

# INTERNATIONAL LABOUR REVIEW

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## The Thirty-First Session of the International Labour Conference

San Francisco, June-July 1948

ON THE invitation of the United States Government, and with the co-operation of the authorities of the State of California and the City of San Francisco, the 31st Session of the International Labour Conference was held at San Francisco. The opening sittings took place in the Opera House and the subsequent sittings in the High School of Commerce.

The agenda of the session consisted of the following items:

- I. Director-General's Report.
- II. Financial and budgetary questions.
- III. Reports on the application of Conventions.
- IV. Employment service organisation (second discussion) and revision of the Convention (No. 34) concerning fee-charging employment agencies, 1933.
- V. Vocational guidance (first discussion).
- VI. Wages —
  - (a) General report (preliminary discussion);
  - (b) Fair wages clauses in public contracts (first discussion);
  - (c) Protection of wages (first discussion).
- VII. Freedom of association and protection of the right to organise (single discussion).
- VIII. Application of the principles of the right to organise and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between public authorities and employers' and workers' organisations (first discussion).
- IX. Partial revision of the Night Work (Women) Convention, 1919, and of the Night Work (Women) Convention (Revised), 1934.
- X. Partial revision of the Night Work of Young Persons (Industry) Convention, 1919.
- XI. Substitution for the provisions of the Night Work (Women) Convention (Revised), 1934, and of the Night Work of Young Persons (Industry) Con-

vention, 1919, contained in the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947, of the corresponding provisions of the revising Conventions now proposed.

## XII. Privileges and immunities of the International Labour Organisation.

### COMPOSITION OF THE CONFERENCE

The number of States Members represented at the Conference was 51. Since the previous session Pakistan, Syria, Burma, the Republic of the Philippines and the Republic of El Salvador had become Members of the Organisation by communicating to the Director-General of the Office their formal acceptance of the obligations of the Constitution. All these States sent delegations to the session. Thirty-eight of the delegations were complete within the meaning of Article 3 of the Constitution, that is to say, they consisted of two Government delegates, an employers' delegate and a workers' delegate. One delegation consisted of two Government delegates and a workers' delegate, two delegations of two Government delegates only, one delegation of one Government delegate and an employers' delegate, one delegation of one Government delegate and a workers' delegate, and eight delegations of one Government delegate only.

Among the Government delegates were the Austrian Minister of Social Affairs and Health, the Canadian Minister of Labour (who was not, however, able to attend the session), the Czechoslovak Minister of Social Affairs, three Ministers from India—the Minister of Labour and Education of the United Provinces, the Minister of Labour, Law and Development of Orissa, and the Minister of Labour of Mysore—and the Pakistan Minister for the Government of Eastern Pakistan, the Secretary of Labour of the Republic of the Philippines, the United Kingdom Minister of Labour and National Service, the Acting Secretary for Labor of the United States of America, and the Uruguayan Minister of the Interior.

The United Nations were represented by an Assistant Secretary-General, who addressed the Conference, and three other officials. The International Monetary Fund, the United Nations Educational, Scientific and Cultural Organisation and the Pan-American Union were also represented at the session.

### *Officers of the Conference*

The Conference unanimously elected as its President Mr. Justin Godart, French Government delegate. Mr. Godart, a former Minister, has been closely associated with the International Labour Organisation for very many years. He first represented his country at the Third Session of the Conference, in 1921, and occupied the

presidential chair at the 18th Session in 1934. A member of the Governing Body of the International Labour Office since 1937, Mr. Godart is a member of numerous I.L.O. committees and has been a committee chairman at sessions of the Conference on many occasions. His remarkably extensive knowledge of the activities of the Organisation, coupled with so long an experience in the duties of the chair, rendered Mr. Godart a President whose qualities of clarity, courtesy and firmness were warmly appreciated by all the groups in the Conference.

As Government vice-president the Conference elected Mr. Nurullah Esat Sumer, Turkish Government delegate, a member of the Turkish Chamber of Deputies and a former Minister of Finance, who is also a Governor of the International Bank for Reconstruction and Development. For the employers' vice-president the Conference's choice fell upon Mr. H. C. Oersted, Danish employers' delegate, whose association with the Organisation has been even longer than that of Mr. Godart. Mr. Oersted, who is the President of the International Organisation of Employers and Director of the Bureau of Employers' Federations of the Northern Countries, attended the First Session of the Conference at Washington in 1919. He has also been a member of the Governing Body for very many years. So unrivalled an experience commanded for Mr. Oersted the attention and respect of the whole Conference. Mr. Percy R. Bengough, President of the Trades and Labour Congress of Canada, was elected the workers' vice-president. He is also a member of the Governing Body and has played an active part in the work of the Organisation, both in the Governing Body and as a delegate to numerous sessions of the Conference.

#### *Scrutiny of Credentials of Members of Delegations*

Paragraph 9 of Article 3 of the Constitution of the Organisation provides that the "credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this article". Paragraph 5 of the article in question requires, for the nomination of non-Government delegates and advisers, the agreement of the industrial organisations which are most representative of employers or workpeople, as the case may be, in their respective countries.

The failure to secure such agreement, or in certain countries the fact that conditions are not such as to permit a real agreement being reached, leads each year to the submission of a number of objections to credentials by delegates or organisations concerned.

These objections are referred to the Credentials Committee of the Conference.

Objections to the credentials of the workers' delegates and advisers of the Argentine Republic, Cuba, France, Greece, India, Mexico, Peru and Uruguay were lodged this year by delegates or workers' organisations which claimed to be representative in the sense required by paragraph 5 of Article 3 of the Constitution.

The Credentials Committee was composed as follows: Mr. Paal Berg, Norwegian Government delegate, chairman, Mr. Julio B. Pons, Uruguayan employers' delegate, employers' member, and Mr. Paul Finet, Belgian workers' delegate, workers' member.

All the conclusions of the Committee were reached unanimously. In no case did the Committee recommend the Conference to refuse to admit the delegates and advisers whose credentials had been challenged.

The objection to the credentials of the Argentine workers' delegate and his advisers and one of the two objections to the credentials of the Greek workers' delegate and his advisers were declared to be not receivable under paragraph 4 (c) of Article 26, which provides that objections shall not be receivable if they are "based upon facts or allegations which the Conference, by a debate and a decision referring to identical facts or allegations, has already discussed and recognised to be irrelevant or devoid of substance".

The other objection to the credentials of the Greek workers' delegate and his advisers was declared to be not receivable under paragraph 4 (b) of Article 26 of the Standing Orders, which provides that an objection is not receivable if its authors remain anonymous.

The Committee was unable to conclude that the appointments of the Peruvian workers' delegate and his advisers had been made in accordance with the provisions of the Constitution of the Organisation. However, the Committee drew the attention of the Conference to the fact that its power to refuse to admit a delegate or adviser whom it deems not to have been appointed in accordance with the Constitution is of a discretionary character. Considering it possible that the contested appointment was made as a result of a misunderstanding, and taking account of the fact that the persons concerned exercised certain trade union functions in their country, the Committee was of opinion that it was not desirable for the Conference to exercise this power. At the same time, the Committee emphasised that its decision in the case under consideration was not to be considered as a precedent in future and that it reserved the right to re-examine the validity of the credentials of Peruvian workers' delegates and their advisers to subsequent sessions of the Conference, if, during any such session, a similar objection were made.

The Credentials Committee considered four objections to the appointment of the French workers' delegate. After detailed examination of the question, the Committee rejected the objections as being without foundation. The Committee embodied this finding in a unanimous report, which was accepted by the Conference.

The other four objections were likewise rejected by the Committee as being irrelevant or without foundation.

In the course of its deliberations the Credentials Committee ascertained that the Standing Orders of the Conference in their present form do not define which persons or organisations are competent to submit an objection to the appointment of a delegate or adviser to the Conference. The Committee therefore suggested that the Conference should instruct the Governing Body of the International Labour Office to undertake an examination of the Standing Orders of the Conference concerning this point.

Before concluding its work, the Committee once more drew the attention of Governments of States Members, in connection with certain questions concerning the appointment of non-Government delegates which had been raised during its discussions, to their obligation under the Constitution of the Organisation to appoint employers' and workers' delegates and their advisers in agreement with the industrial organisations, if such organisations exist, which are most representative of employers and workpeople, as the case may be, in their respective countries.

The conclusions reached by the Credentials Committee were embodied in the reports which were submitted by the Committee and received by the Conference.

#### DISCUSSION OF THE REPORT OF THE DIRECTOR-GENERAL

In the discussion of the Report of the Director-General, which occupied ten sittings of the Conference, 88 speakers from 42 nations took part. Of the 42 Government speakers, seven were of ministerial rank; there were 19 employers' speakers and 27 workers' speakers. Thirty-eight speakers came from the nations of the Americas, 30 from Europe, 15 from Asia, two from Australia, two from New Zealand, and one from the Union of South Africa.

At the opening of the discussion the Secretary-General expressed the pleasure that the Conference would feel at the accession of five new States Members—Burma, El Salvador, Pakistan, the Republic of the Philippines and Syria. Before the discussion was concluded the Conference had admitted a sixth new Member—Ceylon.

It has been customary, and indeed inevitable, that the discussion should range over the whole political and economic situation, that it

should inform the Conference of national developments and new national legislation, that it should examine and criticise the progress of ratification of International Labour Conventions, that it should appraise the accomplishments and shortcomings of the Organisation during the year under review, and that the Director-General's Report itself should receive, not only tributes to its value, but also complaints of its oversights and omissions.

None of these customary features was missing. In the political and economic field, it was natural that the Marshall Plan should receive the greatest attention. In the words of one speaker, "it was heartening that 16 Western European nations had banded together to work with each other and with the United States to increase with all possible speed the economic production of their countries". Optimism over the Plan and insistence on more and more production as the remedy for inflation and the dangers that threaten the world were in fact the keynote of the debate. At the same time another note was sounded. Representatives of Eastern European countries regarded the Plan with misgiving and, in some cases, open hostility. In the words of one of them, it was "based on the reconstruction of heavy industry in Germany" and for that reason, if for no other, unacceptable to nations that feared a revival of German industrial power. Non-European speakers, though in general sympathetic, urged that the attempt to revive prosperity should be on an international scale. Asian speakers in particular suggested that there should be such a plan for Asia, and several Latin American speakers regretted that preoccupation with the problems of Europe should result in a tendency to overlook the problems of Latin America. Eastern European speakers also complained that the Report showed a lack of interest in the great economic and social changes in Eastern Europe.

Though insistence on increased production as the primordial necessity occurred in speech after speech, it was sometimes accompanied, as, for instance, in the speech of the British Minister of Labour and National Service, by a reservation concerning the two great obstacles that lie in its way: shortage of raw materials and shortage of manpower.

The French workers' delegate went so far as to recommend the organisation of an international labour exchange. Though few other speakers proposed any concrete measures, there was general agreement that the Organisation must co-operate as closely as possible with all the other international agencies concerned. Several speakers urged controlled immigration as the remedy for the problems of displaced persons.

