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## INTERNATIONAL LABOUR REVIEW

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### The Twenty-Ninth Session of the International Labour Conference

Montreal, September-October 1946

THE TWENTY-NINTH Session of the International Labour Conference was held in Montreal at the invitation of the Canadian Government. Its proceedings took place under most favourable conditions in the buildings of the University of Montreal which had been made available to the International Labour Organisation. With the kind assistance of the Canadian Government, the municipal authorities of Montreal, and the University of Montreal, all the difficulties involved in the organisation of such a large Conference were satisfactorily solved.

The following items were on the agenda:

- I. Director's Report.
- II. Constitutional questions.
- III. Protection of children and young workers:
  - (a) Medical examination for fitness for employment (young workers), second discussion;
  - (b) Restriction of night work of children and young persons (non-industrial occupations), second discussion.
- IV. Minimum standards of social policy in dependent territories (provisions suitable for a Convention), first discussion.
- V. Reports on the application of Conventions (Article 22 of the Constitution).

In addition, as a consequence of the dissolution of the League of Nations, the International Labour Conference was called upon for the first time to deal with financial and budgetary matters relating to the working of the Organisation.

## COMPOSITION OF THE CONFERENCE

The number of States Members represented at the Conference totalled 46.

Within the meaning of Article 3 of the Constitution, 35 delegations were complete, that is to say, they included, in addition to two Government delegates, one employers' and one workers' delegate. Two delegations each included only one non-Government delegate, and another included only one Government delegate. The remaining eight were composed solely of Government delegates.

Altogether 159 delegates, with 241 advisers and substitutes, took part in the work of the Session.

Another 14 persons had been appointed by Canada as representatives of provincial Governments accompanying the Government delegates of a federal State, in accordance with Article 2, paragraph 3(d) of the Conference Standing Orders, as amended during the course of the 27th Session (Paris, 1945).

The Conference was distinguished by the presence, among the Government delegates, of the President of the Luxembourg Government and the Ministers of Labour or Social Affairs of Belgium, Canada, Costa Rica, Egypt and Greece.

Besides the delegations of the States Members, the Conference welcomed also the accredited representatives of the Republic of the Philippines and Salvador, which, although not Members of the Organisation, had been invited to send observers. Salvador, and also Nicaragua, had made application for readmission to the Organisation, while the Lebanon Government had made a request for the admission of the Republic of the Lebanon to membership of the Organisation. The Selection Committee of the Conference adopted a report declaring that these three States, which were Members of the United Nations, were now entitled, in view of the fact that the Instrument for the Amendment of the Constitution of the International Labour Organisation, adopted by the Conference at its Paris Session, had now come into force, to become members of the International Labour Organisation under the terms of Article 1, paragraph 3, of the amended Constitution "by communicating to the Director of the International Labour Office" their "formal acceptance of the obligations of the Constitution of the International Labour Organisation".

Several official international organisations were represented at the Conference. The Secretary-General of the United Nations, Mr. Trygve Lie, headed the United Nations delegation. The United Nations Relief and Rehabilitation Administration, the United Nations Educational, Scientific and Cultural Organisation,

the Intergovernmental Committee on Refugees, and the Provisional International Civil Aviation Organisation were also represented.

*Officers of the Conference*

The Conference unanimously elected as its President Mr. Humphrey Mitchell, Minister of Labour of the Dominion of Canada. Mr. Mitchell, who had maintained continuous relations with the International Labour Office since the transfer of its working centre to Montreal, and had already taken part in the 26th Session of the Conference at Philadelphia, carried out the duties of his high office with admirable courtesy and authority.

The Government Vice-President, elected by the Conference, was Mr. A. M. Joekes, Netherlands Government delegate, who was attending the Conference for the first time since the War, although he had attended regularly before 1939. Once more the Conference demonstrated its confidence in Sir John Forbes Watson, United Kingdom employers' delegate, by appointing him employers' Vice-President. Mr. Carlos Fernández Rodríguez, Cuban workers' delegate, was elected workers' Vice-President.

*Verification of Credentials*

Objections were made to the Conference against the credentials of the Greek workers' delegate and his adviser and against those of the Indian workers' delegate and his advisers.

In the latter case, the Conference, on the advice of the competent Committee, rejected the protest which had been raised, considering that no proof had been submitted to it substantiating the contention that the workers' delegate of India and his advisers had been nominated in violation of the terms of the Constitution of the Organisation.

With regard to the objection to the credentials of the workers' delegate of Greece and his adviser, the Credentials Committee had not been able to arrive at a unanimous conclusion. The minority report of the Committee invited the Conference to refuse to admit the delegates concerned, considering that the Greek workers' delegate and his adviser had not been nominated in accordance with the terms of the Constitution of the Organisation and that the principle of trade union freedom stated in the Constitution had been violated. The majority report considered that the Greek Government had adopted the only course open to it to fulfil its obligations in compliance with paragraph 3 of Article 3 of the Constitution and recommended to the Conference that the protest lodged against the credentials of the Greek workers' delegate and his adviser be rejected.

The Conference adopted the conclusions in the majority report of the Credentials Committee and rejected the protest, at the same time calling the attention of the Greek Government to the need of holding trade union elections in the near future under entirely free conditions, with a view to the reorganisation of the trade union movement in accordance with the wishes of the workers of Greece.

#### DISCUSSION OF THE DIRECTOR'S REPORT

The Director's Report gave rise to a long and important discussion in which 65 speakers from 34 countries took part; 32 were Government representatives, 13 were employers' representatives and 20 were workers' representatives.

At the opening of the discussion, the Director of the International Labour Office indicated certain subjects which were suitable for an exchange of views or for the communication of direct information which appeared particularly valuable. In the first instance, it appeared useful to take stock of the range and nature of the activities of the International Labour Organisation, particularly as the Organisation was henceforward to be solely responsible for its finances. It also appeared desirable that each of the delegations should give the Conference information on the progress of reconstruction in the countries which they represented and inform the Conference regarding the structural reforms and new methods being adopted in the treatment of economic and social questions and the effects which they might have on the question of full employment. In this way the discussion might enable valuable information to be obtained which would provide the International Labour Organisation with the necessary documentation to enable it to adapt its programme to the needs of a constantly changing world.

A large number of speakers prefaced their remarks by personally congratulating Mr. Phelan on his appointment as Director of the International Labour Office and by thanking Canada for its hospitable welcome to the Conference, stressing the outstandingly important part played by this country during the last world war.

When considering the activities of the Organisation, the delegates found themselves in unanimous agreement in solemnly reaffirming their confidence in the Organisation and in its methods and aims. Every speaker emphasised that the winning of the peace was the essential problem, the solution of which did not depend only on political considerations but also required the disappearance of the economic war between nations. It was necessary for the peace to be built on a sound economic basis; the International Labour Organisation was the only institution possessing the necessary

democratic machinery to create a harmonious and equitable economic balance on the international plane. To this end the Organisation should co-operate closely with the United Nations; all the delegates expressed keen satisfaction at the agreement concluded between the two Organisations which should certainly be the starting point for fruitful co-operation towards the building of a just and peaceful world.

Among the urgent tasks confronting the International Labour Organisation, the delegates stressed in the first place the organisation of full employment, and it was generally agreed that the solution of this problem was beyond the power of any one nation. It was no longer a question of applying palliatives to the evil of unemployment; it was necessary to attack the causes of unemployment and to do that the Organisation had to draw up an international plan for employment on the basis of a complete picture of the requirements of the world at the present day and of its possibilities from the points of view of capital and labour. The majority of the Government delegates emphasised that the problem of employment was engaging the primary attention of their Governments and it was encouraging to hear the Government representative of the United States of America declare from the rostrum that the adoption in his country of the first measures to ensure full employment was due beyond all doubt to the influence of the Philadelphia Conference.

The speakers expressed satisfaction at the manifold activities of the Organisation during the previous year and especially at the excellent beginning made by the Industrial Committees. Reviewing the tasks confronting the International Labour Office, some delegates stressed the importance of the Eastern and Asiatic questions, to which the Organisation had not hitherto been able to devote as much attention as they deserved, the need for setting aside particular sessions of the Conference for the consideration of agricultural problems, and lastly the desirability of adopting a Convention concerning migration, and of re-establishing the Office service dealing with questions relating to salaried employees. A number of references were made to the need for observing appropriate international distribution in the selection of Office officials; finally, some speakers emphasised the universal character which the International Labour Organisation should strive to attain, in view of its duty, on the one hand, of endeavouring to ensure the participation of all the nations of the world and, on the other hand, of paying the fullest regard to new economic developments and especially to structural changes replacing the interests of individuals by the interests of the community.

The majority of the delegates endeavoured to present a complete picture of the efforts made in their countries to surmount the enormous economic and social difficulties resulting from the war. The struggle against inflation had been and still was for certain countries a question of life and death and only an increase in production could ward off this danger. In this connection, several representatives of European nations reminded the Conference of the magnificent example set by the workers in their countries who, although insufficiently fed, were nevertheless making admirable efforts to increase their output.

In his reply, the Director began by thanking the various speakers who had welcomed his appointment as Director. Referring to the distinction of his predecessors, Albert Thomas, Harold Butler and John Winant, and paying tribute to each of them, he assured the Organisation of his complete devotion and expressed the hope that he might prove worthy of the trust confided to him.

Turning to the discussion on his Report, the Director stressed how valuable such discussions always are. It was during such a universal exchange of experience that ideas were born which later bore fruit in national or international action. Therefore, all the older members of the Conference must have been struck, when reading the Report of the United Nations Temporary Sub-Commission on the Economic Reconstruction of Devastated Areas, by the number of proposals contained therein, in particular the proposals for international public works, which were first launched in International Labour Organisation discussions of this kind.

