work, the schemes of major capital enterprise and the expansion of administrative or technical staffs which are necessary for their full and vigorous development. Nor can they afford, in the absence of such development, an adequate standard of health and education services.

¹ *I.L.O. Year-Book*, 1939-40, p. 295.

² London, H. M. Stationery Office, Cmd. 6174 and 6175, 1940.

In the past the situation has been partly recognised by grants-in-aid to various dependencies by the United Kingdom Exchequer, and, more clearly since 1929, by grants and loans for development under the Colonial Development Act of that year. During the ten years from 1929, assistance amounting to £12,000,000 has been given under the first heading to meet deficits in colonial budgets, and the Colonial Development Fund has made payments totalling some £5,000,000 and entered into commitments amounting to an additional £1,600,000.

These measures, however, were inadequate and were limited by principles the modification of which has been proved necessary by economic and social conditions in the dependencies.

In the words of the Statement of Policy:

The object in view when the (Colonial Development) Fund was constituted was "to promote commerce with, or industry in, the United Kingdom". . . . The emphasis was throughout on material development . . . The existence of the Fund has not involved any departure from the old principle that a colony should have only those services which it can afford to maintain out of its own resources.

Believing that these principles called for revision, the British Government declared in its Statement that legislation would be introduced providing for assistance to colonial Governments up to a maximum of £5,000,000 a year for ten years, instead of the Colonial Development Fund's maximum of £1,000,000 a year. This assistance was to be available not only for schemes involving capital expenditure as under the Fund but also for helping to meet current expenditure on certain services designed to improve economic and social conditions. In addition a maximum of £500,000 a year was to be provided for research. In the application of the scheme a Colonial Development and Welfare Advisory Committee was to be set up in London. It was to be composed partly of Government servants and partly of persons with no official Government status. Its appointment promised to strengthen the machinery for the exercise of trusteeship by the British authorities. A second committee was to advise on colonial research.

THE COLONIAL DEVELOPMENT AND WELFARE ACT

In spite of the military disasters of the early summer, legislative action was taken in accordance with the scheme outlined above. Under date 17 July 1940 assent was given to the Colonial Development and Welfare Act, 1940, which has been described as the abandonment of *laissez faire* in colonial policy.

The financial section of the Act (1) provides that annual payments may be made for a period of ten years up to a maximum of £500,000 a year for promoting research or enquiry in the interests of colonial dependencies, and up to a maximum of £5,000,000 a year for other schemes; (2) remit general loans to various dependencies exceeding £9,800,000; (3) remit the whole of Colonial Development Fund loans to various colonial dependencies exceeding £1,100,000; (4) remit as to one half similar loans exceeding £250,000;

(5) convert into free grants further loans exceeding £150,000 which had been promised; and (6) provide that the Treasury may extinguish outstanding commitments exceeding £1,250,000 and arrears of interest due from the Government of Nyasaland on account of railway construction.

The Act does not define the schemes which are to be financed, other than distinguishing between research and other work and services. Limiting provisions were, however, inserted, notably for the protection of workers employed under any scheme of development. These provisions declare (§2) that the Secretary of State for the Colonies:

(a) shall satisfy himself, in a case where the scheme provides for the payment of the whole or part of the cost of the execution of any works, that the law of the colony provides reasonable facilities for the establishment and activities of trade unions and that fair conditions of labour will be observed in the execution of the works and in particular

(i) that the wages paid will be at not less than the rate recognised by employers and trade unions in the area where the works are to be executed or, if there are no rates so recognised, at rates approved by the person for the time being administering the government of the colony; and

(ii) that no children under such age as may be appropriate in the circumstances, but not in any case being less than fourteen years, will be employed on the works, and

(b) shall take into account the desirability of securing so far as possible that the colony shall participate in any increase on values directly attributable to the scheme.

Lastly, it is to be noted that under the Act the term "colony" is held to include any British protectorate or protected State or mandated territory administered by Great Britain.

GENERAL CONSEQUENCES OF INTENSIFIED WAR

The Colonial Development and Welfare Act was placed on the Statute Book at a grave date in British history. Its enactment was designed to be taken as a deliberate enunciation of a reformed colonial policy. It was recognised, however, that the application of the Act and of colonial social reform in general would have to await more favourable times.