On the subject of the direct activities of the Organisation, a large number of delegates expressed their satisfaction at the success of the

Preparatory Asian Regional Conference, with its promise for the future, and at the beginning of operations in the Near and Middle East, as evidenced by the Regional Meeting held in Istanbul. This point of view was particularly advanced by representatives of newly admitted Members belonging to the Eastern Hemisphere.

Criticisms were directed most particularly against the slow rate of progress in the ratification of International Labour Conventions. This unsatisfactory situation was attributed by one speaker to lower social and economic standards, accentuated by the war, as well as by a not wholly unjustifiable fear of what the future may bring. Another critic maintained that the remedy lay in drafting Conventions with much less detail.

Other complaints were that the Report did not give a sufficiently complete account of social measures adopted during the year under review and that fuller treatment of social security was especially desirable.

The recent revision of the Constitution was no doubt the reason why constitutional questions and proposals scarcely figured in the debate, though from one quarter was heard the revived demand for an alteration in the voting power, so as to give to the workers' delegates votes equal to the combined votes of the Governments and employers. It was also urged that Governments should consult employers' and workers' organisations without fail in the nomination of members of Industrial Committees—to the success of which, incidentally, several tributes were paid.

Towards the end of the discussion, one speaker expressed some dissatisfaction with the manner in which the debate had touched upon such a multiplicity of subjects and suggested that it might usefully be concentrated in future by dividing it into two parts, the first to be devoted to a definite but wide subject, chosen by the Governing Body, and the second to the great international problems of the times.

Almost every speaker in the debate expressed regret at the coming retirement of Mr. Edward Phelan, admiration of the great services that he has rendered to the Organisation, pleasure at the appointment of Mr. David A. Morse and confidence in the future of the Office under Mr. Morse's direction.

The Director-General began his reply by pointing out that many Governments had been expected to find considerable difficulty in sending delegations to San Francisco. Nevertheless, there was a large attendance, which was a striking proof of the continuing vitality of the Organisation.

In his view, the criticisms of neglect or inadequate treatment in his Report were essentially constructive; the volume of demand for action by the Organisation was proof of its efficacy. To trans-

form the Report into something like a social year book, however, would produce a volume of enormous size, which would be documentary and not analytical.

The proposal to concentrate the debate upon a single subject was in one sense effected already by the practice of placing questions on the agenda for preliminary general discussion. But the Conference was an international forum in which Members could raise whatever questions seemed to them to merit attention. Those questions inevitably tended to be miscellaneous, yet the procedure had great value.

The Report had itself pointed out that any survey covering a particular twelve months must necessarily be unbalanced. It drew special attention to Asia and to the Near and Middle East for the reason that during the year regional conferences had been held there. But it should not be concluded that they replaced or overshadowed the Organisation's work in Latin America. The work was continuous, for all regions, whether or not one particular regional conference got the limelight in a particular year.

The conferences in Asia and the Near and Middle East were only a beginning. A Conference on Factory Inspection was to meet later in the year in Ceylon, and an Asian Conference was to meet in China early in 1950, for the preparation of which a mission to visit Asian countries was now being organised.

One of the chief regional problems was industrialisation. It was fair to claim that I.L.O. discussions had helped to place that problem in its true perspective; the industrialisation of under-industrialised countries was an international necessity if a higher standard of living throughout the world was to be achieved. This was an example of the manner in which the work of the I.L.O. and of the economic organs of the United Nations geared in with one another.

The gravity of the dissensions and divisions with which the world was afflicted at this time made the earnest pursuit of international collaboration of vital importance and vital interest to all; and the objectives of the I.L.O., better conditions of labour and higher standards of living, knew no boundaries of political, economic or ideological division. For that reason, the presence of delegations from the countries of Eastern Europe was welcomed even by those who differed vigorously with some of the opinions that those delegations expressed. The foundation of social legislation in Eastern European countries was laid in the inter-war period and was in fact derived from the work of the I.L.O. In its recent developments, I.L.O. experts had given technical assistance. Office missions to lay the foundations for the supply of information had also visited a number of these countries.



The International Labour Organisation would be at the service of all, but at the orders of none. However much Governments might be divided on issues which the I.L.O. was not called upon to arbitrate or resolve, such division did not define I.L.O. policy, and to represent it as so doing was to weaken one of the few remaining bases on which unity of effort could still be preserved and in the future be strengthened.

There still seemed to be some misunderstanding about the relations of the I.L.O. with the World Federation of Trade Unions. The I.L.O. was not a trade union, and still less a rival to any trade union organisation. But its Constitution gave to the representatives of organised workers a place and status which was given to them in no other institution, national or international. There was thus what might be called a duality of interest. Ways had fortunately been found which were generally acceptable to establish close working relations between the I.L.O. and the World Federation of Trade Unions, so that there should not be in future that distortion and duplication of effort which could occur when roundabout procedures were employed to refer to this body questions which could and should be brought to it directly.

In conclusion, the Director-General referred to his successor, Mr. David A. Morse, as one whom he believed to have the courage, the ability and the personality to carry his burden with a degree of success which would lead the Organisation to new heights of triumphant achievement. He also expressed his gratitude to the Chairman of the Governing Body, the President of the Conference, the staff of the I.L.O., and past and present members of the Governing Body.

The Organisation embodied in its aims and in its action some of the most profound aspirations of mankind—aspirations for liberty and social justice—and it would live as long as those aspirations were potent. That was why it survived the war, why it was destined to grow and flourish, and why he was leaving it with unbounded faith in its future.

#### FINANCIAL AND BUDGETARY QUESTIONS

The Finance Committee of Government Representatives, consisting of one Government representative of each State Member represented at the Conference, met from 29 June to 5 July with Mr. Lall (India) as chairman and reporter and Mr. Meoz (Venezuela) as vice-chairman.

Meetings of the Committee were attended by the Chairman of the Governing Body, Mr. Luis Alvarado, and the employers'

and workers' vice-chairmen, Sir John Forbes Watson and Mr. Jouhaux.

*Budget for 1949*

The Director-General, in introducing the budget estimates, said that in accordance with the desire expressed by the Committee last year the Committee had been supplied in the report on financial and budgetary questions with much fuller background material than in previous years together with, in accordance with the decision of the Governing Body, the full text of the speech he had made to the Finance Committee of the Governing Body outlining the general financial position of the Organisation. He pointed out that the original budget estimates submitted by the Governing Body amounted to \$5,109,270 and the supplementary estimate to \$76,269, making a total estimate for 1949 of \$5,185,539. The estimates which he had laid before the Governing Body had been reduced by the Governing Body by \$480,540, which indicated that there had been a careful examination and considerable pruning of the estimates he had submitted. He had accepted that reduction because, in arriving at the budget of the I.L.O., account had to be taken of two series of considerations and an equitable balance struck between them. On the one side, the estimates represented the amount which it would seem desirable and necessary to have in order to carry out the decisions of the Conference and the Governing Body as to the tasks which the I.L.O. ought to perform. On the other hand, account had to be taken of the financial ability of Governments to provide resources for that work, particularly at a time like the present when financial and economic difficulties were very great.

At the opening of the general discussion on the budget estimates Sir John Forbes Watson said that he considered that the Conference should set up a Finance Committee including representatives of employers and workers to undertake a discussion of the budget proposals submitted by the Governing Body before the Finance Committee of Government Representatives started its work. It was desirable that employers' and workers' representatives at the Conference who were not members of the Governing Body should have an opportunity of discussing in detail the budget estimates. In view of the difficulty experienced by States in contributing to the budget, the amount which States were requested to contribute to the budget should be the minimum necessary. Contributions to the budget were provided from public money paid by the taxpayers of the States Members, and it was necessary therefore that the budget estimates should be most carefully

scrutinised. There had been no detailed examination of any chapter in the budget by the Governing Body Finance Committee, discussion having taken the form of two days' general discussion. He hoped that the Committee would express the view that the Finance Committee of the Governing Body should decide to set up the working party which he had proposed.

In the general discussion representatives of the following Governments took part: Australia, Burma, Canada, China, Denmark, France, India, Norway, Pakistan, Switzerland, the Union of South Africa, the United Kingdom, and the United States of America.

It was agreed on all sides that it was necessary to provide the I.L.O. with the financial resources necessary to carry out its work. Some members would have liked to see a smaller budget. This was partly because at a time when States found extreme difficulty in obtaining hard currencies to meet their international obligations or even to buy food for their people, every increase in contributions became a hardship and should therefore be examined with the greatest care. The time could not be far distant when attacks would be made on the budgets of international agencies, which had multiplied to such an extent, and when that time came the I.L.O. must be in a position to show that there was no point at which its budget could be contracted.

Several speakers urged the importance of making every effort to ensure a 100 per cent. collection of contributions, and in this connection emphasis was laid on the importance of the strict application of the provision in the Constitution penalising non-payment of arrears (Article 13, paragraph 4). Several speakers emphasised the importance of augmenting the Working Capital Fund. The Committee noted that at present only 19 States Members had shares in the Working Capital Fund and it urged that in accordance with the resolution adopted by the Conference last year States Members who at present have no share in the Fund should place an appropriate amount to their credit in the Fund. Several speakers expressed satisfaction at the steps that had been taken toward securing closer co-operation with the United Nations on financial and budgetary matters.

The Committee noted that the Finance Committee of the Governing Body had under consideration proposals to ensure that in future the estimates submitted by the Director-General should be subjected to more detailed study and examination. Without wishing to interfere in any way with the right of the Governing Body to adopt whatever procedure it deemed most appropriate, the Committee believed that the Conference would welcome any steps which the Governing Body or its Finance Committee might decide to take in this direction.

The Committee then adopted the proposed budget estimates, chapter by chapter. In the course of the adoption of the chapters additional information was requested on certain points, and this was provided. The Committee then adopted the scale of contributions for 1949.

The Committee agreed that it would be desirable for the Governing Body to arrange, before the next session of the Conference, when the 1950 budget would be adopted, for a full review of the system of allocating the expenses of the I.L.O. among States Members, and that in the light of such a review the possibility of removing existing inequities should be examined.

The report of the Finance Committee of Government Representatives was considered by the Conference in plenary sitting on 10 July. The Reporter, in recommending to the Conference the adoption of the budget for 1949, pointed out that the total 1949 budget is about 12 per cent. higher than the budget, plus supplementary credit, of 1948. As against this, as a result of the increase in the total number of units, the value of the unit increased by only 7.36 per cent. in 1949 over the previous year. In other words, the increase in contributions had been very much less than the increase in actual expenditure.