He agreed with all the delegates that international action was required to remedy the present economic and social chaos in the world and observed that now, when the United Nations had almost completed its machinery, the world had for the first time at its disposal the institutions which could meet its needs, the needs for peace, production and social justice. The Director referred to the statement of the Secretary-General of the United Nations that "the United Nations need the full and active support of the International Labour Organisation" and emphasised the teachings of experience: just as international organisations must work in the world as they found it, so, too, the different nations must work for peace, prosperity and social progress through the international organisations which they possessed, while knowing exactly what those organisations could do and the limits within which they could act. This was why an international conference could not act independently of, or in contradiction with, the States which it represented. Moreover, in addition to the limits of the competence of an organisation, it was necessary to realise that its resources

were always limited, which prevented it from dealing simultaneously with the study of a series of problems which in their scope and variety were beyond its capacity; it was a source of strength of the Organisation that it made a choice each year of a limited number of questions and tried to arrive at positive results concerning them.

Replying to the speakers who had stressed the importance of the changes in the economic and social structure taking place in the various countries, and particularly in Europe, the Director recalled the particular interest which the International Labour Organisation, as a live organisation, had always taken in the past in all new economic and social experiments. He expressed his conviction that it would continue to display this interest in the future and that the flexible nature of the Constitution of the Organisation would enable it to adapt itself to changing circumstances as the need arose.

Reviewing the criticisms made by certain delegates, which in his view were the very breath of life for a democratic institution, the Director admitted that some of them were well founded. He recognised that the Organisation must intensify the active interest which it had shown hitherto in the problems of Latin America and, in this connection, referred to the transmission to the Economic and Social Council of the resolution on industrialisation adopted by the Mexico Conference. Moreover, the Organisation would henceforth pay greater attention to Asiatic problems and the problems of the Middle East. The regional conferences which were planned by the International Labour Organisation during ensuing years indicated the great importance which the Organisation attached to the study of all these problems. With regard to agriculture, the Director expressed his conviction that the Governing Body would consider the steps to be taken when it received the report of the Permanent Agricultural Committee. Furthermore, the coming into existence of the Food and Agriculture Organisation, with which the International Labour Organisation had already established a basis of co-operation, should be of considerable assistance in the planning of international action in this field.

With regard to the international character of the staff, the Director assured the Conference that he would strive to secure, as recruitment progressed, that that pattern was achieved in reasonable proportions. Certainly the exigencies of the war had made a balanced recruitment impossible, but the present proportions were in process of being revised. In this connection, the Governments should assist the Office in its search for candidates with the necessary

qualifications, while respecting the liberty of choice of the Office. Moreover, while the staff should be better distributed from the international point of view, it was not because each country should be "represented" — the International Labour Office was an international and not a multi-national institution — but because a better balanced staff was a more effective instrument for the accomplishment of the international tasks of the International Labour Office.

Dealing with the question of the headquarters of the Organisation, the Director reminded the Conference of the three decisions which settled the position as far as it could be settled at that time. The first was the decision to hold the 30th Session of the Conference in Geneva; the second was Article X of the Draft Agreement between the United Nations and the International Labour Organisation whereby the International Labour Organisation "agrees to consult the United Nations before making any decision concerning the location of its permanent headquarters"; the third was the proposed Amendment to the Constitution of the International Labour Organisation, which gave the Conference the power to fix the seat of the Organisation. No decision, therefore, could be taken at that time and movements of the staff were simply administrative measures which did not affect or prejudice the ultimate decision as to headquarters.

The Director pointed out that the questions of industrial relations and of migration were among the most important questions with which the Organisation had to deal and that they would no doubt have an important place in the discussions at future Conferences. He also emphasised the various methods of making the work of the International Labour Organisation known, so as to secure for it still greater support by public opinion, and thanked the delegates and advisers who, by their public speeches or addresses on the radio, or by written articles, had contributed greatly to enlightening public opinion. It was the people who ruled in a democratic State, and if the people were to use their powers wisely and well they must have more definite knowledge of the instruments of Government, both national and international, which they had at their disposal.

After thanking the Canadian Government and the Canadian people for the warm hospitality offered to the International Labour Organisation, the Director concluded his speech by defining the characteristics of the world in which the Organisation must pursue its tasks and affirmed that, in view of the difficulties of the present day, the only road to follow was that of faith, determination, patience and hard work.

## ADDRESS BY MR. TRYGVE LIE

On 25 September 1946, during the discussion on the Director's Report, the Conference had the honour of listening to an address by Mr. Trygve Lie, Secretary-General of the United Nations.

Thanking Mr. Mitchell, President of the Conference, for his words of welcome, Mr. Trygve Lie recalled that he had been a member of the working class movement since boyhood and had consequently been directly concerned with the activities of the International Labour Organisation since its foundation and, although he last attended a meeting of the Conference in 1925, as adviser to the workers' group of the Norwegian delegation, he had nevertheless continued to keep track of the activities of the Organisation.

Praising the outstanding role played since its foundation by the International Labour Organisation, "which occupies itself with the real problems of life", he declared that the Declaration of Philadelphia "sums up the great social objectives of our time." Everything indicated that the role of the International Labour Organisation would be no less important in the future. Article 55 of the Charter laid down that the objectives of the United Nations were to "promote higher standards of living, full employment, and conditions of economic and social progress and development". According to Mr. Trygve Lie, "the accomplishment of the positive economic and social aims of the Charter will require more of our energy and resources than mere prevention of armed conflict", and, to attain those aims, "the United Nations needs the full and active support of the International Labour Organisation, an organisation which has proved its efficiency. On the other hand, the International Labour Organisation is bound to be strengthened by its close relationship with the United Nations and other specialised agencies." The Secretary-General of the United Nations expressed satisfaction at the conclusion of an agreement between the United Nations and the International Labour Organisation. He reviewed various articles of this agreement and referred in particular to the proper integration of work undertaken by these two Organisations and to their mutual representation at meetings of their respective Assemblies or committees.

Finally, speaking of the international political situation, Mr. Trygve Lie did not deny "that the situation has been marked by friction and misunderstanding", but he did not think that there was any need for either wonder or alarm because of these disputes. If during the war the Allies, united in their will to conquer, had laid aside their differences, it was nevertheless inevitable that those

differences should reappear when the war was over. However, it was essential that those differences should be settled as early as possible. They could not be settled except by agreement between the great powers since "the fact that the Charter gives the right of veto to each of these permanent members imposes upon them an obligation to seek agreement among themselves".

In conclusion, Mr. Trygve Lie expressed his faith in the future of the International Labour Organisation, and his conviction that "the long tradition of service to humanity of that Organisation" would be fully maintained under the leadership of Mr. Phelan, whom he congratulated on his appointment.

#### CONSTITUTIONAL QUESTIONS

During the course of its 26th Session at Philadelphia in 1944, the Conference had embarked on the problems relating to the amendment of the Constitution of the International Labour Organisation.<sup>1</sup> At its 27th Session at Paris in 1945, the Conference took definite decisions regarding a limited number of questions of particular urgency and adopted the Constitution of the International Labour Organisation Instrument of Amendment, 1945.<sup>2</sup>

The Conference referred all the other important outstanding questions concerning the Constitution and constitutional practice of the International Labour Organisation to a Conference Delegation which was instructed to prepare a report for the Conference so that final decision might be taken on these matters. The Delegation held its first session in London from 21 January to 15 February 1946, and its second session in Montreal on 13 May and in New York on 30 May 1946, under the chairmanship of Mr. G. Myrddin-Evans, Chairman of the Governing Body of the International Labour Office.

At its first session the Delegation adopted a comprehensive report on the questions referred to it; at its second session it gave special consideration, with the assistance of representatives of the federal States which are Members of the Organisation, to the problems which arise in connection with the application by federal States of the Conventions and Recommendations adopted by the International Labour Organisation.

The Committee set up by the Conference at its 29th Session to deal with the second item on the agenda, namely, constitutional questions, based its recommendations to the Conference, in regard to all essential matters, on the proposals of the Delegation. The

<sup>1</sup> *International Labour Review*, Vol. L, No. 1, July 1944, pp. 27-30.

<sup>2</sup> *Idem*, Vol. LIII, Nos. 1-2, Jan.-Feb. 1946, pp. 22-24.

Committee appointed as its chairman Mr. A. D. Lee, South African Government delegate. It appointed as its vice-chairmen Sir John Forbes Watson, United Kingdom employers' delegate, and Mr. Robert J. Watt, United States workers' delegate. The Committee made a thorough examination of all the proposals submitted to it as well as of suggestions put forward by its own members.

On the basis of the work of the Committee, the Conference adopted the Constitution of the International Labour Organisation Instrument of Amendment, 1946.

#### *The Instrument of Amendment*

Article 1 of the Constitution of the Organisation, which defines the purpose of the Organisation as being the promotion of the objects set forth in the Preamble, is amended by the addition of a reference to the Declaration of Philadelphia and the text of the Declaration is annexed to the Constitution. Thus, the Conference realised the hope which had been expressed at Philadelphia of seeing embodied in the general peace settlement that declaration of which President Roosevelt had said "it sums up the aspirations of an epoch which has known two world wars". The functions which the Declaration of Philadelphia assigns to the International Labour Organisation differ essentially in character from the functions of co-ordination which have devolved on the Economic and Social Council under the Charter of the United Nations and, from the beginning, were intended to be carried out within a general framework of co-ordinated effort for the purpose of establishing better conditions of living in a state of greater freedom.

The Instrument of Amendment contains a number of other amendments consequential upon the dissolution of the League of Nations which are complementary to the amendments approved by the 27th Session of the Conference concerning membership of the Organisation, finance, and the procedure for future amendments. Under the terms of one of these new amendments, the provision which attributed to the Council of the League of Nations the duty of deciding any question as to which are the States of chief industrial importance is replaced by a clause providing that the Governing Body shall, as occasion requires, determine which are the Members of chief industrial importance and that any appeal from the declaration of the Governing Body shall be decided by the Conference. Another amendment made necessary by the dissolution of the League of Nations provides for the transfer to the Director-General of the International Labour Office of the chancery functions hitherto entrusted to the Secretary-General of the League of Nations. Moreover, the function of nominating the members of Commissions



of Enquiry, hitherto entrusted to the Secretary-General of the League of Nations, is transferred to the Governing Body, and the function of communicating and publishing the reports of Commissions of Enquiry and receiving the replies of Governments, also entrusted hitherto to the Secretary-General of the League of Nations, is transferred to the Director-General.