The position was put by the late Secretary of State for the Colonies, Lord Lloyd, in an address to the Conference of British Missionary Societies held in June 1940. Lord Lloyd declared, with particular reference to the effect on Africa of Italy's declaration of war:

It is useless to pretend that at present we can carry on as usual with the normal social services of government, meagre though some of them are. Still less is there at present a chance of making much progress with our plans for colonial development. It is not only or chiefly on account of financial difficulties, for they might be surmounted. Primarily it is a matter of material and personnel. Materials, such as steel, simply are not available for other than war purposes, while government personnel must take on military duties and all sorts of new tasks in civil life imposed by the war, internment of aliens, censorship, trade regulations and so forth.

Nevertheless, Lord Lloyd went on to say that "it is, as we all realise, vitally important that the interruption of social services should be kept to the minimum". In this connection he drew attention to the possibility of a more economical use of staff by the training of Africans, to better publicity methods, and to wider co-operation with missionaries.

In circular instructions sent to colonial Governments in the same month¹, the economic and social consequences of the intensified war were stressed in greater detail.

The economic situation was set out as follows:

In the economic sphere the general aim of policy should be to bring to the maximum the positive contribution of the colonies to the immediate war effort in the way of supplies: and to reduce to a minimum their demand on resources in men, material and money which are or might be made available to this country either at home or overseas. In particular:

(a) Colonies which produce raw materials of importance to the war effort, including of course those sold for "hard" currencies, should aim at maintenance and increase of production at whatever level may be indicated from time to time as being that necessitated by Allied requirements. It will be appreciated that owing to ever changing circumstances the optimum level of production of individual commodities for war purposes may alter rapidly.

(b) Most colonies can give substantial assistance by refraining from making demands for non-essential imports of every kind from sterling or from non-sterling sources but especially of imports involving the use of iron and steel unless they are required for production in the immediate future of material of essential wartime value to this country.

(c) The maximum development of production of foodstuffs to meet local demands for consumption should continue to be vigorously pursued.

(d) It may no longer be possible for markets or shipping to be provided to the same extent as formerly for colonial commodities which are not of the first degree of importance to the United Kingdom.

The situation in regard to social services was set out as follows:

These changes in directions of our effort must inevitably affect proposals for colonial development and welfare contained in Statement of Policy issued by His Majesty's Government last February (Command 6175). The Colonial Development Bill has already received its second reading in House of Commons. But it is clear in present circumstances it will not be possible to make any substantial progress under the new policy. It must be assumed that assistance would for the present be given only for urgent purposes and for schemes which can be carried out from local resources of personnel and material. Many colonial Governments will not at present be in a position to prepare development programme; though I am anxious that where this can be done without detriment to war effort the preparation of plans for future should be continued.

It is inevitable that new conditions must entail not only postponement of progress but some curtailment of existing social and other services. But I should greatly deplore it if war were made the occasion for closing down services which can, consistent with above principle, be kept in being. Every effort should therefore be made to maintain them, provided they do not detract from maximum war effort.

In colonies where the only reason for curtailing these services would be difficulty in providing money I trust possibility of imposing or increasing direct taxation, as in this country, upon those best able to bear it will be examined. In many colonies response to the need for new war taxation has been most public-spirited: and I have no doubt that the same spirit will be shown in assuming further burden which present grave situation may entail.

¹ Circular Telegram No. 82, dated 5 June 1940.

The above situation was further explained in a circular despatch from the Secretary of State for the Colonies dated 10 September 1940.

This latter circular explained that in present circumstances it would not be possible to make any substantial progress under the new colonial policy for the following reasons:

On the one hand so large a part of the energies of colonial Governments has now been diverted, to a greater or less degree, to work directly related to the prosecution of the war, that they will have little or no opportunity to prepare long term programmes of development. And, on the other hand, it is essential that no vital resources, whether in men, materials or money, should unnecessarily be diverted from the war effort.

Nevertheless, the Secretary of State added that he was prepared to consider applications for assistance for purposes of real urgency and importance. Such applications should fulfil the following conditions:

(a) The scheme can be carried out solely with local resources of men and material and without detriment to the war effort; (b) no expenditure outside the sterling area is involved; and (c) the scheme is of such urgency and importance as to justify the expenditure of United Kingdom funds in the present circumstances.