Sir John Forbes Watson drew attention to the fact that five States Members were more than two years in arrears with their contributions and emphasised the importance of a detailed examination of the budget to avoid claims being made on States for contributions which were greater than they could afford. He considered that the budget showed a tendency to over-budgeting, and he emphasised the necessity for the strict application of the rule requiring the presentation of an estimate of cost with every project involving new expenditure. Turning to the question of the privileges and immunities of the staff, he gave figures of the average salaries paid to I.L.O. officials, free of tax, compared them with the level of salaries in his own country, and urged that every I.L.O. official should pay tax according to the country in which he resided, and expressed the certainty that the countries concerned would refund to the Organisation the tax they collected. He expressed the hope that the Director-General's Report would in future include some reference to finance. Mr. Rappard associated himself with the spirit of Sir John Forbes Watson's proposals. Mr. Jouhaux said that the Conference which had heard criticisms regarding the position of the officials should also take account of their effort and devotion.

After the Reporter had replied to the discussion the Conference adopted by 124 votes to nil, with two abstentions, the following resolution :

In virtue of the Financial Regulations the Conference passes for the 31st financial period ending 31 December 1949 the budget of expenditure of the International Labour Organisation amounting to \$5,215,539 and the budget of income amounting to \$5,215,539 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.

#### *Other Financial and Administrative Matters*

The Conference also passed the accounts for 1947, adopted certain amendments to the Staff Pensions Regulations, adopted a resolution concerning the contributions payable to the Staff Pensions Fund, elected members and substitute members of the Administrative Board of the Staff Pensions Fund, and elected a Judge and Deputy-Judge of the Administrative Tribunal. The Conference also adopted a resolution under paragraph 4 of Article 13 of the Constitution, permitting Bulgaria, whose arrears of contribution exceed the amount of the contributions due from it for the preceding two years, to vote at the Conference, and took decisions relating to arrangements for the payment of arrears of contributions due by Bulgaria, Hungary and Liberia.

#### APPLICATION OF CONVENTIONS

The Conference appointed a special committee for the purpose of examining the measures taken by the Members of the Organisation with a view to implementing the provisions of Conventions ratified by them. This committee, which, as a result of the coming into force of the new Constitution, will henceforward be called the Committee on the Application of Conventions and Recommendations, consisted of 28 members (14 Government, seven employers and seven workers). It appointed as its chairman Mr. Jorge Wertz, Chilean Government member, and as its vice-chairmen, Mr. Kuntschen, Swiss employers' member, and Mr. Romualdi, United States workers' member. Mr. Kaufmann, Swiss Government member, was appointed reporter.

In accordance with its customary procedure, the Committee took as the basis of its work the summary of annual reports submitted in pursuance of Article 22 of the Constitution, the report of the Committee of Experts on the application of Conventions, the annual reports received from certain Governments too late for examination by the Committee of Experts, supplementary information received from certain Governments in response to observations made by the Committee of Experts, and tables indicating the position of ratifications and votes cast by Government delegates, with a commentary by the Office.

The Committee decided to proceed in the first place to a general discussion of the problems raised by the supervision of the application of Conventions. It then studied the annual reports received too late for examination by the Committee of Experts, and finally took up for consideration the observations made by the Committee of Experts in connection with each Convention. The number of reports which should have been submitted in conformity with Article 22 of the Constitution for the period 1 October 1946 to 30 September 1947 was 763. The total number of reports actually received (exclusive of seven voluntary reports submitted by New Zealand) was 630. Thus 133 reports were lacking (though of these, 72 were actually submitted in the course of the Conference). The number of reports submitted was greater than that of the preceding year, and a distinct progress was evident. Nevertheless, a large number of reports were not submitted at the proper time or were far from being complete and self-explanatory ; a number of States Members have for several years failed to submit reports at all in spite of the reminders addressed to them. The Committee invited the Government delegates of such of these States as were represented at the Conference to come before it and to furnish the information desired. The Government delegates of most of these States appeared in due course before the Committee to give the explanations which had been requested and at the same time submitted the memoranda due from their respective Governments.

As in the preceding year, the Committee set up a subcommittee to examine those reports which had been received too late for examination by the Committee of Experts.

As a result of the coming into force, on 20 April 1948, of the amended Constitution, new tasks are assigned to the Committee and new obligations are imposed upon the States Members in connection with Conventions and Recommendations. The Constitution provides henceforward for a much more extensive supervision both of the application of ratified Conventions and of the steps taken in respect of unratified Conventions. The Committee expressed the hope that these new provisions would advance the work of reform carried on by the Organisation and in particular trusted that the representative organisations of employers and workers, to which the annual reports must in future be communicated, would furnish effective aid both with regard to the verification of strict conformity of national legislation with the terms of Conventions and with regard to the examination of the practical application of that legislation.

Certain observations formulated by the Committee of Experts roused particular interest in the Committee. There continue to exist too many divergencies between national legislation and the

terms of ratified international Conventions; even though such divergencies may be of secondary importance, it is the duty of Members of the Organisation to ensure complete and exact conformity between their national law and practice and the terms of the Conventions. More serious still are those cases, fortunately few in number, in which no legislation exists in the field covered by the relevant Convention. In such cases non-ratification would be preferable to a ratification to which no effect is given. Not only is the object of the Convention not attained, but such action undermines respect for international obligations solemnly undertaken.

As the report of the Committee emphasises, "the vitality of the International Labour Organisation and the authority it enjoys depend upon the degree of responsibility with which each State Member fulfils its obligations, particularly those relating to the scrupulous application of the Conventions it has ratified".

Special attention was given to the application of Conventions in non-metropolitan territories, a subject which had been dealt with in a study submitted by the Office to the Committee of Experts in connection with the application of Conventions in those territories for the period 1939-1947. Representatives of a certain number of Governments attended in order to furnish information which had been requested by the experts, and the Committee accepted the proposal of the experts that Governments should be requested to furnish in their reports for the period 1948-49, and at five-yearly intervals thereafter, precise information on the degree of self-government of territories for whose international relations they are responsible.

The Committee examined the tables originally presented by Sir John Forbes Watson to show the position of ratifications and votes cast by Government delegates and submitted this year after having been brought up to date and supplemented by the Office. It was decided to maintain the order of presentation fixed by the originator of the tables, and to append them to the report, it being understood that the tables would continue to be brought up to date and submitted to the Committee from year to year.

The Report of the Committee on the Application of Conventions and Recommendations was adopted unanimously by the Conference.

#### EMPLOYMENT SERVICE ORGANISATION

The Conference had before it for final decision, in accordance with the double-discussion procedure, a Convention and a Recommendation concerning the organisation of the employment service, and proposals for revision of the Convention (No. 34) concerning fee-

charging employment agencies, 1933. These two questions were referred by the Conference to a committee, of which the chairman was Mr. Altman, Polish Government Member; the vice-chairmen were Mr. Reid, United States employers' member, and Mr. Valerga, Argentine workers' member. Miss Smieton, United Kingdom Government member, was named as the reporter on the question of employment service organisation. The committee consisted of 60 members—30 Government members and 15 employers' and workers' members respectively.

The first report of the committee dealt with employment service organisation. The committee reaffirmed the belief, stated in the course of the first discussion the previous year, that there should be a Convention setting out the main principles on which an employment service should be based, and a Recommendation containing detailed guidance on the means for providing an efficient service. The committee endeavoured to ensure, in preparing the texts for submission to the Conference, that, while safeguarding essential principles and leaving no doubt as to the precise obligation entailed, the Convention should be sufficiently flexible to meet the widely differing administrative systems and stages of development of the many countries concerned. The question which gave rise to the longest discussion, first in the committee and then in the full Conference, in connection with both the Convention and the Recommendation, was the policy to be adopted concerning the referring of workers to employment in cases of labour disputes, substandard wages and conditions of work or discrimination based on matters unrelated to vocational or physical qualifications.

In presenting the report of the committee to the Conference, the reporter drew attention to the view unanimously expressed that an employment service as provided for in the Convention would be of the greatest value in the economic life of those countries which adopt it. She added: "The employment service is a voluntary service and depends therefore for its effectiveness on its own efficiency, on the one hand, and on the use which is made of it by employers and workers, on the other. It is the more encouraging, therefore, to be able to report that on none of the important questions of principle included in the Convention was there any substantial disagreement between the three groups on the committee."

The Convention concerning the organisation of the employment service was adopted by the Conference by 129 votes to nil, with seven abstentions, and the Recommendation was adopted by 102 votes to 24, with four abstentions.

Article 1 of the Convention, as adopted by the Conference, presents a positive statement calling for the maintenance of a free public employment service whose essential duty shall be to ensure,



in co-operation with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive measures. In the course of the discussion in the committee, the employers' members, supported by the Indian, Pakistan, South African and United States Government members, had proposed the replacement of the words "full employment" by the words "high level of employment" on the ground that it was unduly optimistic to consider that an employment service could always ensure full employment. The amendment, which had been opposed by the workers' members and the Australian, Belgian, Cuban and New Zealand Government members, was rejected by the committee.

After defining the basic function of an employment service, the Convention goes on to define, in general terms, the methods of organisation to be adopted, and the specific duties to be undertaken by the employment service in each country.

Thus, Article 2 provides that the employment service shall consist of a national system of employment offices under the direction of a national authority. This wording was adopted after discussion in the committee upon the exact meaning of the words initially proposed by the Office, that the service should consist of employment offices "under the control of a central authority". The wording adopted was designed to cover both unitary and federal systems of government. The way in which the service should be organised, through the institution of a network of local and regional offices, is provided for in Article 3 of the Convention.

Article 4, which provides for the participation of representatives of employers and workers in the organisation and operation of the employment service, gave rise to some difference of view in the committee. The South African Government member proposed that there should be co-operation of other interests as well as of employers and workers, and that the appointment of advisory committees should be voluntary and not mandatory. The workers' members urged that the committees should have "at least advisory functions", stating that in some countries committees have been set up with functions that are not merely advisory. After the rejection of the various amendments proposed, the original text that had been submitted by the Office was adopted by the committee, and ultimately by the Conference. This text provides that suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy. The representation is to

be on an equal basis, and in addition to national advisory committees there will, if necessary, be regional and local committees.

The discussion concerning referral policies took place in the first instance with respect to Article 5 of the Convention. The Office had proposed that the general policy of the employment service in regard to the referring of workers should be formulated after consultation with representatives of employers and workers through the advisory committees provided for in the previous article. In addition, it had suggested a second paragraph to indicate that the employment service, after such consultation, should frame rules to determine its policy concerning the referring of workers to employment when there is a labour dispute in an establishment, and in respect of employment in an establishment where the wages and conditions of work fall below the standard defined by law or regulation, collective agreement, or prevailing practice. The Australian Government member on the committee proposed that the second paragraph should be revised so as to set forth a definite policy requiring that employment services observe strict neutrality in the case of employment in an establishment where there is a dispute, and not refer workers to employment in respect of which the wages or conditions of work were substandard. The workers' members, and the Cuban, Polish and New Zealand Government members, supported this point of view. The Belgian Government member proposed that the employment service should determine its own policy concerning employment affected by a labour dispute, after compulsory consultation of employers and workers. The United Kingdom, Indian, Burmese, Pakistan and Swiss Government members and the employers' members were opposed to this proposal, while the South African and French Government members could not accept certain parts of the Australian proposal.