The Instrument of Amendment also contains five amendments designed to facilitate co-operation between the International Labour Organisation and the United Nations. One of these amendments is a general provision that "the International Labour Organisation shall co-operate within the terms of this Constitution with any general international organisation entrusted with the co-ordination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields". The Conference intended the term "public international organisations" to include only international organisations the membership of which consists of States or Governments and noted that it has been used in this sense in the drafts of recent international instruments, including the Statute of the International Court of Justice. The other amendments relate to reciprocal representation at meetings, the proposal of items for inclusion in the agenda of the Conference and the deposit and registration of Conventions with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

Other amendments are intended to clarify the position of the Governing Body. Consequently, a special reference to the Governing Body has been included in Article 2 of the Constitution (which provided hitherto simply that the Organisation should consist of a General Conference and of an International Labour Office controlled by the Governing Body). In Article 9 there is a new provision that the staff of the International Labour Office shall be appointed by the Director-General "under regulations approved by the Governing Body"; in Article 10 it is provided that the functions of the International Labour Office are to be discharged "subject to such directions as the Governing Body may give"; another amendment gives to the Governing Body the same powers as the Conference to order the conduct of special investigations by the Office and to assign to the Office powers and duties other than those specifically provided for in the article.

The title of Director of the International Labour Office is changed to that of Director-General as is the case with regard to the other specialised agencies. When amending the Constitution, the Conference adopted a further provision affirming the exclusively

international character of the Director-General and the staff of the International Labour Office.

In Article 10 of the Constitution, a special clause has been included providing that, subject to such directions as the Governing Body may give, the Office will "accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection".

Another new provision lays down that "the International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international organisations, including international organisations of employers, workers, agriculturists and co-operators".

Important amendments were proposed by the Government delegates of India, Mr. S. Lall, and Diwan Chaman Lall, to provide for more equal representation among the Members of the Organisation and to ensure that its proceedings should have real value. The Conference adopted some of these proposals. Thus the provision requiring a simple majority vote to remove the disqualification from voting, as provided by the Constitution as amended at Paris in respect of States Members which are in arrears in the payment of their financial contribution, has been replaced by a provision for a two-thirds majority. The Conference considered it unwise to permit Members to participate too easily in the taking of decisions by the Organisation if they were not at the same time discharging all their obligations in full. An amendment to Article 15 provides also that the reports relating to items on the agenda of the Conference shall be transmitted "so as to reach the Members in good time to enable them to consider these reports thoroughly before the Conference", and that "the Governing Body shall make rules for the application of this provision". Delay in the receipt of documents, especially in the case of those countries situated at a considerable distance from the headquarters of the International Labour Office, renders it impossible to consider them adequately and does not permit of the necessary instructions being given to delegations.

After a lengthy debate in the Committee on Constitutional Questions, the Conference, on the recommendation of the Committee, decided to leave unchanged the provisions of Article 7 of the Constitution, which reserve certain places on the Governing Body for representatives of non-European Governments, employers and workers. The Conference Delegation, on the initiative of its non-European members, had recommended the abrogation of these

provisions as obsolete. In making this proposal it was influenced by the fact that the geographical distribution of power and influence in the International Labour Organisation, as in international relations generally, had completely changed since those requirements were introduced into the Constitution in 1922, and by the fact that the Governing Body now includes a much larger number of non-European representatives than these constitutional provisions require. A number of proposals for the amendment of these provisions were made in the Committee on Constitutional Questions. The Indian Government member, in particular, supported by the Indian employers' and workers' members, urged that Asiatic and African representation was inadequate. The representatives of a number of Latin-American countries also urged that provisions reserving certain places on the Governing Body for non-European representatives should be retained. The Conference decided that for the time being the present text should not be changed.

The Committee on Constitutional Questions considered a proposal that the members of the Governing Body should be elected by the single transferable vote. It took the view that the method of election of members of the Governing Body is a matter which should be dealt with in the Standing Orders rather than in the Constitution and it decided to recommend that the Governing Body should consider the proposal and report upon it to the Conference.

Some important amendments were made to Article 19 of the Constitution designed to introduce three new obligations and to clarify the nature of Recommendations and the scope of the "without prejudice" clause in the existing paragraphs 10 and 11:

(a) The first of the amendments introducing new obligations provides that Members of the Organisation shall inform the Director-General of the measures taken in accordance with Article 19 to bring Conventions and Recommendations before the competent authority or authorities, with particulars of the authority or authorities regarded as competent and of the action taken by them;

(b) The second amendment substitutes for the existing clause "if the draft Convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member" a new provision that "no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention and showing the extent to which effect has been

given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise and stating the difficulties which prevent or delay the ratification of such Convention";

(c) The third amendment substitutes for the provision that, if on a Recommendation, no legislative or other action is taken to make the Recommendation effective no further obligation shall rest upon the Member, a provision that "apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they will report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation and showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them";

(d) The first of the clarifying amendments provides that proposals adopted by the Conference with regard to an item in the agenda shall take the form of a Recommendation "where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention";

(e) The second of the clarifying amendments substitutes for the existing provision that "In no case shall any Member be asked or required, as a result of the adoption of any Recommendation or draft Convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned" a more comprehensive provision that "In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation."

Various changes of a general nature were also made in Article 19 so as to present the existing obligations more clearly; the term "Convention" was substituted for the term "draft Convention" which is not used by any other international organisation and which has frequently led to misunderstanding in the past and has tended to obscure the binding character of the obligations resulting from the ratification of Conventions.

Another amendment clarifies the obligations of federal States under Article 19. In respect of Conventions and Recommendations



which the federal Governments regard as appropriate under their constitutional system for federal action, the obligations of the federal States shall be the same as those of other Members. In respect of Conventions and Recommendations which the federal Government regards as appropriate, in whole or in part, for action by the constituent States, provinces or cantons rather than for federal action, the federal Government shall—

(a) make effective arrangements for the reference of such Conventions and Recommendations to the appropriate federal or constituent authorities;

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

(c) inform the Director-General of the measures taken to bring such Conventions and Recommendations before the appropriate authorities with particulars of the action taken by them;

(d) report to the Director-General, at appropriate intervals as requested by the Governing Body, the position of federal, State, provincial, or cantonal law and practice in regard to unratified Conventions and Recommendations.

Generally speaking, opinions might differ as to the degree of success which the Conference has been able to achieve in regard to its pre-legislative functions, but it is generally recognised that the results attained have had a profound influence on social legislation in the greater part of the world during the last 25 years. The time had come, however, to draw up a balance sheet and to draw from it the necessary information for remodelling and re-equipping the Organisation so as to enable it to carry out its pre-legislative functions with greater efficiency.

The Ratification Tables, which Sir John Forbes Watson, United Kingdom employers' representative, had submitted to the Conference at its 27th Session<sup>1</sup>, had shown the necessity for strengthening the provisions in the Constitution dealing with these pre-legislative functions. Sir John Forbes Watson rendered an equally valuable service by calling attention to the outstanding importance, from the point of view of the efficient working and reputation of the Organisation, of scrupulously observing the obligations incurred by the ratification of Conventions. The time had come to undertake

<sup>1</sup> International Labour Conference, 27th Session, Paris, 1945: *Record of Proceedings* (Geneva, 1946), pp. 279-283.

a complete revision of Article 19; the amendments which have been made to it clarify or amplify some of the obligations of States Members with regard to Conventions and Recommendations, as well as some aspects of the constitutional practice of the Organisation in this connection and, consequently, improve the efficiency of the machinery of the Organisation.

The provisions of the Constitution concerning economic sanctions contained in the existing text of Article 28 (paragraph 2) and Articles 32, 33 and 34 are eliminated and replaced by a new provision to the effect that in the event of any Member failing to carry out the recommendations of a Committee of Enquiry or the International Court of Justice, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance with the obligations required.

Article 35 of the Constitution has been amended in order to improve the procedure for the application of Conventions to non-metropolitan territories, especially where the subject matter of a Convention is within the self-governing powers of the territory.

Another provision authorises the Organisation to "convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation" and provides that "the powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation".

Two new articles deal with the legal status and immunities of the Organisation: the first relates to the juridical personality of the Organisation and the second deals with the privileges and immunities of the Organisation itself, delegates to the Conference, members of the Governing Body, the Director-General and officials of the Office, specifying that "such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members". The Conference adopted a Resolution referring to the Governing Body for fuller consideration the preliminary text of a proposed Convention on the privileges and immunities of the International Labour Organisation specifying the methods by which these principles should be applied.

The Constitution of the International Labour Organisation Instrument of Amendment, 1946, was adopted by the Conference by 124 votes to nil.

It was completed by a Convention for the partial revision of the final articles of international labour Conventions already adopted, for the purpose of making provision for the future discharge of

certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations.

### *Ratification.*

The Constitution of the International Labour Organisation Instrument of Amendment, 1945, having entered into force, in accordance with Article 6 of the Instrument, on 26 September 1946, the date of its ratification by three quarters of the Members of the Organisation, the Conference adopted a resolution in which it expressed its keen appreciation of the prompt ratification by the Members of the Constitution of the International Labour Organisation Instrument of Amendment, 1945, and its hope that Members would find it possible to ratify equally promptly the Instrument of Amendment of 1946 and the Final Articles Revision Convention.

### *Proposed Changes in the Composition of the Conference*

The Conference devoted two days' discussion to a proposal by the French Government to amend the present composition of the International Labour Conference.

The French Government proposed that the Conference should consist of six representatives of each Member, of whom two should be Government delegates, two should represent the employers<sup>1</sup> and two the workers, and that one of the employers' representatives should be chosen "from among the managers of undertakings possessed or controlled by public organisations where these may exist". In support of this amendment it was argued that a general movement towards a directed economy could be observed in the world and that the Organisation should reflect this movement. An amendment proposed by the Cuban Government provided for three Government delegates, two employers' delegates and two workers' delegates. In opposition to the French amendment it was contended that any change in the proportionate strength of the three groups would cut at the roots of governmental responsibility in regard to the Organisation's legislation and finance and that this consequence would be particularly serious at a time when the Organisation was amending Article 19 of the Constitution with a view to securing the acceptance by Governments of increased obligations in connection with its legislative activities and when it was for the first time solely responsible for its finances. It was argued that the proposal made with regard to the representation of socialised management would provoke an ideological conflict

which would create a profound division of opinion within the Organisation and fundamentally impair its utility as an instrument of co-operation between labour and management; it was also urged that any increase in the number of workers' delegates which would allow representation for separate labour movements would foster disunity within the ranks of the workers.