As regards procedure, the circular stated that it had been decided not to proceed during the war with the appointment of the two committees on research and on development and welfare. It was, however, still the intention to make these appointments as soon as circumstances permit. In the meantime applications for assistance would be dealt with departmentally by the Colonial Office in consultation with the Treasury, with such expert advice as might be necessary.

POSITION IN THE WEST INDIES

The general situation is thus that a new colonial social and economic policy has been defined and that enabling legislation has been placed on the Statute Book, but that war exigencies have prevented the immediate application of the new policy.

To this delay, however, there has been one exception. In the West Indies, in accordance with the recommendations of the Royal Commission, published in February 1940, that steps should be taken "to finance schemes for the general development of education, the health services, housing and slum clearance, the creation of labour departments, the provision of social welfare facilities and land settlement, apart from the cost of purchase of land", a Comptroller for Development and Welfare in the West Indies has been appointed, together with advisers, who include a Labour Adviser. A separate West Indies Welfare Fund has not been constituted. However, from the annual maximum financial provision of £5,000,000 under the Colonial Development and Welfare Act, it is reported that moneys on the scale contemplated by the Royal Commission will be made available as necessary for the West Indies.

In connection with the appointment of the Labour Adviser, it will be of value to summarise the detailed recommendations of the Royal Commission affecting labour and trade union organisation. These are (a) the enactment, where not already in force, of laws to protect trade unions from actions for damages consequent on strikes, the legalisation of peaceful picketing, the compulsory registration of trade unions and the audit of their funds; (b) to cover the period before trade unions can play a decisive part in the regulation of wages and conditions of employment, action by the Governments through labour departments or labour officers assisted by advisory boards representative of employers and employed; (c) the appointment of a Labour Adviser to the staff of the Comptroller of the West India Welfare Fund; (d) the establishment of a Labour Department in the Colonial Office and the appointment of a Labour Advisory Committee; (e) the creation of wages boards in colonies where these do not already exist (the enactment of satisfactory regulations for the establishing of such boards being a condition of the participation of any colony in schemes for the assistance of the sugar industry, and the allocation of benefits to individual concerns being dependent on the full execution of the decision of the boards), and the establishment of an Industrial Court for the West Indies as a whole; (f) the establishment of joint councils for the examination of employment conditions in civil services; ... (h) consideration by the larger colonies of the possibility of establishing arrangements for unemployment insurance; (i) adequate factory inspection; (j) the consideration of the possibility of adopting schemes of workmen's compensation based on the Ontario system; (k) the establishment of welfare levies at the rate of 2 shillings per ton of sugar produced, to finance welfare schemes in the sugar industry.

COURSES FOR LABOUR OFFICERS

In the West Indies, labour departments or labour officers have been appointed in the Bahamas, Barbados, British Guiana, British Honduras, Jamaica, Leeward Islands (St. Kitts), Trinidad, and Windward Islands (Grenada, St. Lucia, St. Vincent).

Taking the Colonial Empire as a whole, moreover, the intensification of the war has not entirely stultified the progress of labour inspection and organisation. Of this, the holding in London in July 1940 of the second course on colonial labour problems for colonial officers was a striking illustration.

Mr. G. H. Hall, M.P., Parliamentary Under-Secretary of State for the Colonies, in addressing the course said that during the past few years the necessity for grappling with many pressing labour problems had been fully realised and that a large volume of labour legislation had been enacted. It was therefore necessary to have adequate staff to see that the protective laws were carried out. Three years ago there had been only seven colonial dependencies with separate labour departments, or full-time labour officers or inspectors. Today the number of such territories was 27.

When the war broke out the then Secretary of State for the Colonies had impressed upon colonial Governments the various contributions which could be made by them to the war effort by the maintenance of their labour and other social services. Mr. Hall was glad to say that the colonial Governments had responded wholeheartedly to that appeal, and that recently Kenya and the Mandated Territory of Tanganyika had decided to replace their existing sections of labour inspectorates by separate labour departments, and in several other colonies the staffs of the labour departments were being expanded. The conditions imposed by the war had of necessity impeded progress, but the Government was determined that nobody should have grounds for saying at the end of the war that everything possible had not been done to maintain vital social services.