The amendment was rejected, and the Swiss and United Kingdom Government members then suggested that the whole question of policy determination in the case of disputes or substandard conditions was inappropriate for inclusion in the Convention, and proposed that it be referred to the Recommendation. This procedure was accepted and the Convention provision was limited to the first part of the Office text, providing for the formulation of a general policy in regard to the referring of workers after consultation with the advisory committees of employers and workers.

When the provision in respect of the Recommendation was considered, in the committee and in the full Conference, the same divergence of opinion was evident. The Office text for the Recommendation provided for the observance by the employment service of strict neutrality in respect of an establishment where there is a labour dispute, and for the acceptance of the policy that workers

should not be referred to employment where the conditions were below standard, or in respect of which there was unfair discrimination against applicants on grounds of race, colour, sex or religion, or which the competent authority considered unsuitable for other reasons. The Australian Government proposed to remove the responsibility from the employment service in dealing with the question of discrimination, by stipulating that the service should always do its best to fulfil employers' specifications in referring workers to vacancies. The United Kingdom Government considered that the text proposed by the Office would involve the employment service in matters which were not its strict concern, and that rules for the referring of workers to employment should be drafted by the employment service of each country in the light of its own circumstances after consultation with employers and workers. After a full discussion, the committee ultimately maintained the substance of the Office text with respect to labour disputes and substandard wages and working conditions, and adopted a compromise text concerning discrimination, stating that the employment service should not itself discriminate against applicants on grounds of race, colour, sex or belief.

The question was again discussed in the plenary session of the Conference, where the United Kingdom Government delegate proposed an amendment to the provision under which the employment service should "not refer workers to employment" which was substandard with respect to wages or conditions of work. The United Kingdom amendment provided that the employment service should "observe strict neutrality in the case of" such employment. The United Kingdom delegate explained that his amendment was "designed to meet the difficulties of the workers on the one hand and Governments on the other, and also to meet the difficulties which employers may find who want to make use of the employment service but may find in certain circumstances that the employment service does not refer workers to them". The United Kingdom proposal was rejected by the Conference, and the paragraph as proposed by the committee was included in the Recommendation as adopted.

The specific duties of the employment service are outlined in Article 6 of the Convention. The Office had prepared a text which took account of the decisions of the Conference in its first discussion of the question in 1947, providing that the service should be responsible for assisting workers to find suitable employment and employers to find suitable workers, and accordingly to develop rules for registering workers seeking employment and analysing their qualifications, for obtaining details concerning job vacancies, for referring workers to available employment, and for organising

an effective system of clearance. The text also provided, in agreement with the 1947 Conference's conclusions, for measures for promoting mobility of labour, and in particular for facilitating occupational and geographical mobility, and for facilitating temporary transfers of workers from one area to another. In the course of the discussion in the committee, the Italian Government and Italian employers' members proposed to add to the measures to facilitate mobility a new provision concerning the migration of workers. This suggestion reflected the deep concern of Italy with problems of migration and the desire of the Italian representatives to bring the employment services into the migration field. After an exchange of views in the committee as to the way in which such a provision should be drafted so as to make it suitable for inclusion in a Convention, it was agreed to include among the duties of the employment service measures to facilitate any movement of workers from one country to another which may have been approved by the Governments concerned. More detailed provisions for applying such measures were, as will be seen below, added to the Recommendation.

The Cuban Government member also proposed that a new clause should be added to Article 6, providing that in those cases in which, according to an agreement between employers and workers, the employers have undertaken to apply to a given union for the workers they need, such an agreement would be respected, but that the application should be made through the employment service, which should refer the workers to the employers concerned. This amendment was designed to reconcile the compulsory system used in Cuba with the voluntary principle of the Convention. Following discussion, however, the amendment was withdrawn.

The balance of Article 6 provides for the collection and analysis of information on employment market conditions and trends, and for the co-operation of the employment service in the administration of unemployment insurance and assistance for measures for the relief of the unemployed, and finally, for assistance to be given by the employment service to other public and private bodies in social and economic planning, so as to ensure a favourable employment situation.

Article 7 deals with special arrangements to be made for facilitating employment in special occupations and industries, and in meeting the needs of disabled persons.

Article 8 provides for initiating and developing special arrangements for juveniles within the framework of the employment and vocational guidance services. This article gave rise to considerable discussion concerning its drafting, although the substance was accepted by all.

Other articles of the Convention deal with the staffing of the employment service, methods of furthering its use by employers and workers on a voluntary basis, and the co-operation of the public employment services with private agencies not conducted with a view to profit. These provisions did not give rise to any detailed discussion, and were adopted unanimously both in the committee and in the Conference.

The Recommendation adopted supplements the Convention, gives detailed rules amplifying the principles outlined in the Convention, and provides methods for their application. The discussion that took place regarding rules for the referring of workers to employment has already been noted. The only other question which gave rise to a discussion of substance was a suggestion which had already been discussed in connection with the Convention, concerning the role of the employment service in facilitating migration. The Italian employers' members proposed to add to the Recommendation a provision concerning the collection, in co-operation with the International Labour Office, and with other institutions and organisations as appropriate, of all information relating to applications for work and vacancies which cannot be filled nationally in order to promote the immigration or emigration of workers able to satisfy, as far as possible, the said applications and vacancies. This provision, with some slight changes in drafting, was accepted by the Conference.

#### REVISION OF THE CONVENTION CONCERNING FEE-CHARGING EMPLOYMENT AGENCIES

The question of the revision of the Convention (No. 34) concerning fee-charging employment agencies was referred to the same committee which dealt with employment service organisation. The report submitted to the Conference by the Office proposed certain changes which did not affect the principle of the Convention but were intended to overcome difficulties encountered in its application.

At the outset of the discussion the employers' members of the committee proposed a far-reaching amendment. The Office text, reproducing the terms of the 1933 Convention, provided for the abolition of fee-charging employment agencies except in certain clearly defined cases in which they would be authorised to continue to operate under State control. The amendment submitted by the employers proposed that fee-charging employment agencies should not be abolished but should be regulated. In support of their proposal employers' members pointed out that fee-charging

agencies played a useful part in the placing of workers, as was obvious from the fact that they continued to exist in spite of a free public employment service. They were therefore of the opinion that these agencies should be allowed to continue to operate but that in order to prevent abuses they should be brought under adequate governmental control.

After some discussion, in the course of which the workers' members opposed the amendment, the latter was adopted by 26 votes to 24 and the article as thus amended was adopted by 22 votes to 21. The committee instructed its drafting committee to redraft the text in the light of the adoption of the employers' amendment.

The text submitted by the drafting committee differed from that of the Office on the following essential points :

(1) In its Article 2 it provided for the control instead of the abolition of fee-charging employment agencies, and made them subject to the conditions which were laid down in paragraph 4 of Article 3 of the Office text, and which in that text applied to the agencies which were to be allowed to continue to operate under exemption from the general rule of abolition which it was proposed to adopt.

(2) This involved the following consequential amendment of the Office text: Article 7 of that text provided that information would be supplied in the annual reports concerning the exceptions allowed, the agencies concerned and the arrangements for their supervision. The text as amended in accordance with the proposals of the employers' members, which did not involve abolition of fee-charging agencies and consequently made no provision for exceptions, merely proposed in the corresponding article that the reports should contain information concerning fee-charging agencies and the measures taken for their supervision.

On a record vote the amended draft of the Convention revised in accordance with the proposals of the employers' members was rejected by 39 votes to 35 with 5 abstentions. The committee was of opinion that since the decision resulted in the retention of the 1933 Convention unamended it was desirable that the question should be further considered as soon as possible. The committee unanimously adopted the following proposed resolution for submission to the Conference :

The Conference decides to place on the agenda of the next session of the International Labour Conference the question of the revision of the Fee-Charging Employment Agencies Convention, 1933.

When presenting the committee's report in plenary sitting the reporter of the committee emphasised the difficulties which had been encountered and said that the general opinion had been that

the best solution would be to permit the Office to consult the Governments before the next session of the Conference in order to ensure a thorough examination of the question.

Mr. Hauck, French Government delegate, expressed the disappointment felt by his Government on finding that the Conference had not been able "to adopt a Convention which would put an end to the exploitation from which the workers had been suffering for so many years at the hands of the fee-charging employment agencies" and thus to "take a further step in social progress".

Mr. Reed, employers' adviser, United States, reminded the Conference that the votes taken on the question of revision, "while close, were regularly taken and definitely expressed a statement of opinion". The Convention had been ratified by only six countries and the employers' group opposed the idea "of abolishing by legislation any business enterprise which is not an illegal or improper enterprise".

On a record vote the Conference adopted by 117 votes to nil with one abstention the proposed resolution submitted by the committee.

#### VOCATIONAL GUIDANCE AND EMPLOYMENT COUNSELLING

Vocational guidance figured as an item on the agenda for the first time, at this session, although incidental allusion to the subject had been made in various Conference decisions from 1929 on. The question was referred to the same committee which dealt with the organisation of the employment service. Mr. Bland, Australian Government member, was appointed reporter, and in addition to the 60 members of the committee a representative of the U.N.E.S.C.O. attended.

Draft conclusions relating to the adoption of a Recommendation had been prepared by the Office and were taken as a basis for a first discussion under the double-discussion procedure. It was agreed unanimously both in committee and in plenary session that international regulations were desirable, that they should in fact take the form proposed, and that the question should be placed upon the agenda of the next session with a view to a final decision upon such a Recommendation. The Conference also adopted conclusions, submitted to it by the committee, which are designed, after further consultation of Governments, to guide the Office in drafting a text to serve as a basis for the second discussion. These conclusions covered general principles, technical methods of major importance and appropriate administrative processes. They reflected much common ground discovered by the discussion, but the drafting was left sufficiently flexible to permit of such alternative national

approaches as would not endanger the dual objective of vocational guidance. This objective was defined at the outset as that of assisting in choice of occupation in such a way as to safeguard and promote the individual's wellbeing on the one hand, and on the other hand to make the best possible use of manpower resources. To avoid confusion it was decided that the term "vocational guidance" would be used for assistance to young persons and the term "employment counselling" for similar assistance to adults.

It was recognised that vocational guidance should be a continuous process, starting during the period of general education and ending only when the young worker was established in a job proving satisfactory for him. Various methods were listed as suitable for use at appropriate stages. These included personal interviewing, the provision of industrial and occupational information, the use of school, training or work records, medical examination and psychological and aptitude testing. There was general agreement that medical examination for the purpose of guidance should be as thorough as circumstances permit and that where defects were revealed the individual should be put in touch with facilities for treatment. It was evident that in some countries psychological and aptitude testing was held in high esteem as a tried and established method of vocational guidance, while in others it was considered only as a potentially useful science not yet sufficiently developed to warrant widespread or compulsory use. In other areas again, facilities for such testing would not be available for many years to come. It was agreed that in any case, whatever stage of development had been reached, there would always be room for experiment, and a compromise was reached by advocating the use of these methods on an experimental basis. While the desirability of vocational guidance for all young persons was made plain, the principle of voluntary recourse to the guidance services was adhered to, despite a plea by the French Government member for compulsory recourse to the services without obligation on the individual to follow the advice given. Certain categories of young people standing in particular need of guidance were specifically mentioned, those in rural areas, the mentally or physically handicapped and those with personality problems. It was also stressed that assistance should be practical and that young people should not only be advised on their career at an appropriate stage but should be put in touch with those able to help them on to the next stage of training or employment.