In view of the opinions expressed, the French and Cuban amendments were withdrawn, but it was understood that the question of planned economy remained before the International Labour Organisation. The Committee having reached agreement on this question, the Conference expressed its unanimous desire for the active participation in its work of all the Members of the United Nations and of all important sections in the labour movements of all Member States. The Committee on Constitutional Questions had drawn the attention of the Conference in this connection to a passage in the first report of the Conference Delegation on Constitutional Questions, in which the Delegation emphasised that appropriate provision for the representation of socialised management and of different sections of the labour movement could be made within the framework of the present system, and expressed its desire for the active participation as Members in the International Labour Organisation of States with all types of economic and social structure.<sup>1</sup>

### *Standing Orders*

In addition to constitutional questions properly so called, the Conference adopted certain amendments in its Standing Orders in order to give effect to the resolution concerning the use of the Spanish language adopted at the 27th Session.

To consider this question, the Conference set up a Standing Orders Committee, which appointed as its chairman Mr. Hearne, Irish Government member, with Mr. Kuntschen (Switzerland) as employers' vice-chairman, and Mr. Bullock (United Kingdom) as workers' vice-chairman, and Mr. de Sandoval, Cuban Government member, as reporter.

On the report of this Committee, the Conference approved a number of amendments in the provisions of its Standing Orders concerning the language to be used in plenary sessions and in meetings of Committees. The Conference took note of the desire expressed by several representatives of Spanish-speaking countries that the Organisation should reconsider in the near future the

<sup>1</sup> I.L.O.: *Report of the Conference Delegation on Constitutional Questions on the Work of its First Session* (Montreal, 1946), pp. 93-97.

possibility of giving to the Spanish language the same status as is given to English and French.

### PROTECTION OF CHILDREN AND YOUNG WORKERS

With regard to the third item on its agenda, the Conference held a second discussion with a view to arriving at final decisions regarding the two distinct questions which the Conference had postponed at its 27th Session with this end in view, when it had examined fully all the questions concerning the training of the child to play his part as a future worker, and the protection of young workers. These questions were the medical examination for fitness for employment of children and young persons and the restriction of night work of children and young persons in non-industrial occupations.

In the period between the two general sessions of the Conference, the Office had consulted Governments on the points selected by the Conference in connection with both these matters and, on the basis of the replies received from the Governments, had prepared two Conventions and a Recommendation concerning medical examination for fitness for employment and a Convention and a Recommendation concerning restriction of night work.

The Conference referred the Office report and the proposed texts contained in it to a Committee, which appointed as its chairman Mr. Luis Alvarado, Peruvian Government delegate and representative of Peru on the Governing Body. The vice-chairmen of the Committee were Mr. Louis Cornil, Belgian employers, delegate, and Miss Florence Hancock, United Kingdom workers, adviser. The Committee appointed as its reporters Miss Olga Raffalovich, French Government adviser, and Miss Beatrice McConnell, United States Government adviser. A representative of the United Nations attended the sittings of the Committee.

#### *Medical Examination for Fitness for Employment*

On the question of medical examination for fitness for employment of children and young persons, the Conference, on the recommendation of the Committee, adopted a Convention applicable to industry, a Convention applicable to non-industrial occupations and a Recommendation containing suggestions on the methods of application of both Conventions. In view of the fact that, in 1921 the Conference had adopted the Convention concerning the Medical Examination of Young Persons (Sea), the question of medical examination for fitness for employment of young workers is now, as a result of the decisions adopted at the 29th Session, regulated

internationally with regard to all kinds of occupations with the exception of agricultural occupations. The Conference was anxious to remedy this latter omission as quickly as possible and consequently adopted a resolution urging that the Permanent Agricultural Committee should study the question with the least possible delay with a view to it being placed on the agenda of the Conference.

The Convention concerning Medical Examination for Fitness for Employment of Children and Young Persons was adopted by 123 votes without objection. Its application extends to all industrial activities without distinction as to the form in which they are carried on; in fact, by deleting a proposal contained in the Office draft providing for the possible exemption of certain kinds of family establishments, the Conference declared itself in favour of the application of the system of medical examination to all industrial undertakings without exception. Moreover, the Conference was careful to draft the Convention in such a way that its provisions would protect apprentices working without remuneration and assistants of an adult worker not directly connected with an undertaking by a contract of employment, in addition to workers receiving direct remuneration in an undertaking. The desire to make as universal as possible this fundamental means of protecting young workers afforded by medical examination for fitness for employment was one of the predominant features of the discussions which were held on this question.

With regard to the age of the persons protected, the Convention is generally applicable to children and young persons under the age of 18 years, but the age up to which protection is given is increased to 21 years in the case of work particularly dangerous to health. Special regulations, however, are laid down in the case of India, lowering these respective age limits by two years.

The Convention imposes the obligation for the medical examination both before admission to employment and also during the course of the employment, at intervals of not more than one year and more frequently in cases involving special circumstances. The certificate of fitness for employment may be issued for a specified job or for a group of jobs involving similar health risks so that changes in employment as between occupations in the same group does not necessarily involve a medical re-examination. Specified conditions of employment may be prescribed.

Provision is made with regard to unfit persons: the Convention provides that appropriate measures shall be taken for their physical and vocational guidance and readaptation. In cases in which the fitness for employment is not clearly determined, the employment

may be authorised temporarily under medical supervision or on special conditions.

With regard to the documents required to be filed as a proof of fitness for employment, the Convention leaves a fair amount of latitude to the national authorities, so as to enable the system of medical examination to be incorporated without difficulty into the administrative practice of each country.

In addition to the relaxation allowed in the case of India — the lowering of the age limit already referred to, a more limited field of application, and exemption from the obligation to take measures for rehabilitation of the unfit — the Convention also includes temporary relaxations which might benefit certain countries: exemptions in favour of sparsely populated regions and areas in a backward stage of development, on the one hand, and, on the other hand, lowering of the age limit to which protection is given, during a transitional period, in the case of Members having no laws concerning the question prior to the date on which they adopted the legislation enabling them to ratify the Convention.

The Convention concerning the Medical Examination of Children and Young Persons for Fitness for Employment in Non-Industrial Occupations was adopted by 81 votes to 25. As was explained by the speaker on behalf of the employers, many of whose members voted against the Convention, this vote did not imply any opposition to the measures provided in the text, but merely opposition to the text being in the form of a Convention; the employers' members had proposed, without success, that only a Recommendation should be adopted with regard to non-industrial occupations in order to permit of more flexible adaptation to national systems.

It was, therefore, unanimously recognised that the medical examination for admission to employment was desirable both in the case of non-industrial occupations and in the case of industrial occupations.

In its broader aspects, the Convention is similar to that concerning industrial occupations; it differs from it, however, on certain important points. In the first place, to take into account the administrative difficulties which would be involved by the application of the regulations to family undertakings, it authorises the exemption of these undertakings, in the case of "work which is recognised as not being dangerous to the health of children or young persons". In the second place, it contains particular provisions to ensure the application of the regulations to unremunerated forms of work which frequently occur in the carrying on of non-industrial occupations and, particularly, in the case of itinerant trading.

The Recommendation which accompanied these two Conventions was adopted by 119 votes without objection; it dealt purely with details of administrative practice.

### *Restriction of Night Work in Non-Industrial Occupations*

With regard to the restriction of night work of children and young persons in non-industrial occupations, one Convention and one Recommendation were adopted. The Convention was adopted by 111 votes without objection, and the Recommendation by 123 votes without objection. The drawing up of these texts was the subject of lengthy discussions. Although some members of the Conference expressed their regret that certain standards in the Convention were not set at a higher level, the Convention may be considered to be a most valuable instrument of social progress. It acquires particular importance in view of the lack of national legislation with regard to the work of children and young persons in non-industrial occupations and, especially, in view of the almost universal absence of regulations determining the age for admission to the manifold types of activity included in the term "non-industrial" according to its interpretation in decisions of the International Labour Organisation, that is to say, activities which are neither industrial, agricultural nor maritime. The fact that many countries have not yet prescribed regulations governing the serious question of work by young children in this sphere of economic activity has resulted in innumerable children of an age lower than the minimum specified by either of the Conventions relating to non-industrial occupations (14 and 15 years respectively) still working in those occupations. Many of them are working late in the evening or until the early hours of the morning delivering groceries or pharmaceutical supplies, delivering milk, bread or telegrams, working as hotel pages, selling newspapers in the streets, assisting in gambling establishments or selling sweets or programmes in theatres, a variety of occupations which are often carried on by children of school age either before or after school hours. The Convention, at least, restricts night work for these children by ensuring to the youngest of them a rest period of 14 consecutive hours, while it ensures a rest period of 12 consecutive hours to children normally admissible to full-time employment, in accordance with the Conventions concerning minimum age of admission for these occupations, as well as to young persons under 18 years of age.

The Convention however contains various derogations. It authorises a reduction of the rest period at night in the case of hot countries on condition that compensatory rest is accorded during

the day. It provides for various modifications in the case of exceptional requirements in the national interest and, by a system of temporary individual licences, when the special needs of vocational training so require. It authorises young workers to appear as performers in public entertainments or in the making of cinematographic films under strictly specified conditions. In view of the difficulties involved in the supervision of its application to these activities, the Convention accords exemption to domestic service and certain family undertakings. Finally, it lays down special regulations for India.

The majority of the Members of the Conference recognised the necessity for these relaxations of the general rules in the face of criticism from those who had favoured a more rigid text. It is noteworthy that the relaxations permitted are introduced prudently by providing for strict official control. Moreover, the supplementary Recommendation urges States to restrict as far as possible any recourse to the derogations allowed under the Convention which are, in any event, more limited than those included in the Convention concerning night work of children in industry. It will be remembered that, at its 27th Session, the Conference recommended the revision of this Convention, for the very purpose of raising the standards and restricting the permitted exceptions.