Mr. Hall also alluded to the development of trade unions. Three years ago, he said, there were practically no trade unions in most colonial dependencies, whereas today nearly 200 unions had been registered. The majority of these were in Ceylon, Mauritius, Cyprus, and the West Indies. Several unions had also been registered in the West African dependencies and a few in the East African dependencies.

LABOUR LEGISLATION

In conclusion mention should be made of the most important labour legislation recently adopted in the colonies.¹

After many years of examination progress has been made in the introduction in African dependencies of a system of workmen's compensation for accidents.

In the Gambia and Sierra Leone workmen's compensation ordinances provide for a scheme of compensation to be applied to specified employments by order of the Governors in Council. In this legislation, the following are excepted from the definition of "workman": (a) non-manual workers whose earnings exceed £500 a year; (b) casual workers; (c) outworkers; (d) tributers (i. e. any person granted permission to win minerals, receiving a proportion of the minerals won or the value thereof); (e) members of the employer's family dwelling in his house; and (f) persons declared not to be workmen by special order. In any employment to which the Ordinances are applied the employer is liable to pay compensation if personal injury is caused to a workman by an accident arising out of, or in the course of, the employment. Such compensation is not payable in respect of any injury which does not incapacitate the workman for less than one week, or in the event of injury caused by the wilful misconduct of the workman. (Payments may be made, however, if the injury results in death or serious or permanent incapacity). In the event of death, total dependants are entitled to compensation equal to 30 months' wages

¹ See also *International Labour Review*, Vol. XLII, No. 6, Dec. 1940, pp. 387-388, 409-410; Vol. XLIII, No. 2, Feb. 1941, pp. 216-217; and below, under "Social Policy" and "Conditions of Work".

or £600, whichever is less. In the event of permanent total incapacity, compensation is to be equal to 42 months' wages or £750, whichever is less. In the case of permanent partial incapacity the payments are reduced by percentages enumerated in schedules to the Ordinances, or, in the case of injury not specified in the schedules, by a reduction proportionate to the loss of earning capacity. Lastly when temporary incapacity results from the injury, payments are to be made at rates proportionate to half the difference between money earnings at the time of the accident and the money earnings which the workman is earning, or capable of earning, after the accident.¹

In the Gambia no list of the employments to which the Ordinance will apply has yet been issued, although it has been officially stated that a list has been drafted which covers such forms of employment as work of harbours and docks, and the loading and unloading of cargoes.

In Sierra Leone, on the other hand, the Workmen's Compensation (Application to Certain Employments) Order in Council, 1940, provides for the application of the Ordinance to a large number of employments, of which the chief are the following: railway employment, the operation or maintenance of mechanically propelled vehicles or aircraft, employment in factories or workshops where power is used, employment elsewhere in manufactory processes where not less than 10 persons are employed, employment in mines or quarries, employment on any mechanically propelled vessel or on any other vessel of 50 tons or over, the loading, unloading, fuelling, cleaning or painting of ships, the construction, maintenance, repair or demolition of certain buildings, of certain embankments or of canals, roads, bridges, wharves etc., lumbering where 25 persons or more are employed, the use of explosives, employment on any plantation or estate where not less than 25 persons are employed.²

In Kenya no general measure of workmen's compensation has been adopted. The Mining Ordinance, 1940, to which assent was given on 24 August 1940, provides on similar lines for workmen's compensation in the case of accidents incurred in employment in connection with any mining or prospecting operations.³ The rates of compensation are slightly different in the event of death or of permanent total incapacity; compensation in both cases is to be granted at a sum equal to 36 months' earnings of the workman or the sum of £750, whichever is less.

Another important labour law recently adopted in British Africa is the Northern Rhodesia Employment of Natives (Amendment) Ordinance, 1940, which modifies the labour legislation in accord-

¹ Gambia Workmen's Compensation Ordinance, No. 18 of 1940; dated 15 July 1940. Sierra Leone Workmen's Compensation Ordinance, No. 35 of 1939; dated 22 January 1940.

² *Sierra Leone Royal Gazette*, 2 July 1940.

³ Kenya Mining Ordinance, No. 29 of 1940; dated 24 August 1940.

ance with the 1939 International Labour Conventions and the recommendations of the Labour Adviser to the British Secretary of State for the Colonies.