The text was so drafted that at every stage all those who could make a useful contribution to the formulation or application of vocational guidance policy would have ample opportunity and encouragement to do so. While primary responsibility was to be



entrusted to either the education or the employment service authority, both authorities and all other organisations and services concerned with the transition of young persons from school to work, including those bodies responsible for vocational training, are called upon to work out a coherent policy and assist in its application. The rights and responsibilities of parents and the appropriate functions of private vocational guidance organisations are safeguarded.

The provisions for employment counselling are somewhat similar, although there is of course no parallel to the preliminary vocational guidance. The responsibility for this service to adults is attributed to the public employment service. Among the categories for whom counselling is considered particularly appropriate are adults entering employment for the first time, those unemployed for a long period or through industrial change, technicians, professional workers, salaried employees and executive staff, and those embarking on training or retraining courses paid for out of public funds.

The text adopted deals also with the necessary background of research work, analysis of results achieved, development and standardisation of methods and materials, the staffing of the services and the necessity for promoting wide public understanding of the purposes, principles and methods of vocational guidance and employment counselling.

#### WAGES

In order to give the Conference the opportunity of considering for the first time the whole field of wages policy in relation to economic and social policy in general, the Governing Body decided to include the general subject of wages in the agenda of the Conference in the same way as the question of employment was included in the agenda of the 27th Session (Paris, 1945), *i.e.*, so as to enable a committee of the Conference to be set up to consider it, though not with a view to the adoption at the 31st Session of a Convention or Recommendation.

The central importance of problems of wage policy has been recognised both by the framers of the Constitution of the International Labour Organisation <sup>1</sup> and by the International Labour Conference

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<sup>1</sup> "The provision of an adequate living wage" and "recognition of the principle of equal remuneration for work of equal value" figure prominently among the objectives of the International Labour Organisation set forth in the Preamble to its Constitution. Moreover in the Declaration of Philadelphia, which is now included as an annex to the Constitution, the International Labour Conference recognises "the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve . . . the raising of standards of living; . . . policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection".

and other bodies concerned with the translation of the objectives of the Constitution into specific recommendations on policy. Three major Conventions concerned with wages have been adopted: the Convention concerning the creation of minimum wage-fixing machinery (1928), accompanied by a Recommendation on the same subject, the Convention concerning statistics of wages and hours of work (1938), and the Convention concerning wages, hours of work on board ship, and manning (1946). On a number of occasions the Conference has given incidental consideration to other aspects of wages and has included provisions concerning them in Conventions and Recommendations which relate primarily to other subjects. Other aspects have formed the subject of resolutions.

The Governing Body also decided to place on the agenda of the 31st Session of the Conference, under the double-discussion procedure, certain specific aspects of wages in respect of which the Conference, after a first discussion in 1948, might adopt in 1949 a Convention or Recommendation, as might be judged appropriate. The two specific aspects which the Governing Body selected for consideration were the fair wages clause in public contracts and the protection of wages.

The Office submitted to the Conference a general report on the problems of wages policy in general which indicated the range of problems that arise in this field and contained a more detailed analysis of certain of these which are of particular interest at the present time, and reports on fair wages clauses in public contracts and the protection of wages.

The Conference set up a committee to consider these reports, consisting of 70 members (30 Government members, 20 employers' members and 20 workers' members). The committee appointed Sir Godfrey Ince, United Kingdom Government member, as its chairman, and Mr. A. P. Oestberg, Norwegian employers' member, and Mr. A. Cofino, Cuban workers' member, as its vice-chairmen. At the request of the committee, the chairman agreed to act as reporter in respect of fair wages clauses in public contracts. The committee appointed Mr. A. H. Tange, Australian Government adviser, and Mr. Thacher Winslow, United States Government adviser and substitute delegate, as reporters on separate aspects of item VI (a) (wages: general report); and Mr. J. D. A. Detollenaere, Belgian Government adviser, on the question of protection of wages. At the request of the committee the chairman agreed to act as reporter in respect of fair wages clauses in public contracts.

#### *General Report*

The committee dealt with the general report on wages in three stages. It dealt first with the question of equal remuneration for

work of equal value, then with the question of a guaranteed wage, and finally it considered what action should be taken on the various other questions raised in the general report on wages and on certain proposed resolutions relating to this part of its agenda which had been submitted by members of the committee.

The question of equal remuneration for work of equal value for men and women workers was raised in the general report on wages submitted by the Office and in the resolution <sup>1</sup> on the principle of equal pay for equal work for men and women workers which was adopted by the Economic and Social Council of the United Nations on 10 March 1948 and was, together with the memorandum <sup>2</sup> on the subject submitted to it by the World Federation of Trade Unions, transmitted to the Director-General of the International Labour Office by the Secretary-General of the United Nations.

After considering proposed resolutions on the subject submitted to the Conference by the Polish Government delegate and to the committee by the United States Government member, the committee adopted a resolution which was also adopted by the Conference. This resolution drew the attention of States Members of the I.L.O. to the statements in the Constitution and by various bodies of the International Labour Organisation on the principle of equal remuneration for work of equal value, and to the importance of appropriate measures being taken to secure the effective application of the principle. In addition, the Governing Body was invited (*a*) to request the various bodies of the International Labour Organisation to give full consideration to the principle in dealing with questions concerning the employment of women and girls; (*b*) to instruct the International Labour Office to continue its studies and enquiries on the subject with a view to future action by the International Labour Organisation; (*c*) to place the question on the agenda of the earliest possible session of the Conference, preferably the next general session; and (*d*) to take such further action as may be appropriate to promote the solution of the various problems involved in the application of the principle.

After discussing a proposed resolution concerning the guaranteed weekly wage submitted by the United Kingdom Government member, the committee adopted a proposed resolution concerning the guaranteed wage. This resolution, which was also adopted

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<sup>1</sup> For the text of this resolution see International Labour Conference, 31st Session, San Francisco, 1948, Report VI (*a*): *Wages: (a) General Report* (Geneva, I.L.O., 1948), pp. 97-98. The resolution stated that "the Economic and Social Council . . . decides to transmit the memorandum of the World Federation of Trade Unions to the International Labour Organisation, inviting the latter to proceed as rapidly as possible with the further consideration of this subject and to report to the Council on the action which it has taken . . ."

<sup>2</sup> For the text of this memorandum see *ibid.*, pp. 342-361.

by the Conference, drew attention to the desirability of progressively extending the principle of a guaranteed wage to wage earners who are subject to temporary lay-off. It also requested the Governing Body to arrange for consideration by appropriate industrial committees of the International Labour Organisation of methods of facilitating the progressive application in their respective industries of the principle of a guaranteed wage, including methods of eliminating temporary stoppages or fluctuations in plant operations and in employment, and to consider the desirability of placing the subject of the guaranteed wage on the agenda of an early session of the Conference.

Finally, in view of the fact that it was not possible to complete consideration of the general report on wages at this session, the committee adopted a proposed resolution submitted by the Australian Government member which was designed to ensure that further consideration would be given by the Conference at the earliest opportunity to the programme for future action by the International Labour Organisation in the field of wages. The resolution, which was adopted by the Conference, placed the question "Wages : general report" on the agenda of the next general session of the Conference. During the discussion of this resolution in the committee, the chairman explained that the proposed resolutions submitted by the Cuban Government member dealing with the concept of the minimum wage and by the Indian workers' member concerning the dismissal wage would be also carried forward for consideration by the Conference at its next general session.

### *Fair Wages Clauses in Public Contracts*

The Office had submitted to the Conference draft conclusions relating to the adoption of a Convention and a Recommendation on fair wages clauses in public contracts. Taking these conclusions, which were drawn up on the basis of the Governments' replies to a questionnaire, as the basis for its work, the Conference adopted a list of points considered suitable for inclusion in international regulations and requested the Office to take these points into consideration in preparing draft texts. In accordance with the Standing Orders of the Conference, these texts will be circulated to the Governments for consideration, revised in the light of their comments, and submitted to the Conference for final decision at its next general session in 1949.

The conclusions adopted by the Conference relating to a proposed Convention include, in the first place, provisions defining the scope of the Convention. They define a public contract as a contract in

which at least one of the parties is a public authority and which involves the expenditure of public funds and the employment of workers by the party carrying out the contract. The Convention is to apply to contracts, thus defined, awarded by central authorities for specified purposes, namely (a) the construction, alteration, repair or demolition of public works; (b) the manufacture, assembly, handling or shipment of materials, supplies and equipment; and (c) the performance or supply of services. It is to apply also in the case of work carried out by subcontractors or assignees of primary contracts. Discretion is to be left to ratifying States to decide how and to what extent the Convention is to be applicable to contracts awarded by authorities other than central authorities, such as provincial, municipal or other local authorities, and, in consultation with employers' and workers' organisations, to exempt certain classes of employed persons occupying positions of management or of a technical, professional or scientific character who do not ordinarily perform manual work.

Substantively, the proposed Convention will ensure to the workers concerned wages and allowances, hours of work and other conditions of labour not less favourable than those established for work of the same character by normal machinery of negotiation between employers and workers, as by collective agreement or arbitration award, or by legislation. The Convention will further provide that where appropriate provision is not already made for the protection of the workers' health, safety and welfare, adequate measures shall be taken to ensure fair and reasonable conditions of health, safety and welfare.

In the conclusions relating to a Recommendation, there are included provisions concerning the details of the labour conditions to be prescribed in public contracts. These refer to the normal and overtime wage rates, the regulation of hours of work and holiday and sick leave provisions. Finally, these conclusions also include a recommendation that provisions substantially similar to those of the labour clauses in public contracts should be applied in cases where, as a measure of public policy, economic benefits are extended to private employers by such means as the granting of subsidies or of licences to operate a public utility.

The adoption of this last provision was opposed by the employers' delegates in the Conference discussion, as they considered that it went beyond the scope of the question. They objected also to limiting the application of the proposed Convention to private contracting employers, arguing that the same obligations should apply to public authorities engaged directly in the execution of public work. The Iranian workers' delegate, in the discussion at the plenary sitting, observed that the proposed Convention would not serve to bring

about improved conditions of work in countries where established conditions were below a proper standard.

The Conference adopted the conclusions submitted to it by the committee, and also adopted a resolution placing the question on the agenda of the next session ; it was decided to change the name of this agenda item to read "Labour clauses in public contracts".

### *Protection of Wages*

On this question also the Office had drawn up proposed conclusions based on the Governments' replies to a questionnaire, and the Conference considered these proposals and adopted a list of points relating to a proposed Convention and a proposed Recommendation.