It would be most desirable for the Convention of 1946 concerning the restriction of night work of children and young persons in non-industrial occupations to be ratified speedily by a large number of countries, without prejudice to the ratification of the Conventions concerning minimum age of admission to non-industrial occupations which the competent Committee at the 29th Session of the Conference once again urged the States Members to ratify.

#### SOCIAL POLICY IN DEPENDENT TERRITORIES

The Conference had a heavy programme with regard to dependent territories. At its Paris session, the Conference had decided to embody in a Convention those provisions contained in the Recommendations made at Philadelphia and Paris which were suitable. However, it appeared difficult to include all the relevant provisions in a single Convention. It was not merely a question of providing a solution for a large number of important and varied social problems. On the one hand, the Conference had to consider the possibility of regulating by a Convention the maximum length of contracts of employment, which question had been left in abeyance since the 1939 session of the Conference and, on the other hand, had to consider the desirability of ensuring the application in non-

self-governing territories of provisions contained in a number of international Conventions of a general kind.

To attain this threefold object, the Office submitted to the Conference draft conclusions relating to the adoption of three separate Conventions.

The first draft related to a Convention concerning social policy in general. It was based on the fundamental principles adopted at Philadelphia and added to them regulations relating to the economic development of non-self-governing territories, the principle social problems, the association of the peoples with the policy of social progress (if possible through their own elected representatives) and the improvement of the standard of living. Other provisions dealt with the living conditions of agricultural producers, the prohibition of discrimination between workers, education, training in industrial skill, status of women, right of association, settlement of collective labour disputes and labour inspection.

A second draft related to a Convention concerning the application of international labour standards to non-self-governing territories. The purpose in this case was to suggest to States that they should ratify a number of international labour Conventions, of a general nature, adopted at earlier dates and suitable for application to non-self-governing territories. The international Conventions which it was suggested should be ratified were as follows:

- Convention concerning Childbirth, 1919.
- Convention concerning Night Work (Young Persons), 1919.
- Convention concerning Minimum Age (Trimmers and Stokers), 1921.
- Convention concerning Medical Examination of Young Persons (Sea), 1921.
- Convention concerning Weekly Rest (Industry), 1921.
- Convention concerning Equality of Treatment (Accident Compensation), 1925.
- Convention concerning Workmen's Compensation (Accidents), 1925.
- Convention concerning Marking of Weight (Packages Transported by Vessels), 1929.
- Convention concerning Night Work (Women) (Revised), 1934.
- Convention concerning Underground Work (Women), 1935.
- Convention concerning Minimum Age (Sea) (Revised), 1936.
- Convention concerning Minimum Age (Industry) (Revised), 1937.

A third draft related to a Convention concerning the maximum length of contracts of employment. It was necessary to remedy an omission in the Contracts of Employment (Indigenous Workers) Convention, 1939. The draft made it obligatory to prescribe a maximum period of service in the case both of written contracts and of verbal contracts and specified a length intended to serve as an international standard for the various circumstances which might arise: long and expensive travel or otherwise; displacement



of the worker, either accompanied by his family or alone. Finally, it defined the exceptions which might be allowed by the authorities in the case of certain kinds of contracts or undertakings.

To examine all these problems, which formed the fourth item on the agenda, the Conference set up a Committee which met under the chairmanship of Senator Thomas, United States Government delegate. The vice-chairmen of the Committee were Mr. Paul Finet, Belgian workers' delegate and Mr. A. R. I. Mellor, United Kingdom employers' adviser. The Committee appointed as its Reporter Senator William Van Remoortel, Belgian Government adviser. An observer from the Republic of the Philippines attended the meetings of the Committee. In addition, an observer from the United Nations (Division of Non-Self-Governing Territories) had been appointed by his Organisation to follow the discussions, and, by decision of the Conference, a technical expert of the General Confederation of Jewish Labour in Palestine was added to the Committee as an assessor without power to vote, in virtue of Article 18 of the Constitution of the Organisation.

The task of the Committee was in the nature of a preliminary examination. Under the rules governing procedure by double discussion, no final vote could be taken on the proposed Conventions at the 29th Session of the Conference. The Committee's work was further facilitated by the fact that all the Governments, with the exception of that of India, had revealed general agreement, in their replies to the Office questionnaire, on the desirability of including in a Convention several general provisions contained in the Recommendations adopted by the Conference at its sessions in Philadelphia and Paris. Another encouraging sign from the point of view of the Organisation was the deposit of a detailed report by the United Kingdom Government, immediately before the opening of the Conference, which dealt with the measures taken to give application to the Philadelphia Recommendation of 1944.<sup>1</sup> These measures demonstrated the possibility of practical application in non-self-governing territories of the provisions adopted by the Conference.

The three drafts submitted to the Committee were adopted by it and later by the Conference, the first with some amendments and the other two without modification.

At the same time as it submitted the three drafts of conclusions relating to proposed Conventions, the Office submitted a draft resolution concerning freedom of labour.

This draft was of great importance, as it was intended to draw the attention of Governments to the urgent necessity for the ratifica-

<sup>1</sup> Cf. *International Labour Review*, Vol. LIV, Nos. 5-6, Nov.-Dec. 1946, p. 363.

tion and application of the Forced Labour Convention, 1930, the Recruiting of Indigenous Workers Convention, 1936, the Contracts of Employment (Indigenous Workers) Convention, 1939 and the Penal Sanctions (Indigenous Workers) Convention, 1939.

A most interesting discussion preceded the vote on this resolution. The representatives of several States made statements in the Committee which gave grounds for anticipating further ratifications of Conventions.

The Belgian Government member stated that draft legislation for the ratification of the Conventions on Recruiting and Contracts of Employment had been laid before the Parliament of his country and that the ratification of the Penal Sanctions Convention was anticipated, subject to a reservation that the abolition of these sanctions should in practice apply only to workers whose apparent age was less than eighteen years.

The French Government member referred to the law adopted by the French Constituent Assembly on 11 April 1946 expressly forbidding forced labour and any kind of direct or indirect constraint.<sup>1</sup> He emphasised the desire of the French Government to initiate ratification of the Conventions on Recruiting, Contracts of Employment and Penal Sanctions at the earliest possible date.

The Indian Government member pointed out the technical difficulties which stood in the way of his Government's ratification of the Forced Labour Convention. He declared that his Government was endeavouring to find a solution to these difficulties.

The Netherlands Government member stated that his Government had agreed to ratify the Convention on recruiting and that the putting of the Convention into application had been delayed only by the need for modification of the terms of the Netherlands Indies Recruiting Ordinance. He affirmed that the Convention concerning penal sanctions would be ratified since it was in accordance with existing law. The ratification of the Convention concerning contracts of employment would be considered as soon as conditions in Indonesia were such as to permit consideration of applying it.

The Australian Government had already declared its intention of considering the ratification of these Conventions.

These various statements were incorporated in the text of the resolution.

Another resolution adopted by the Committee and the Conference incorporates a number of aspirations expressed by various members of the Committee, all of which relate to activities to be undertaken by the International Labour Office.

<sup>1</sup> *Idem*, Vol. LIV, Nos. 1-2, July-Aug. 1946, p. 79.

The first point, proposed by the United States Government member, requests the International Labour Office to be prepared to furnish technical assistance to Governments making enquiries into living conditions in non-self-governing territories, so that the information made available shall be on a comparable basis and contribute in the future towards the establishment of an international standard of living. This proposal was the result of an exchange of views following a statement by the Indian workers' member that if the Governments alone were to determine minimum standards of living the results obtained would be lacking in uniformity. The intervention of the International Labour Office in this sphere should ensure that such enquiries will be made on a regular and comparable basis.

The second point originated in the questionnaire communicated by the Office to the Governments before the Conference, in which the Governments were asked to consider the possibility of holding special meetings to study the factual problems which arise in the practical application of the principles contained in any Convention concerning social policy in non-self-governing territories. The United Kingdom Government member proposed a draft resolution to serve as a basis for the discussion. This text, which was altered on the proposal of the United Kingdom workers' member, invites the Governing Body "to consider the question and the methods of holding regular meetings of the interests concerned to further the practical application of the provisions of the proposed Convention. . . in the event that such a Convention is adopted by the next general session of the Conference". This proposal was unanimously adopted.

The third point resulted from a proposal by the Portuguese employers' member that inter-colonial regional commissions should be set up "for the study and removal of the barriers to the economic and social progress of the African continent". In virtue of the provisions of the Draft Agreement between the United Nations and the International Labour Organisation, it was suggested that this proposal be submitted to the United Nations.

The fourth point contained in the resolution, which contemplates the establishing of a regional office of the International Labour Office on the African continent, was the result of a proposal put forward by the workers' member of the Union of South Africa and altered at the suggestion of the United Kingdom Government member. The text adopted defines the scope of the proposed venture. The office would be set up by the International Labour Office for the purpose of supplying information to the competent authorities in dependent territories with regard to matters arising from any proposed application of any Convention and of making

the services of the International Labour Office available to those authorities, where they so desired, in the carrying out of investigations into the social conditions in the non-self-governing territories of Africa and reporting thereon.

It will be for the Governing Body of the International Labour Office to decide what steps should be taken to give effect to the different parts of this important resolution.

A final resolution approved the placing on the agenda of the next general session of the Conference of questions to be included in the proposed Convention or Conventions with a view to a final decision being taken in this connection in 1947.

The Committee held a general discussion on the question of industrial relations. It is clear from the replies from the Governments and from the nature of the discussion that this question requires thorough examination. A motion put forward by the United Kingdom workers' member proposed that "the Conference should direct that at the next Conference of 1947, an informed and special discussion should be arranged so that consideration should be given to the question of devising the most satisfactory and speediest development of methods of collective bargaining in non-self-governing territories. Meanwhile the Office is asked to continue its study of all aspects of the subject which could usefully be considered under this heading and to place the results of such study before the Committee which will be considering the proposed Convention on Social Policy in Dependent Territories".