All penal sanctions for labour offences are abolished in the case of children under sixteen years of age. In the case of adults penal sanctions are abolished for absence without leave, neglect of duty, refusal to obey an employer's orders, and loss of property by herdsmen. In addition the penal sanction for harbouring workers who have deserted is abolished.

Other provisions of the Ordinance repeal the power of father or guardian to contract children under sixteen years, make minor changes in regard to repatriation rights, and prohibit the payment of wages in shops, stores or canteens or by shop, store or canteen keepers.¹

Other African labour legislation relates principally to child labour. The Tanganyika Employment of Women and Young Persons Ordinance, 1940, applies six of the early International Labour Conventions governing the employment of women and children. (Night Work, Women; Minimum Age, Industry; Night Work, Young Persons; Minimum Age, Sea; Minimum Age, Trimmers and Stokers; Medical Examination of Young Persons, Sea). It does not provide for a general minimum age for all forms of employment, such provision being considered by the Governor as neither practicable nor desirable. Children under fourteen years of age, however, may not be employed except as domestic servants unless they are able to return home at night, and juveniles under sixteen years of age may only, with the consent of the competent government officer, be employed outside their district or within their district if it is not reasonably possible for them to go home at night.² A Gambia Bill (Labour (Amendment) Ordinance, 1940) prohibits the employment of children under fourteen years of age in industrial undertakings and of children under twelve years of age in any capacity whatsoever other than light work of an agricultural, horticultural or domestic character by a member of the child's family.³

Of a different nature, being directly connected with the war effort, are the Kenya Defence (Native Personnel) Regulations, 1940. These regulations provide that where the Governor is satisfied that it is necessary for the defence of the Colony that Natives should be employed, either on specific duties in connection with work of a military character, or as members in the East African Military Labour Service Unit, such Natives may be conscripted. In selecting Natives the Government officers are instructed to have due regard to the necessities of civil life and the circumstances of each case. Provision is made for medical examination. Remuneration is to be as prescribed for service in the East African Military

¹ *Northern Rhodesia Government Gazette*, 19 July 1940.

² Tanganyika Employment of Women and Young Persons Ordinance No. 5 of 1940; dated 29 March 1940. *Parliamentary Debates, House of Commons*, 17 July 1940.

³ *Gambia Government Gazette*, 14 Dec. 1940.

Labour Service Unit or, in the case of any Native selected for employment on specific duties in connection with work of a military character, at the ordinary rate of pay current for such class of employment in the area of employment.¹

Labour legislation has also been adopted recently in parts of the British West Indies. In Jamaica the Factory Law, 1940, provides for the inspection and registration of factories; the Recruiting of Workers Law, 1940, applies the International Labour Convention on this subject, and the Masters and Servants (Amendment) Law, 1940, abolishes penal sanctions for labour officers.² In British Honduras the Labour (Minimum Wage) Ordinance, 1940, provides for the establishing of minimum wage fixing machinery.³ In St. Vincent the Recruiting of Workers Ordinance, 1940, and the Recruiting of Workers Regulations, 1940, apply the International Labour Convention on the subject⁴, and the Employment of Children (Prohibition) Ordinance, 1940, fixes fourteen years as the general minimum age for admission to employment.⁵

A list of the laws and regulations relating to labour matters which have been passed or brought into force in the British colonies, protectorates, protected states, and mandated territories since the outbreak of war was recently communicated to the International Labour Office by the British Colonial Office.

This list contains 110 laws and regulations and covers 34 different territories. While a few of these measures are of minor significance the great majority are highly important. In communicating the list, the Colonial Office states:

We feel that the list is a striking testimony to the fact that, so far from arresting the consideration of labour problems in the colonies, the war has given a new impetus to the determination of those who are anxious to solve them.

¹ *Kenya Official Gazette*, 3 Sept. 1940.

² *Jamaica Royal Gazette*, 30 May, 27 June, and 25 July 1940.

³ *British Honduras Gazette*, 1 June 1940.

⁴ *St. Vincent Government Gazette*, 11 June 1940.

⁵ *St. Vincent Employment of Children (Prohibition) Ordinance*, No. 8 of 1940; dated 14 September 1940.