The conclusions relating to a proposed Convention are intended to establish general regulations for the protection of wages, that term being defined as remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and payable for work done or services rendered by an employer to an employed person in virtue of a contract of employment or laws or regulations. Within this broad framework it is proposed to permit Governments to exclude from the application of the Convention, or certain of its provisions, categories of persons whose conditions of employment are such that the provisions concerned may be inappropriate or inapplicable to them.

The various substantive provisions of the proposed Convention deal with such subjects as the medium of wage payments, deductions from wages, attachment or seizure of wages, wages as a privileged debt in the case of bankruptcy or judicial liquidation of an undertaking, the periodicity, time and place of wage payments and notification of wage conditions to workers.

With regard to the medium of wage payments, the Convention is to require that wages be paid only in legal tender or, under certain conditions, by bank cheque or postal cheque or money order. The partial payment of wages in the form of allowances in kind may be authorised in cases where such method of payment is customary or desirable because of the nature of the industry or occupation concerned, and appropriate measures are to be taken in such cases to ensure that the allowances in kind are appropriate for the personal use and benefit of the worker and his family, and that the value attributed to such allowances is fair and reasonable. Provisions are also included under this heading to require that wages shall normally be paid directly to the worker concerned, to prohibit employers from limiting in any manner the freedom of the worker to dispose of his wages, and to protect workers from possible abuses arising out of the operation of works or company stores.

The conclusions concerning deductions from wages are to provide that deductions may be made only under conditions and to the extent prescribed by national laws or regulations, collective agreement or arbitration award, and are to ensure that workers are informed of such conditions. A further provision would prohibit deductions from wages in the form of payments by a worker to an employer or his representative for the purpose of obtaining or retaining employment.

The proposed Convention is to provide, further, that wages are to be paid at regular intervals, as determined by laws or regulations, collective agreement or arbitration award ; that payment is to be made on working days only and at or near the workplace ; and that payment may not be made in taverns and other similar establishments. Provisions are also to be included in the Convention to ensure that workers are informed in an easily understandable manner of the conditions in respect of wages under which they are employed and of the particulars of their wages for each pay period.

In the conclusions relating to a Recommendation there are included provisions which deal in greater detail with a number of the general principles to be laid down in the proposed Convention. Thus, detailed provisions are suggested concerning deductions from wages, which recommend that deductions should be limited to the extent deemed to be necessary to safeguard the maintenance of the worker and his family, and lay down conditions for regulating two types of deductions : deductions for the reimbursement of loss or damage to the products, goods or installations of the employer, and deductions in respect of tools, materials or equipment supplied by the employer.

A section of the conclusions relating to a Recommendation deals with the periodicity of wage payments. It recommends that wage workers, *i.e.*, workers whose wages are calculated by the hour, day or week, should be paid not less often than twice a month, and salaried employees monthly. It also contains detailed provisions concerning intervals of wage payments for workers employed by the task and for persons remunerated on a profit-sharing basis or by commissions on sales.

Another provision of these conclusions would recommend that workers be informed of certain specified details of their wages conditions, these being the wage rates payable, the method of wage calculation, the periodicity of wage payments, the place of payment and the conditions under which deductions may be made. A further provision suggests that workers should be informed, with each payment of wages, of the gross amount of their earnings, the details of any deductions which may have been made and the net amount of wages due.

Finally, in connection with works or company stores, there is a recommendation that the association of workers' representatives in the general administration of such stores should be encouraged.

In the Conference discussion of the conclusions submitted by the committee, the employers' delegates objected to this last provision as being outside the scope of the question of protection of wages and relevant rather to the question of industrial relations. A proposal to delete the provision was rejected by 23 votes to 69, and the conclusions relating to a Recommendation were adopted by 87 votes to 26. The conclusions relating to a Convention were adopted without opposition.

#### FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE

##### *Application of the Principles of the Right to Organise and to Bargain Collectively, Collective Agreements, Conciliation and Arbitration and Co-operation between Public Authorities and Employers' and Workers' Organisations*

For the consideration of these questions, which comprised the seventh and eighth items on the agenda, the Conference appointed a committee consisting of 80 members (40 Government members, 20 employers' members and 20 workers' members). Each Government member had one vote and each employers' and workers' member had two votes. The chairman of the committee was Mr. Thorn, New Zealand Government member; the vice-chairmen were Mr. Taylor, Canadian employers' member, and Mr. Roberts, United Kingdom workers' member; the reporters were Mr. Guzman Neira, Mexican Government member, Mr. Jouhaux, French workers' member, and Mr. Cornil, Belgian employers' member.

After the discussions in the committee<sup>1</sup>, the Conference adopted a series of important decisions in the form of:

(1) a Convention on freedom of association and protection of the right to organise;

(2) draft conclusions as to the points to be covered in a Convention or Recommendation concerning the application of the principles of the right to organise and to bargain collectively, to be discussed at the 1949 session;

(3) a resolution concerning international machinery for safeguarding freedom of association;

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<sup>1</sup> These discussions will be the subject of a special article in a later issue of the *International Labour Review*.



(4) a resolution concerning the placing on the agenda of the next general session of the Conference for first discussion of an item dealing with industrial relations comprising collective agreements, conciliation and arbitration and co-operation between public authorities and employers' and workers' organisations.

#### PARTIAL REVISION OF THE CONVENTIONS CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT

The question of the partial revision of the Convention (No. 4) concerning employment of women during the night (1919) and of the Convention (No. 41) concerning employment of women during the night (revised 1934) had been placed by the Governing Body on the agenda of this session of the Conference on the basis of a ten-yearly report on the working of these Conventions, which had been prepared by the Office in accordance with a decision taken by the Governing Body in March 1947 to restore the regular procedure of presenting to the International Labour Conference periodical reports on the working of Conventions. The Conference was thus called upon to take a decision regarding the partial revision of the two Conventions, in accordance with Article 37 of the Standing Orders of the Conference, which provides for a single-discussion procedure and limits the matters in respect of which the Conventions may be revised to the particular points placed by the Governing Body on the agenda of the Conference, after consultation with the Governments of the States Members.

The main object of the revision as proposed by the United Kingdom Government was to render more flexible the term "night", in order to facilitate the working of the double-day shift system which is becoming a feature of increasing importance in the post-war economy of a number of countries. As the reporter of the committee on the revision of the Conventions pointed out, the old definition of the term "night" prevented women from being employed at night under the double-day shift system, and thus threatened to restrict their possibilities of employment.

On the basis of the observations received from the Governments, the Office had prepared a report on the question of revision, containing a draft text of the proposed revising Convention for submission to the Conference. The Conference referred this report to a committee composed of 16 Government members, eight employers' members and eight workers' members, which met under the chairmanship of Mrs. Beyer, United States Government member. Mr. Farrar, United Kingdom employers' member and Mr. Das, Indian workers' member, were appointed vice-chairmen

of the committee. The reporter was Miss Stenberg, Netherlands Government member.

On the basis of the report of this committee, the Conference adopted the Convention concerning night work of women employed in industry (revised 1948) by 120 votes to two with nine abstentions. The principal points of revision introduced by the new Convention are summarised below.

The definition of the term "night" in the Conventions of 1919 and 1934 provides for a night rest period of 11 consecutive hours, including the interval between 10 p.m. and 5 a.m. On the request of the Belgian Government, which had encountered difficulties in applying the terms of the 1919 Convention to work on a two-shift system in the Verviers textile industry, a provision had already been introduced in the revised Convention of 1934 allowing—after consultation by the competent authority with the employers' and workers' organisations concerned—the interval between 11 p.m. and 6 a.m. to be substituted for that between 10 p.m. and 5 a.m. in a particular industry or area. When proposing a new revision of the Conventions, the United Kingdom Government pointed out that still more flexibility in the definition of the barred period was necessary in order to meet the present-day tendency to start work later in the morning (7 or 8 a.m.) with, in the case of a second shift, a later stop in the evening (11 or 12 p.m.), an arrangement which, in a number of instances, is preferred by the workers. Similar statements had been made by a number of other Governments including those of Canada, France and the United States.

These suggestions had been taken into account in the Office text submitted to the Conference. The Conference committee amended this text on the proposal of the United States Government member, with a view to allowing for intervals to begin at different hours according to the requirements of different countries. Consequently, the new Convention, as adopted by the Conference, provides for a rest period of at least 11 consecutive hours, including an interval to be prescribed by the competent authority of at least seven consecutive hours falling between 10 p.m. and 7 a.m. The competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after 11 p.m.

The Convention thus maintains the length of the night rest (11 hours) as well as that of the barred period (seven hours), while allowing more flexibility in the arrangement of the latter. According to the new text, the competent authority may allow women to work until midnight, after consultation with the employers' and workers' organisations concerned, and until 11 p.m. without such consultation.

With reference to these changes, the Government representatives of the Argentine Republic, Belgium, India and Uruguay expressed the opinion that the new text afforded less protection to women workers than the earlier Conventions.

The revising Convention maintains the exceptions to the prohibition of night work for women, as contained in the Conventions of 1919 and 1934, subject to the following additions and modifications :

A new provision is introduced allowing the suspension by the Government of the prohibition of night work for women, after consultation with the employers' and workers' organisations concerned, when, in case of serious emergency, the national interest demands it. Similar provisions exist in a number of other Conventions (*e.g.*, in the 1919 Convention concerning the night work of young persons in industry) with a view to meeting special situations arising from war, etc. The necessity for such a provision was thought to have been revealed by the situation which prevailed during the second World War, when prohibitions as regards the night work of women were relaxed in belligerent and even in certain neutral countries. The revised Convention provides that any such suspension shall be notified by the Government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

As regards the exception provided in the 1934 Convention for women holding responsible positions of management who are not ordinarily engaged in manual work, the revised text extends this exception by making it applicable to (*a*) women holding responsible positions of a managerial or technical character, and (*b*) women employed in health and welfare services who are not ordinarily engaged in manual work.

The earlier Conventions contain special provisions for India and Siam. In conformity with the provisions included in more recent Conventions (*e.g.* in the Convention (No. 77) concerning medical examination for fitness for employment in industry of children and young persons, 1946), new provisions were introduced in the revised Convention defining the territories and industrial undertakings covered in India and Pakistan and providing for a procedure for amending the articles relating to certain countries. In regard to Siam, which has not ratified either of the Conventions of 1919 and 1934, the Conference decided to delete the special provision contained for this country in the earlier Conventions.

In conformity with the provisions contained in other more recent Conventions, a number of changes in the wording of the Convention were made, particularly in the definition of the term "industrial undertaking" and in the final articles.

The Conference further adopted a resolution referring the problem of night work of women employed in transport to the Governing Body for examination with a view to appropriate action. This resolution was adopted after a proposal by the United States Government member to include transport in the scope of the revised Convention. The Committee on the Revision of the Conventions, however, considered that it could not take a decision on this proposal, in particular because the extent and nature of the employment of women in transport were thought to require further study prior to any action by the Conference.