This motion was adopted by the Committee without opposition.

#### APPLICATION OF CONVENTIONS

The Committee set up by the Conference to consider the question of the application of Conventions appointed as its chairman Mr. Zdzislaw Grabski, Government delegate of Poland. Mr. Harry Taylor, Canadian employers' delegate, and Mr. P. J. S. Serrarens, Netherlands workers' delegate, were elected vice-chairmen. Mr. Frank Pickford, Secretary to the United Kingdom delegation, was appointed reporter.

In all, 725 reports in respect of the application of the 52 Conventions in force had been requested from Governments under Article 22 of the Constitution for the period 1 October 1944 to 30 September 1945. By the time the Committee of the Conference concluded its work, a total of 523 reports had been received. In addition, a certain number of Governments had voluntarily communicated reports on the application of Conventions which had not yet come into force.

As regards the outstanding reports, the Committee recognised

that in many cases the failure to supply reports was due to the dislocating effect of the disturbed conditions in the countries concerned, arising directly out of the war. The Committee was unable, however, to accept this as true of all countries, and recommended that the Conference should, in those cases in which such extenuating circumstances were absent, ask the Office to address to the Governments a special appeal emphasising the importance of a prompt supply of annual reports. The Committee was of the unanimous opinion that it is essential for the proper working of the mechanism of supervision of the application of Conventions that annual reports should be subjected to the double process of examination by the experts on the one hand and by the Conference Committee on the other. If this were not ensured, the result would be prejudicial to those Governments which interpreted their obligations strictly and carried them out punctually. In spite of the difficulties and delays referred to above, the Committee felt that on the whole the Conference would be justified in regarding as encouraging the efforts made by Governments to fulfil their obligations in the matter of the submission of reports. The Committee decided, however, not to undertake a detailed examination of the application of Conventions country by country and Convention by Convention, as in pre-war days, but to confine its work to a general discussion about the problem of the application of Conventions. The Committee unanimously recommended that the normal procedure should be restored for the next session of the Conference.

The Committee noted the position of the Indian States in regard to ratifications undertaken by the Government of India. Certain members of the Committee expressed concern that there appeared to be no provision whereby the obligations of international Conventions might be extended to or assumed by the Indian States, although the decisions of the Conference were brought to the attention of the Indian States through the good offices of the Government of India.

With regard to the application of Conventions in non-self-governing territories, the Committee recommended that the Office should submit to the next session of the Conference a full report on the progress of legislation in such territories during the period 1939 to 1946.

The Committee devoted some attention to the legal effect of war on Conventions, and decided to request Governments to report measures taken to restore normal application in cases where suspensions of the provisions of ratified Conventions had been made, either in pursuance of clauses authorising suspension contained in the Conventions themselves or in cases of *force majeure*.

The report of the Committee gave rise to a thorough discussion in the plenary session of the Conference. The report was unanimously adopted by the Conference.

#### RELATIONS BETWEEN THE INTERNATIONAL LABOUR ORGANISATION AND THE UNITED NATIONS

The International Labour Conference at its 26th Session (Philadelphia, 1944) adopted a resolution requesting the Governing Body to appoint representatives with power to negotiate, if necessary prior to the next general session of the Conference, with international authorities on behalf of the Organisation concerning any constitutional questions which at any time require immediate action, including the relations of the Organisation with other international bodies. In pursuance of this resolution the Governing Body at its 93rd Session, which was held immediately after the Conference, appointed a delegation to conduct the negotiations to which the resolution quoted above refers.

At its 27th Session (Paris, 1945) the Conference adopted a resolution confirming that adopted at Philadelphia and defining its purpose more clearly. This resolution —

...3. Confirms the desire of the International Labour Organisation to enter into relationship with the United Nations on terms, to be determined by agreement, which will permit the International Labour Organisation, in which the representatives of workers and employers enjoy equal status with those of Governments, to co-operate fully for the attainment of these ends, while retaining the authority essential for the discharge of its responsibilities under the Constitution of the Organisation and the Declaration of Philadelphia; and

4. Authorises the Governing Body of the International Labour Office to enter, subject to the approval of the Conference, into such agreements with the appropriate authorities of the United Nations as may be necessary or desirable for this purpose.<sup>1</sup>

The Governing Body, which was re-elected during the 27th Session of the Conference, subsequently reappointed the Negotiating Delegation with a slightly changed composition, its terms of reference having been confirmed and clarified by the Conference resolution.

The Economic and Social Council of the United Nations, at its First Session in London in January-February 1946, adopted a resolution establishing a Committee of the Council to negotiate with intergovernmental agencies with a view to bringing them into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter. Under its terms of reference this

<sup>1</sup> I.L.O.: *Official Bulletin*, Vol. XXVIII, 15 Dec. 1945, p. 19.



Committee was instructed to enter into negotiations with the International Labour Organisation and with certain other specialised agencies and to submit a report on the negotiations to the second session of the Council together with a preliminary draft agreement with the agencies concerned. The resolution adopted by the Council also laid down directives concerning the agreements to be concluded, and these directives served as the groundwork of the agreement concluded with the International Labour Organisation.

Informal discussions took place between officials of the Secretariat of the United Nations and the International Labour Office. A preliminary text intended as a basis for discussion was submitted to the Committee of the Economic and Social Council on Negotiations with Specialised Agencies and to the Negotiating Delegation of the International Labour Organisation appointed in pursuance of the resolutions adopted by the Philadelphia and Paris Sessions of the Conference.

The two delegations met in New York on 28 and 29 May 1946 and their discussions resulted in an Agreement which was signed by the Chairman of the Economic and Social Council and by the Chairman of the Governing Body.

During its second session, on 21 June 1946, the Economic and Social Council unanimously approved the Agreement and recommended its adoption by the General Assembly of the United Nations.

The Agreement was laid before the 29th Session of the International Labour Conference and was adopted by acclamation. It was pointed out in the speeches made that the Agreement was an instrument which could not be amended unilaterally and the hope was generally expressed that the Agreement, which met the wishes of the Organisation, would be adopted without amendment.

Mr. Trygve Lie, Secretary-General of the United Nations, in his address to the Conference gave a broad definition of the Agreement. Paying tribute to the work of the Organisation, he said that in the International Labour Organisation "the United Nations looks to an organisation of proved efficiency, in which employers and workers as well as Governments are represented, to carry out one of the most important branches of this work". Article 55 of the Charter, he said, defined the economic and social objectives of the United Nations, but the United Nations itself did not possess the machinery to accomplish all these objectives, and that was why the specialised agencies had been set up. "The successful experience of the International Labour Organisation . . . proved the value of separate organisations with a large measure of autonomy operating

as instruments of international co-operation in their specific fields." To fulfil its tasks "the United Nations needs the full and active support of the International Labour Organisation. On the other hand, the International Labour Organisation is bound to be strengthened by its close relationship with the United Nations and other specialised agencies."

During the second part of the First Session of the General Assembly of the United Nations the Agreement was referred to the Joint Commission of the Second and Third Commissions, while its legal aspects were considered by the Sixth Commission. The report of the Joint Commission, recommending the ratification of the Agreement, was adopted by the Assembly on 14 December 1946. The Director-General of the International Labour Office took the opportunity of addressing the General Assembly of the United Nations and of emphasising the importance of the Agreement, which would inaugurate an era of fruitful collaboration between the two organisations.<sup>1</sup>

On 19 December 1946 the Secretary-General of the United Nations and the Director-General of the International Labour Office signed the protocol confirming the entry into force of the Agreement on 14 December 1946 in virtue of the approval of the General Conference of the International Labour Organisation and of the General Assembly of the United Nations, in accordance with Article 20 of the Agreement.

The preamble to the Agreement refers to the texts on which the Agreement is based, namely, the Charter of the United Nations and the resolution concerning the relationship between the International Labour Organisation and the United Nations adopted by the International Labour Conference at its 27th Session in Paris on 3 November 1945.

Article 57 of the Charter lays down that the various specialised agencies established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations.

The resolution adopted by the International Labour Conference on 3 November 1945 at its Paris Session confirms the desire expressed by the International Labour Organisation at the Philadelphia session of the Conference to enter into relationship with the United Nations on terms, to be determined by agreement, which will permit the International Labour Organisation, in which the representatives of workers and employers enjoy equal status

<sup>1</sup> Cf. *International Labour Review*, Vol. LIV, Nos. 5-6, Nov.-Dec. 1946, pp. 281-284.

with those of Governments, to co-operate fully for the attainment of the objectives of the United Nations while retaining the authority essential for the discharge of its responsibilities under the Constitution of the Organisation and the Declaration of Philadelphia.

Under Article 1 of the Agreement the United Nations recognises the International Labour Organisation as a specialised agency responsible for ensuring the accomplishment of the purposes set forth in its basic instruments.

Articles 2, 3, 4 and 5 of the Agreement form a group of provisions intended to lay the basis of co-operation between the two organisations. Article 2 provides for the reciprocal representation of the two bodies at each other's meetings. Representatives of the United Nations will be invited to participate without vote in the meetings of the Governing Body and its committees, the Conference and its committees, and all other meetings convened by the International Labour Organisation. On the other hand, representatives of the International Labour Organisation will be invited to participate without vote in the deliberations of the Economic and Social Council, and of its committees and commissions, with respect to items on their agenda in which the International Labour Organisation has indicated that it has an interest. At the General Assembly the representatives of the International Labour Organisation attending its sessions in a consultative capacity may present the views of the Organisation on questions within the scope of its activities. The representatives of the Organisation will be invited to attend the meetings of the Commissions of the General Assembly in which the International Labour Organisation has an interest and to participate in their deliberations without vote. The participation of the International Labour Organisation in the work of the Trusteeship Council will be on the same basis as its participation in the work of the Economic and Social Council.

Under Article 3, subject to such preliminary consultation as may be necessary, the International Labour Organisation will include in the agenda of the Governing Body items proposed to it by the United Nations. Similarly, the Economic and Social Council and its commissions and the Trusteeship Council will include on their agenda items proposed by the Organisation.