#### PARTIAL REVISION OF THE CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY

The partial revision of the Convention (No. 6) concerning the night work of young persons employed in industry (1919) had been suggested by the Government of the United Kingdom in connection with the ten-yearly report prepared by the Office on the working of the Conventions concerning the employment of women during the night. The suggestion was made in view of the fact that the term "night" occurs both in the Conventions on the night work of women and in Convention No. 6, and that therefore revision of the latter Convention also appeared necessary in order to facilitate the working of the double-day shift system which has been assuming increasing importance in the post-war economy of a number of countries. An early revision of Convention No. 6 had also been requested in a resolution (No. XIV) adopted by the Conference at its 27th Session (Paris, 1945) in view of the fact that the Convention was adopted in 1919 and had not since been revised and that its standards were lower than the standards provided for in the Convention then proposed and since adopted (No. 79) concerning the restriction of night work of children and young persons in non-industrial occupations. Another resolution (No. XI), adopted at the same session of the Conference, called for increased protection of young workers from the adverse effects of night work, and proposed for industrial employment the introduction of a consecutive rest period of at least 12 hours for children below 16 years of age and a limitation of the exceptions from the prohibition of night work authorised for young persons over 16 for continuous processes in prescribed industries.

As in the case of the revision of the Conventions on the night work of women, the Conference, at its 31st Session, was called upon to take a decision regarding the partial revision of Convention No. 6 in accordance with Article 37 of the Standing Orders, which provides

for a single-discussion procedure and limits the matters in respect of which the Convention may be revised to the particular points placed by the Governing Body on the agenda of the session, after consultation with the Governments of the States Members.

The Conference had before it the report prepared by the Office on the basis of the observations received from the Governments and containing the proposed text of a revising Convention. This report was referred to a committee composed of 16 Government members, eight employers' members and eight workers' members. The committee appointed as its chairman Mr. Bandeira de Mello, Brazilian Government member, and as its vice-chairmen Mr. Farrar, United Kingdom employers' member, and Mr. Griffiths, workers' member of the Union of South Africa. The reporter was Mr. Wallin, Belgian Government member.

On the basis of the report of this committee, the Conference adopted the Convention concerning the night work of young persons employed in industry (revised 1948) by 120 votes to nil, with five abstentions. The principal points of revision as introduced by the new Convention are summarised below.

The Convention of 1919 prescribes for young persons under 18 years of age a night rest period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m. The revised Convention adopted by the Conference extends the uninterrupted rest period to 12 hours. It also extends the "barred period" for young persons under 16 years of age by providing that it must comprise the hours between 10 p.m. and 6 a.m. Many members of the committee would have preferred to extend still further the barred period for young workers under 16 years of age but the Conference adopted the text as finally approved in an effort to meet the practical needs of many countries which it was thought could not ratify a Convention with a stricter provision.

As regards the barred period for young persons who have attained the age of 16 years but are under the age of 18 years, the Conference introduced greater flexibility to take account, in particular, of the developments of the double-day shift system by adopting a provision similar to that inserted in the revised Convention concerning night work of women employed in industry. Consequently, the revised Convention provides that for this category of young workers the night rest period of twelve hours shall include an interval prescribed by the competent authority of at least seven consecutive hours falling between 10 p.m. and 7 a.m. The competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult employers' and workers' organisations concerned before prescribing an interval beginning after 11 p.m.

As regards exceptions from the night work prohibition, the revised Convention introduces certain modifications and limitations. In conformity with similar provisions in the Convention concerning the restriction of night work of children and young persons in non-industrial occupations (1946), the exception for family undertakings provided for in Convention No. 6 has been restricted to employment in family undertakings on work which is not deemed to be harmful, prejudicial or dangerous. As regards the exception for young persons over 16 years of age employed on continuous work, the revised Convention introduces limitations by stipulating that the competent authority may authorise such employment during the night only for purposes of apprenticeship or vocational training, after consultation with the employers' and workers' organisations concerned, and provided that a rest period of at least 13 consecutive hours is granted between two working periods. The continuous industries or occupations concerned are not enumerated as in Convention No. 6, but are to be specified by the competent authority. The special provision of the 1919 Convention allowing young persons under 18 years of age to work during the night in coal and lignite mines has been completely eliminated by the revised Convention. Where night work in the baking industry is prohibited for all workers, the revised Convention maintains the possibility of substituting the interval between 9 p.m. and 4 a.m. for the ordinary barred period, but makes this substitution applicable only for purposes of apprenticeship or vocational training for young persons who have attained the age of 16 years.

Finally, as regards the exception for tropical countries, it has been replaced in the revised Convention—in conformity with similar provisions in other recent Conventions—by an exception applying to countries where the climate renders work by day particularly trying and not to tropical countries only.

Provisions were also introduced for facilitating the enforcement of the Convention.

The revised Convention contains a series of special provisions for certain countries, including new provisions for India raising the age limit of the young persons to which the Convention applies in that country from 14 to 17 years and defining the territories and industrial undertakings covered according to similar provisions in other recent Conventions. Analogous provisions were added for Pakistan, while the provision for Japan contained in the 1919 Convention has been deleted. In conformity with a provision contained in the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, the revised Convention stipulates, as a transitional measure, that an age limit of under 18 (but not under 16) years may be substituted for the age limit of 18 years by

Members which, before the date of the adoption of the laws or regulations permitting the ratification of the Convention, had laws or regulations restricting the night work of children in industry under an age limit lower than 18 years. A procedure for amending the articles relating to certain countries has been included.

A certain number of changes have also been introduced in the wording of the Convention, in particular as regards the definition of the term "industrial undertaking", and in the final articles, in conformity with similar provisions in other recent Conventions.

The Conference further adopted two resolutions concerning the night work of young persons: as in the case of the question of night work of women in transport, one of these resolutions refers to the Governing Body, for examination with a view to appropriate action, the problem of night work of young persons employed in transport by inland waterway or air. The other resolution recommends consultation with employers' and workers' organisations concerned prior to suspension of night work regulations for young persons when in case of serious emergency the national interest demands it. A similar provision as regards consultation had been included in the revised Convention on the night work of women but could not be inserted in the revised Convention on night work of young persons as the article of Convention No. 6 dealing with the suspension in the case of national emergencies had not been proposed for revision.

**SUBSTITUTION OF THE PROVISIONS OF THE REVISING CONVENTIONS FOR THE PROVISIONS OF THE NIGHT WORK (WOMEN) CONVENTION (REVISED) 1934, AND OF THE NIGHT WORK (YOUNG PERSONS) CONVENTION (1919) CONTAINED IN THE SCHEDULE TO THE LABOUR STANDARDS (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947**

Article 1 of the Convention (No. 83) concerning the application of international labour standards to non-metropolitan territories (1947) provides for the communication to the International Labour Office by ratifying States of a declaration stating in respect of the territories referred to in Article 35 of the Constitution of the Organisation, as amended in 1946<sup>1</sup>, the extent to which it undertakes that the provisions of the various Conventions set forth in the Sched-

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<sup>1</sup> Article 35 of the Constitution of the Organisation, as amended in 1946, states in paragraph 1: "The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions."

ule to that Convention are applied in respect of the said territories. Further, Article 5 of the same Convention (No. 83) provides that the Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule, substituting for the provisions of any Convention set forth in the Schedule the provisions of any Convention revising that Convention which may have been adopted by the Conference.

As the Conventions on the partial revision of which the Conference had to take a decision—No. 6, concerning the night work of young persons in industry (1919) and No. 41, concerning employment of women during the night (revised 1934)—are among those reproduced in the Schedule to Convention No. 83, the Governing Body decided to place on the agenda of the Conference the question of the substitution in the Schedule to Convention No. 83 of the provisions of any revising Conventions which may be adopted, for the provisions of Conventions Nos. 6 and 41.

Having adopted the new revising Conventions, the Conference therefore took a vote on the text of the Instrument for the Amendment of the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947, submitted by the Drafting Committee of the Conference. This text was carried by 84 votes to nil, with 32 abstentions.

#### STANDING ORDERS COMMITTEE

##### *Privileges and Immunities*

The Conference set up a Standing Orders Committee, which elected the following officials : chairman, Mr. Zubiria, Uruguayan Government member ; employers' vice-chairman, Mr. Oersted (Denmark) ; workers' vice-chairman, Mr. Serrarens (Netherlands) ; reporter, Mr. Ago, Italian Government member.

The proceedings of the Committee were only partly related to matters actually affecting the Standing Orders of the Conference. It had also to consider the question of the privileges and immunities of the International Labour Organisation.

Last year at Geneva the Conference had decided to suspend provisionally any further action on the proposed Convention concerning the privileges and immunities of the International Labour Organisation, in order to permit of the adoption, under the auspices of the United Nations, of a single general Convention on the privileges and immunities of the specialised agencies.

The Convention on the privileges and immunities of the specialised agencies was adopted by the General Assembly of the United Nations on 21 November 1947.



This Convention consists essentially of a section of a general nature containing the standard clauses which are applicable to all the specialised agencies and which cannot be altered by those agencies. To this first section, there are a series of annexes of which the object is to adapt the general Convention to the needs of each of the specialised agencies. This section of the Convention represents simply a proposal made by the United Nations ; it is for each agency to revise and complete the text with a view to the conclusion of a definite agreement.

The Convention as a whole was first considered by the Governing Body and then by the Standing Orders Committee of the Conference. The latter considered very closely the terms of the standard clauses and—subject to reservations made by certain members on particular points, concerning facilities in respect of telecommunications, the clauses concerning exemption from taxation in respect of salaries and emoluments and the obligations of officials in respect of national service—recommended that the Convention be approved by the Conference. The Conference accepted this recommendation.

The Conference also accepted the recommendations of the Standing Orders Committee concerning the annex to the Convention dealing with the privileges and immunities of the I.L.O., the purpose of which is to adapt the standard clauses to the requirements of the Organisation. It was considered necessary to make certain changes in the annex proposed by the United Nations ; this was in accordance with the procedure which had been agreed on at the General Assembly of the United Nations. With the exception of certain alterations of a purely formal nature, these changes concerned chiefly the grant of diplomatic immunities to the Deputy Director-General and to the Assistant Directors-General—a step which was considered necessary by the great majority of the members of the Committee in order to uphold the prestige of the Organisation—and the extension of certain immunities to I.L.O. experts.

The Conference having thus approved the standard clauses of the Convention on privileges and immunities of the specialised agencies and adopted the final text of the annex concerning the I.L.O., the Convention as a whole will become applicable to the Organisation when the annex has been forwarded to the Secretary-General of the United Nations. The Convention will then be open to acceptance by States Members of the I.L.O. in accordance with a specified procedure.

#### *Standing Orders of the Conference*

The Governing Body of the International Labour Office had submitted to the Conference for adoption at its 31st Session various

amendments and additions to the Standing Orders which had been found to be necessary.

The Standing Orders Committee examined in detail all the questions referred to it, as well as suggestions made by its members.

The Conference approved the report of the Committee and adopted the amendments to the Standing Orders which were contained in the report and which are summarised below.