Article 4 provides that the International Labour Organisation, having regard to the responsibilities of the United Nations in the economic and social fields and to its co-ordinating functions, shall submit to the Conference, the Governing Body or any other appropriate agency any recommendations which the Assembly or the Economic and Social Council may make to it. The International Labour Organisation will enter into consultation with the United

Nations with respect to such recommendations and report to the United Nations on the action taken to give effect to them. The International Labour Organisation undertakes to co-operate in all measures of co-ordination taken by the United Nations, and in particular to participate in any body which the Economic and Social Council may set up for the purpose of co-ordination. With a view to facilitating the work of co-ordination for which the United Nations is responsible, arrangements will be made for a regular exchange of documents between the two organisations and for the International Labour Organisation to furnish regular reports on its activities.

Articles 6, 7 and 8 of the agreement form another group of provisions defining the relationship between special organs of the United Nations and the International Labour Organisation. The International Labour Organisation undertakes to provide the Security Council with any information it may require and to render it assistance in carrying out its decisions for the maintenance or restoration of international peace and security. The International Labour Organisation will also furnish the Trusteeship Council with such assistance as it may request in regard to matters with which the Organisation is concerned, and, in addition to this general co-operation with the Trusteeship Council, will co-operate in giving effect to the principles set forth in Chapter XI of the Charter concerning the well-being and development of the peoples of non-self-governing territories.

Relations between the International Labour Organisation and the International Court of Justice are governed by Article 9 of the Agreement. The Organisation agrees to furnish the Court with any information which it may request under Article 34 of the Statute of the Court. The Conference or, with the authorisation of the Conference, the Governing Body, may ask the Court for advisory opinions on legal questions arising within the scope of the activities of the Organisation, other than questions concerning the mutual relationships of the Organisation with the United Nations or other specialised agencies. The Economic and Social Council will be informed of any such requests submitted to the Court.

Having regard to the desirability of the headquarters of specialised agencies being situated at the permanent seat of the United Nations, the Organisation agrees under Article 10 to consult the United Nations before making any decision concerning the location of its permanent headquarters.

Articles 11, 12, 13 and 14 lay down various measures for giving effect to the principle of co-operation between the two organisations in certain special fields. These articles deal with the technical



problems of personnel arrangements, statistical services, administrative and technical services, and budgetary and financial arrangements and the financing of any special services which the two organisations may render to each other.

The two organisations recognise that the development of an international civil service is desirable and agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, and to avoid competition in recruitment of personnel. Consultations will be held concerning the establishment of an international civil service commission, concerning matters relative to the employment of officers and staff, including conditions of service and duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules, with a view to securing as much uniformity in these matters as possible. Personnel will be interchanged when desirable. The two organisations will co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

The unification of statistical services and the exchange of statistical data and co-ordination of the statistical work of the two organisations are dealt with in Article 12.

Under Article 13 the two organisations agree to consult together concerning the establishment and use of common administrative and technical services in so far as these may from time to time be found practicable and appropriate.

Budgetary and financial arrangements are dealt with in Article 14. The International Labour Organisation recognises the desirability of establishing close budgetary and financial relationships with the United Nations in order to ensure the maximum measure of co-ordination and uniformity in the operations of the two organisations. The United Nations and the International Labour Organisation agree to consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organisation in the general budget of the United Nations. Any such arrangements will be made by means of supplementary agreements. The International Labour Organisation will transmit its proposed budget to the United Nations annually at the same time as it is transmitted to the Members of the Organisation. The General Assembly will examine the budget or proposed budget of the Organisation and may make recommendations to it concerning any item or items contained therein. Representatives of the International Labour Organisation are entitled to participate without vote in the deliberations of the General Assembly on the matter

and on general administrative and financial questions affecting the Organisation. The United Nations may undertake the collection of contributions from those Members of the International Labour Organisation which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement. The United Nations may arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organisation and to other specialised agencies with a view to the provision of common services and the securing of uniformity. The Organisation agrees to conform as far as may be practicable to standard practices and forms recommended by the United Nations.

Under Article 16 the Organisation agrees to inform the Economic and Social Council of the nature and scope of any formal agreement between the International Labour Organisation and any other specialised agency or intergovernmental organisation before any such agreement is concluded.

The final articles of the Agreement deal with a number of general matters concerning the application of the Agreement. Under Article 17 the two organisations declare their intention of taking all necessary measures to make the liaison between them fully effective.

The Secretary-General of the United Nations and the Director-General of the International Labour Office may enter into supplementary arrangements for the implementation of the Agreement.

The Agreement is subject to revision by agreement between the United Nations and the International Labour Organisation.

Finally, Article 20 lays down that the Agreement shall come into force on its approval by the General Assembly of the United Nations and the General Conference of the International Labour Organisation. It is in virtue of this article that the Agreement came into force on 14 December 1946.

#### FINANCIAL AND BUDGETARY MATTERS

Under the terms of the amended Constitution, the Conference set up on 28 September 1946 a Finance Committee of Government Representatives consisting of one Government representative of each State Member represented at the Conference. This Committee met on 30 September - 5 October with Mr. William Rappard (Switzerland) as chairman. Mr. Laves (United States) was appointed reporter.

Some of the meetings of the Committee were attended by a tripartite delegation of the Governing Body, consisting of Mr. Myrddin-Evans, Chairman, Mr. Zellerbach, employers' Vice-Chair-

man and Mr. Jouhaux, workers' Vice-Chairman. The Director-General also attended the meetings.

The Committee noted that the Conference on the recommendation of the Selection Committee had adopted provisionally the proposed amended Financial Regulations submitted by the Governing Body, it being understood that they would be referred to the Governing Body for further consideration during the interval preceding the next session of the Conference.

#### *Budget for 1947*

At the first meeting of the Committee, the Director-General pointed out that the financial system provided in the amended Constitution threw on the Organisation, and in particular on the Finance Committee of Government Representatives, the Conference, the Governing Body and the Director-General, greatly enlarged financial responsibilities covering the operation of the whole financial system whereby the Organisation was enabled to finance its activities. The most important among these new financial responsibilities concerned the budget. Previously the International Labour Organisation was mainly concerned with its expenditure budget. Now it had become fully responsible for its income budget also.

In his financial administration, the Director-General followed two principles: (1) to keep expenditures, as far as possible, in step with income; and (2) to make savings whenever they could be made without hampering activities which it had been decided to pursue. In other words, the budget was administered under strict control and having regard to every possible economy. The expenditure budget for 1947 as submitted by the Governing Body in the Report on Financial and Budgetary Matters, after allowing for 100,000 Swiss francs in respect of supplementary receipts, amounted to 15,429,088 Swiss francs; an additional credit for pensions submitted by the Governing Body amounted to 523,892 Swiss francs; the total expenditure budget therefore amounted to 16,052,980 Swiss francs or approximately U.S. \$3,733,000.

To this expenditure budget would naturally correspond an income budget which would be arrived at in the following way. After deduction of 100,000 Swiss francs for supplementary receipts the net income budget would be 15,952,980 Swiss francs. This net income budget would be divided among the States Members in accordance with the scale of contributions for 1947 to be adopted by the present Conference. Those States Members which had paid their ordinary contributions to the 1945 budget would be entitled to a credit representing their share, computed on the basis of the 1945 scale,

of 1,268,028 Swiss francs, which constitutes the proportion of the 1945 surplus immediately available for reduction of 1947 contributions.

The Chairman of the Governing Body drew attention to the fact that the draft budget as submitted to the Conference had been considered in great detail and unanimously approved by the Governing Body. The Governing Body had considered that the budget must be sufficiently large to enable the Organisation to undertake the tasks imposed upon it and yet not so large as to lay any undue burden on the Member States. He explained the supplementary proposals concerning (a) the addition of the credit of 523,892 Swiss francs to the budget estimates in Part III (Staff Retirement and Provident Fund), and (b) provision to cover any improvement in staff salary scales that might be introduced as a result of consideration by the Governing Body of the report of the Committee of Experts which it had set up; such provision would have to be found within the budget as submitted, and the Governing Body recommended that for that purpose and for that purpose only the Conference should be requested to authorise it to make transfers from chapter to chapter of the budget.

Opening the general discussion, the Chairman pointed out that it was clear that in view of the short time available it would not be possible for the Committee, in examining the budgetary proposals, to go into the details of the budget; it should, however, not approve the proposals made without taking full account of the responsibility imposed upon each Member State to contribute to this budget.

After discussion, the Committee approved unanimously chapter by chapter and part by part the expenditure budget submitted by the Governing Body including the supplementary proposals.

After a further discussion, the Committee also decided to recommend to the Conference that as an exceptional measure in the 1947 budget only, the Governing Body should be authorised to make transfers from chapter to chapter for the specific purpose of meeting any increased expenditure that may be required for salaries in accordance with any decision on salary scales that may be taken by the Governing Body in 1947.

The Committee noted the decision of the Governing Body to provide a measure of immediate alleviation to the staff by refunding the Voluntary Contribution paid by the staff since 1 January 1946 and informing them that no further voluntary contribution was expected from them and approved the abolition as from 1 September 1946 of the 10 per cent. reduction made on salary scales in 1932. The Committee agreed to recommend that, without prejudice to the powers of the Conference, the Governing Body should be authorised to determine new or revised salary scales in 1947 after

considering the recommendations of the Staff Questions Committee on the report of the Committee of Experts.

Returning to the consideration of the income budget, the Committee expressed its warm appreciation of the action of those countries which had felt able to increase the number of their units of contribution in 1947. The Committee noted that the total number of units in 1947 would be 690 and the value of one unit would be 16,353.11 gold francs.

The report of the Finance Committee of Government Representatives was considered by the Conference in plenary sitting on 9 October. The Chairman of the Committee, in the absence of the Reporter, presented the report of the Committee. In recommending to the Conference the adoption of the report, he drew attention to the exceptional and exceptionally difficult circumstances under which the Committee had had to meet. It was in the middle of the Conference and towards its second half that it was called upon to examine the decisive documents on which it was to arrive at conclusions. He recognised that this was due to circumstances over which no one had any control. But if they wished to ensure the financial health and thereby the political vitality of the Organisation, it was absolutely essential that the consideration of finances should take place under normal conditions.

Sir John Forbes Watson said that he would vote for the resolution submitted by the Finance Committee but he wished to place certain reflections before the Conference. He had tried, on the Finance Committee of the Governing Body, to arrange a procedure under which, before the Government Committee sat down to examine these matters, there would be a tripartite committee of the Conference. The employers on the Governing Body thought there was some over-budgeting on certain items; they had pointed out that in 1947 twenty-seven conferences and meetings were to be held and they had the feeling that unless some priority was brought into the work undertaken by the Organisation there would not be adequate time for the thorough preparation of Conventions and Recommendations. They must, he felt, avoid any chance of the outside world thinking that they were entering into a competitive race with other new international organisations as to who could spend the most money.

Referring to the income budget, he said that the United Kingdom, the British Commonwealth and the United States of America had during the war paid 90 per cent. of the money to keep the Organisation alive. He spoke of the very heavy taxation in the United Kingdom and said the time had come when there should be some relief. He hoped that before the Conference met in Geneva

next June "we shall find that every Member is so wedded to the principles of this Organisation that he will revert to his 1938 units. More than that, I hope that the financial regulations of his Organisation will have been so amended as to take note of the fact that we are now responsible for our own finances, and that there will be — as there is at every annual meeting of shareholders — a concise statement of where we stand and also a tripartite committee of this Conference where we can talk all our financial problems out together."

The Conference by a record vote adopted by 130 votes to nil the following resolution:

In virtue of the Financial Regulations provisionally adopted by the Conference in accordance with Article 13 (2) (c) of the Constitution of the International Labour Organisation the Conference passes for the 29th Financial Period ending 31 December 1947 the budget of expenditure of the International Labour Organisation amounting to 16,052,980 Swiss francs (gold francs 11,354,378) and the budget of income amounting to 11,354,378 gold francs (Swiss francs 16,052,980) and resolves that the budget of income from States Members shall be allocated among them in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives.

#### *Administrative Tribunal and Pensions Fund*

The Conference also adopted on the recommendation of its Finance Committee a revised Statute of the Administrative Tribunal, and Revised Staff Pensions Regulations. It confirmed for a further period of 3 years the terms of office of the Judges and Deputy Judges of the Tribunal and elected members and substitute members of the Administrative Board of the Staff Pensions Fund. It also adopted a resolution concerning the contribution payable to the Pensions Fund in 1947.

#### RESOLUTIONS

The Conference had before it two resolutions not directly relating to questions on the agenda.

The first, submitted before the opening of the Conference, in accordance with Article 17, paragraph 1, of the Standing Orders, by Mr. Sachs, workers' delegate of the Union of South Africa, proposed to invite the Governing Body of the International Labour Office to consider placing on the agenda of a forthcoming session of the Conference the discussion of a Convention to cover all indigenous persons of independent territories.

The second resolution had been examined in the first place by the Officers of the Conference, who, considering that it related to matters of a purely formal nature, had decided to authorise the



presentation of the resolution and to send it to the Resolutions Committee. This resolution had been presented by the delegation of the Argentine Republic and invited the Conference to pay a solemn tribute to the victims of the war.

To consider these two draft resolutions, the Conference set up a Resolutions Committee, which appointed as its chairman and reporter Mr. Li Ping-heng, Chinese Government member, and as its vice-chairmen Mr. Pons, Uruguayan employers' member, and Mr. Staal, Netherlands workers' member.

After hearing the views of the proposer of the first draft resolution, the Committee decided to refer it to the Conference with some modifications agreed to by the proposer. In plenary session, an amendment was moved to the resolution, which was adopted by the Conference. In its final form, the resolution requests the Governing Body of the International Labour Office to consider the desirability of placing on the agenda of a forthcoming International Labour Conference discussion of the social problems of indigenous populations of independent countries.

The Committee transmitted the second draft resolution to the Conference without alteration. However, in plenary session, an amendment to the text was moved and adopted. In its final form, the resolution pays tribute to the victims of the war and especially to those who died in the struggle for liberty. It also asks all Member Governments to develop and strengthen their democratic institutions and social principles in accordance with the Atlantic Charter and the Declaration of Philadelphia.

#### EXHIBITION ON THE REHABILITATION OF DISABLED WORKERS

During the course of the Conference, the Office arranged for the benefit of delegates an exhibition on the rehabilitation of disabled workers. The main purpose of this exhibition was to give a survey of the most important aspects of rehabilitation and to bring out some of the problems in this field. Pamphlets, photographs and charts from different sources were obtained. The Montreal Occupational Centre sent for display some equipment for occupational therapy and samples of articles made by patients. Important features of the exhibition were a collection of artificial limbs from the Canadian Department of Veterans' Affairs; photographs and charts from the Queen Elizabeth's Residential Training College at Leatherhead (England) demonstrating the practice of training, and from the U.S. Civil Service Commission describing its operations in the resettlement of disabled civil servants and ex-servicemen.

Furthermore, a series of films was shown, through the agency of the National Film Board of Canada, on various phases of rehabilitation work in Canada, the United Kingdom and the United States. The exhibition was visited by a considerable proportion of the delegates whose interest has confirmed the Office in its belief that this new department of its activity will be able to render valuable service to an increasing number of countries.

#### CONCLUSION

As a result of the improvement of the Conference machinery of the Organisation, the Montreal Session of the International Labour Conference was able to complete, in a relatively short time, a large amount of work in extremely varied fields. It is noteworthy that it was found possible to end the session three days before the date originally anticipated.

Although communications still remain difficult throughout the world as a result of the war, the fact that more than 400 persons made journeys, in many cases long and difficult journeys, in order to make their contribution towards the solution of the complicated problems which were before the Conference, is unmistakable evidence of the devotion of the various constituent groups of the Organisation — Governments, employers and workers — to the work of social progress which develops year by year with each session of the Conference. The Montreal Session was held only a few months after the Maritime Session at Seattle, the decisions of which, dealing as they do with the majority of the great problems concerning the maritime industry, will have a profound effect on the improvement of labour conditions in that industry. The States Members, therefore, were called upon to make exceptional efforts to ensure that all the preparatory work for these two sessions was accomplished and to send delegations firstly to the Pacific coast and then to the vicinity of the Atlantic coast of the American continent.

The discussion on the Director's Report offered an opportunity to exchange views on present day social problems and to obtain valuable information concerning the social changes which have taken place in the majority of countries following the war.

In the sphere of constitutional questions, the Conference continued the work begun at Paris, by adopting a further Instrument of Amendment to the Constitution of the International Labour Organisation; its entry into force, when the necessary number of ratifications have been obtained, will provide the Organisation with a Constitution remodelled in the light of experience and will enable it to carry out its work on a basis adapted to present needs. The

amended text of the Constitution clears up the situation resulting from the dissolution of the League of Nations and from the establishment of relations between the International Labour Office and the United Nations, and possesses the necessary flexibility to enable the varied machinery of the Organisation to function smoothly within the framework of the new international order.

Furthermore, the Conference unanimously approved the Draft Agreement between the Organisation and the United Nations. This Agreement has now entered into force as a result of its approval on 14 December 1946 by the General Assembly of the United Nations. The presence of a United Nations delegation at the 29th Session of the Conference, headed by the Secretary-General of the United Nations, Mr. Trygve Lie, was an indication of the importance of the fruitful co-operation foreshadowed in the Agreement.

The 29th Session of the Conference also adopted various texts intended among other things to bring certain provisions contained in Conventions previously adopted, as well as in future Conventions, into harmony with the present situation.

It may fairly be said that, as a result of the decisions of the Conference, the International Labour Organisation, after 27 years of fruitful activity, is entering on a new phase in which it possesses the necessary machinery to enable it to play in the field of social progress the part which the whole world expects of it.

While making these fundamental reforms in the Constitution of the Organisation, the Conference did not neglect its work with regard to international labour legislation.

On the subject of protection of children and young workers, the Conference ultimately adopted several Conventions and Recommendations concerning medical examination for fitness for employment of children and young workers and restriction of night work of children and young persons in non-industrial occupations. Thus, by adopting these final texts, the Conference completed the work begun in Paris at its 27th Session.

With regard to the question of social policy in dependent territories, the Conference outlined the basis for three Conventions which, at the 30th Session, will implement the decisions already taken, in the form of Recommendations, at Philadelphia and Paris, by assembling in a more concrete form all the general proposals which were included in those Recommendations.

The work of supervising the application of Conventions was continued in circumstances which are gradually getting back to normal. Although the reports of the Governments on the application of Conventions which they have ratified are not yet furnished

with the same regularity as before the war, the great majority of the States Members have endeavoured to fulfil the obligations imposed upon them in this connection by Article 22 of the Constitution. It was still difficult this year to make a detailed examination of the application of Conventions country by country and Convention by Convention, because of the after-effects of the war, which were still being felt during the period covered by the reports transmitted to the Office. However, the normal procedure of examination will be restored at the next session of the Conference.

For the first time, the Conference was called upon to deal with financial and budgetary matters concerning the working of the Organisation. Hitherto, the budget of the Organisation, having been drawn up by the Governing Body of the International Labour Office, was transmitted to the League of Nations for consideration by the Supervisory Commission and was incorporated in the general budget of the League of Nations, which was finally approved by the League Assembly. The organic ties which bound the International Labour Organisation to the League of Nations as regards financial matters having ceased to exist, the Conference itself was called upon to give final approval to the budget estimates of the Organisation and to take a series of decisions of a financial nature resulting from the dissolution of the League of Nations.

It is evident that the 29th Session of the Conference will be a historic session in the annals of the Organisation; by recasting the Constitution of the Organisation, and by establishing organic relations with the United Nations, it will mark the starting point of a new era. Reflection on the work accomplished by the Conference during more than a quarter of a century warrants the fullest confidence in the years to come, during which the functioning of the Organisation will be based on an Instrument which has been drafted with a patience and wisdom gained from the abundant experience of the past. Proud of its traditions, conscious of the value of its contribution to the work of social progress throughout the world and full of the vitality which it has recovered after the storm, the International Labour Organisation turns with full confidence towards its new destiny.