*Transfer of Responsibilities to Another International Organisation.*

The Conference accepted the advice of the Standing Orders Committee, which agreed with the view approved by the Governing Body, that the most appropriate procedure to be followed in any case in which it might be thought desirable to transfer to another international organisation all or part of the responsibilities of the International Labour Organisation under a Recommendation would be the adoption of a new Recommendation revising the original Recommendation. No decision was taken on the question whether or not it was desirable to transfer to another international organisation all or part of the functions of the Organisation under any particular Recommendation; consideration was confined to the question of the procedure to be followed if such a case arose. On the other hand, the Conference thought that the procedure in question should not be limited to the case of transfer of functions to other organisations, but should be of a wider nature and should cover all possible cases in which revision of a Recommendation might be useful.

A new article was therefore inserted immediately after the present Article 42 of the Standing Orders; this new article provides a procedure for the revision of Recommendations analogous to the procedure for the revision of Conventions as provided in Article 42.

*Admission of States to Membership of the I.L.O.*

The Conference approved the recommendations of the Standing Orders Committee and adopted a new Section C to be added to Part II (Standing Orders concerning Special Subjects) of the Standing Orders of the Conference, prescribing the procedure for the admission of new Members to the Organisation. This new section is basically a codification of the practice followed hitherto by the Conference for the admission of new Members.

*Rules concerning Regional Conferences.*

The Conference had before it proposed rules for regional conferences called by the International Labour Organisation, which had been prepared by the Governing Body in accordance with the

provisions of the Constitution as amended. The Conference adopted the text proposed, after having made certain slight modifications on the recommendation of the Standing Orders Committee.

*Relations with Non-Governmental Organisations.*

The Conference, after having taken note of the decisions of the Governing Body concerning the establishment of relations between the International Labour Organisation and non-governmental organisations, approved the recommendation which had been made to it by the Governing Body on 14 June 1948 and by which the latter recommended the Conference to adopt a procedure governing the representation of non-governmental international organisations at meetings of the Conference and its committees. In order to give effect to these principles, the Conference, on the recommendation of its Standing Orders Committee, amended its Standing Orders by the insertion of clauses governing the conditions on which representatives of non-governmental international organisations with which consultative relationships have been established and permanent arrangements made for representation at the Conference may attend meetings and make or circulate statements.

## RESOLUTIONS

To examine the resolutions submitted by various delegates, the Conference appointed a Resolutions Committee of 24 members, of which the chairman and reporter was Mr. Pao, Chinese Government member, and the vice-chairmen Mr. Chapa, Mexican employers' member and Mr. Amilpa, Mexican workers' member.

A resolution concerning annual reports on the application of international labour Conventions in Japan and the readmission of Japan to the International Labour Organisation was submitted by Mr. Lall, Indian Government delegate. This resolution referred to the resolution concerning labour standards in Japan, adopted by the Preparatory Asian Regional Conference (New Delhi, 1947), and requested the Governing Body to consider, in consultation with the appropriate authorities, (a) arrangements for securing regular annual reports on the application of the international labour Conventions binding on Japan by reason of ratification while Japan was a Member of the Organisation, and (b) the desirability of readmitting Japan to the Organisation at an early opportunity.

The Officers of the Conference were of opinion that the resolution, since it involved political problems concerning in particular the admission of States to the Organisation, should be referred to the Selection Committee, which is the competent body of the Conference

in such matters; the chairmen of the Resolutions Committee and of the Selection Committee agreed on the application of the procedure recommended by the officers of the Conference. The resolution was accordingly referred to the Selection Committee, which appointed a subcommittee to consider it. On the recommendation of the subcommittee and in agreement with the author of the resolution, Mr. Lall, the Selection Committee submitted to the Conference for approval an alternative resolution which was unanimously adopted. By this resolution the Conference, in the spirit of the resolution concerning labour standards in Japan adopted by the Preparatory Asian Regional Conference and as an immediate practical step, extended an invitation to the Supreme Commander Allied Powers to send an observer delegation to the 31st Session. The Conference suggested that the observer delegation should reflect the tripartite character of the Organisation and requested the Governing Body to consider the desirability of inviting the Supreme Commander Allied Powers to send similar observer delegations to future sessions of the Conference and Industrial Committees which are particularly concerned with Japanese labour standards.

After the adoption of the resolution the United States delegation transmitted to the Conference a letter in which the Supreme Commander Allied Powers expressed appreciation of the invitation to send an observer delegation and indicated that although there was insufficient time to arrange for the attendance of such a delegation at the 31st Session, he welcomed the opportunity of participating in the work of the Organisation on future occasions and hoped that the relations established by the invitation from the Conference would prove beneficial to all concerned.

A resolution submitted by Mr. Altman, Polish Government delegate, recalled the fact that the question of equal pay for equal work for men and women had been referred to the International Labour Organisation by the Economic and Social Council and proposed that the question be placed on the agenda of the next session of the Conference. After a preliminary discussion, the resolution was referred to the committee on wages for examination, as it related to matters under consideration by that committee.

Mr. Roberts, United Kingdom workers' delegate, submitted a resolution concerning the conditions of employment of domestic workers. The Resolutions Committee decided to transmit this resolution to the Conference with certain changes accepted by the author. Adopting the resolution unanimously, the Conference expressed the opinion that the time had come for a full discussion on the important subject of conditions of employment of domestic workers and therefore requested the Governing Body to consider the advisability of placing on the agenda of an early session of the

Conference, preferably the 1950 session, the whole question of the status and employment of domestic workers.

Six resolutions were submitted by the Argentine Government delegation.

The first of these resolutions referred to the provisions of the Constitution of the International Labour Organisation concerning the objects of the Organisation and proposed that various specific rights in respect of living and working conditions should be considered as essential rights of the worker in all parts of the world and that recognition of these rights should be fundamental to the work of the International Labour Organisation. The Resolutions Committee felt that since the resolution dealt with matters relating to the constitutional provisions of the Organisation, detailed study should be made of its substance and of its possible implications and that the best procedure would therefore be to refer the resolution to the Governing Body for examination and possible action, without submitting it to a vote of the Conference. This procedure was accepted by the authors of the resolution and was approved by the Conference.

The second resolution, concerning working conditions in the glass industry, was transmitted to the Conference with certain changes accepted by its authors and was unanimously adopted in plenary sitting. By this resolution the Conference recognised that technical progress in the glass industry had raised new problems in respect of the regulation of working conditions and requested the Governing Body to instruct the Office to make a further study of working conditions in all branches of the glass industry and to undertake the ten-yearly review of the Conventions relating to different branches of this industry adopted in 1934 and 1935, in order to consider whether their revision is necessary.

By a third resolution, which was also transmitted to the Conference with certain changes accepted by the authors and was unanimously adopted in plenary sitting, the Conference requested the Governing Body to instruct the Office, in consultation, as appropriate, with the International Civil Aviation Organisation, to undertake studies on the working conditions of persons employed on aircraft engaged in the transport of passengers and goods, with a view to taking such further action as is necessary.

In its fourth resolution the Argentine Government delegation proposed that the Governing Body should be asked to consider the possibility of placing on the agenda of an early session of the Conference an item concerning the organisation and operation of industrial tribunals.

The resolution was referred to the committee dealing with freedom of association and industrial relations, as it was

connected with one of the points raised in the report referred to that committee.

The fifth resolution submitted by the Argentine Government delegation concerned the rights of migrants with respect to social security and proposed that the Governing Body should be asked to instruct the Office to give priority to preliminary studies with a view to the establishment of an international system of social security ensuring for all workers wherever they might be the recognition of rights acquired in other countries and to place the question on the agenda of the earliest possible session of the Conference. After having heard the explanations of its authors, the Resolutions Committee found that the resolution concerned matters which were or would be under consideration by various bodies of the Organisation. During the discussion, Mr. Noriega, Mexican employers' member, suggested an addition to the resolution calling special attention to the position of workers who occasionally become migrants by reason of the fact that they are engaged for casual employment such as harvesting operations or specific tasks.

The Committee recommended that the resolution, together with the addition suggested by Mr. Noriega, be forwarded to the Governing Body for such action as might be considered appropriate, bearing in mind that the matter is one which is of concern both to the Social Insurance Committee and to the Permanent Migration Committee of the Organisation and that the matter will also be before the 32nd Session of the Conference. The recommendation of the Committee was accepted by the Conference.

The sixth resolution submitted by the Argentine Government delegation concerned non-manual workers and was transmitted to the Conference by the Resolutions Committee with certain changes accepted by its authors. By this resolution, unanimously adopted in plenary sitting, the Conference requested the Governing Body to consider the advisability of convening at an early date the committee set up to deal with matters relating to salaried employees and professional workers and to invite the suggestions of that committee on the further action to be taken by the Organisation.

In addition to the above-mentioned resolutions submitted within the time-limits prescribed by the Standing Orders, the officers of the Conference considered, in accordance with Article 17, paragraph 2, of the Standing Orders, a resolution submitted by Mr. Fenton, United States workers' delegate, concerning the United Nations Appeal for Children. The officers found that this resolution related to an urgent matter and therefore decided to permit it to be moved. The Resolutions Committee, to which the resolution was referred in accordance with Article 17, paragraph 3, of the Standing Orders, decided to transmit it to the Conference without any change. In

plenary sitting the resolution was unanimously adopted. By this resolution the Conference endorsed the aims of the United Nations Appeal for Children and expressed the hope that that great endeavour be continued until such time as the children of the world no longer suffer from lack of the first necessities of life.

### CONCLUSION

The large number of questions on the agenda of this session of the Conference, with the consequently large number of committees that had to be appointed, and the number of reports with which plenary sittings had to deal, all contributed to make this session unusually productive, but also particularly onerous for the members.

The session had moreover a special place in the history of the Organisation, since it opened just after the Governing Body had appointed Mr. David A. Morse to succeed Mr. Edward Phelan as Director-General of the Office. Mr. Phelan had occupied a leading place at every session of the Conference, from the first, in Washington, to the 31st, in San Francisco. Before the Organisation came into existence he had been very closely associated with the drafting of its Constitution. He was the first person to be appointed to the staff of the Office by Albert Thomas, and since that day, successively as Chief of the Diplomatic Division, Assistant Director, Deputy Director, Acting Director and Director-General, his constant influence and guidance have brought the Office to success in prosperity and safety in adversity. Reference has already been made to the many expressions of regret uttered by speakers from every group and many different countries that the Office should be parting with a chief of such long and highly distinguished service. These regrets were mitigated only by the general satisfaction with which Mr. Morse's appointment was greeted and the confidence expressed on all sides in the future of the Office under his guidance.

The Conference had also to say farewell to another old friend of the Organisation in the person of its President, Mr. Justin Godart, who is retiring from public life. His association with the cause of international labour legislation dates as far back as the last century and his activities in that cause during a long and distinguished career endow him with a special place in the Organisation's history. Of him, too, the Conference took leave with deep gratitude and genuine sorrow.

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