

The 53rd Session of the International Labour Conference, June 1969

THE 53RD SESSION of the International Labour Conference met in Geneva from 4 to 25 June 1969. It was attended by delegations from 116 of the 121 member countries of the ILO. Bermuda, Grenada, the Holy See and Swaziland sent observers, and the representatives of numerous international intergovernmental and non-governmental organisations were also present.

The year 1969 being the fiftieth anniversary of the foundation of the ILO, the day of 18 June was given over to two solemn sittings during which the Conference was addressed by U Thant, Secretary-General of the United Nations; Mr. José L. Bustamante y Rivero, President of the International Court of Justice; Mr. Hans Schaffner, Swiss Federal Councillor, representing the Swiss Federal Council; Mr. George L.-P. Weaver, Chairman of the ILO Governing Body; Mr. Pierre Waline, Chairman of the Employers' group at the Conference; Lord Collison, Chairman of the Workers' group; Mr. David A. Morse, ILO Director-General; Mr. Gullmar Bergenström, President of the International Organisation of Employers; Mr. Bruno Storti, President of the International Confederation of Free Trade Unions; Mr. Renato Bitossi, President of the World Federation of Trade Unions; and Mr. Maurice Bouladoux, President of the World Confederation of Labour.

On 10 June the Conference was honoured by the visit of His Holiness Pope Paul VI; on 11 June by that of His Imperial Majesty Haile Selassie I, Emperor of Ethiopia, and His Excellency Dr. Kenneth Kaunda, President of the Republic of Zambia; and on 17 June by that of His Excellency El Hadj Ahmadou Ahidjo, President of the Federal Republic of Cameroon.

In addition, special messages of greeting on the occasion of the anniversary were received from the heads of State or of government of a large number of member countries.

Apart from the annual Report of the Director-General and the regular reports concerning the budget of the Organisation and the

application by member countries of international labour Conventions and Recommendations, the Conference had before it five technical items. These concerned (1) labour inspection in agriculture, (2) the revision of two earlier Conventions concerning sickness insurance, (3) holidays with pay, (4) minimum wage fixing machinery, and (5) special youth employment and training schemes. The Conference adopted a Convention and Recommendation on each of the first two subjects and completed a first discussion on the content of a Convention on holidays with pay, a Convention and Recommendation on minimum wage fixing, and a Recommendation on special youth schemes. It also adopted a resolution concerning the examination by the ILO of the labour and trade union situation in Spain, in which it noted the interim report of the Study Group set up for the purpose, as well as the procedure proposed for submission and consideration of its final report. During the session the usual three-yearly elections of the members of the ILO Governing Body were also held. Finally, the Conference adopted the reports¹ of the Committee on Programme and Structure which it had set up to carry out a general review of the reports submitted to it by the Governing Body on the programme and structure of the ILO, and took note of the fifth annual report on the application of the Declaration it adopted in 1964 concerning the policy of *apartheid* of the Republic of South Africa.

The following sections of this article describe successively the new international instruments adopted by the Conference, the annual review of the implementation of earlier Conventions and Recommendations, and the Conference's first discussion of the proposed instruments concerning holidays with pay, minimum wage fixing machinery, and special youth employment and training schemes. Finally, a brief account is given of the debate on the Director-General's Report, the central theme of which this year was the World Employment Programme, and of the Director-General's reply to the debate.²

Labour inspection in agriculture

Following the first discussion of this question, held at the 52nd Session of the Conference in 1968³, and further written consultation with governments, the Office had prepared a report containing a proposed Convention and Recommendation based on the conclusions adopted at that session and amended in the light of the governments' observations.

¹ The minutes of the Committee, its two reports and the Conference's discussion of them in plenary sitting are reproduced in *Official Bulletin* (Geneva, ILO), Vol. LII, 1969, No. 4, Special Supplement.

² The Conventions, Recommendations, resolutions and additional texts adopted by the Conference are published in *ibid.*, No. 3.

³ See "The 52nd Session of the International Labour Conference, June 1968", in *International Labour Review*, Vol. 98, No. 4, Oct. 1968, pp. 300-303.

Examination of the item was entrusted to a Committee on Labour Inspection (Agriculture), which held a general discussion and then considered the texts proposed by the Office.

In the course of the general discussion it was pointed out that once the new texts were adopted almost every branch of activity would be covered by either a Convention or a Recommendation dealing with inspection. Certain members of the Committee, emphasising how very important it was that standards, after adoption and ratification, should be put into effect, asked the Office to give careful attention to various means of helping national labour inspectorates to function more effectively. For example the work of national administrations would be greatly simplified if labour inspection reports were submitted in simplified standard form. It would also be a good thing to convene further regional labour inspection conferences (such as were held before the Second World War) and meetings of technical experts or advisers; such conferences and meetings would greatly help the Office, as well as national labour inspection departments, by discussing specific problems, such as the training of labour inspectors and their responsibilities, how labour inspection departments should be organised and run, and so on. Lastly, since inspection services in certain developing countries are inadequate, the Workers' group expressed the hope that the ILO would intensify its technical assistance, especially as regards the training of senior labour inspection officials. In this spirit the Office was asked to send more experts or officials to national labour inspection departments to assist the latter to organise certain activities in this field on the spot.

When the Committee turned to an examination of the proposed texts of the Convention and Recommendation there was a remarkable degree of understanding among Employers', Workers' and Government members, no more than four Articles of the Convention and two Paragraphs of the Recommendation being amended in substance. Some differences of opinion naturally arose, however. For example there was a lengthy discussion of the clauses in the Convention which provided for officials or representatives of occupational organisations to be associated with the work of inspection and for the workers' representatives to be informed of any defects observed by the inspector. There was considerable discussion, too, of night supervision by inspectors (even though the Convention restricts the right of entry to a farmer's private house), the point being made that night work is less frequent on farms than in industrial undertakings. No change was, however, made in the relevant provisions of the Convention, but a Paragraph was inserted in the Recommendation limiting an inspector's activity at night to matters that cannot be effectively checked by day. Similarly, the idea that it should be left to the discretion of the inspector whether or not to recommend or institute proceedings against an offending farmer was challenged, and several amendments were proposed in this connection. The points made in support of these

amendments were that in the developing countries inspectors were inadequately trained and educated, while in certain industrialised countries it was impossible, for administrative or legal reasons, to give an inspector such authority. Here again, in a spirit of compromise, no change was made in the basic provisions appearing in the initial text.

While to a great extent inspired by the Labour Inspection Convention, 1947—which sets forth the basic principles applying to industry and commerce now enshrined in the legislation of the majority of countries—the new Convention embodies a number of fresh provisions making allowance both for the special features of agriculture and for the changes that have occurred in the intervening twenty-two years.

Broadly speaking, it embodies the various provisions of the earlier Convention dealing with the status of inspectors, their terms of reference, supervisory authority and power to impose sanctions, and with the organisation and operation of inspection services. Among the questions dealt with in the new clauses, the following are worth mentioning: optional extension by States of the scope of the instrument (normally limited to undertakings employing wage earners and apprentices) to certain classes of non-wage earners, and to the farmer's family; the supervisory and advisory functions in regard to improving workers' conditions of life that may be attributed to labour inspectors by national legislation; the possibility of associating employers' and workers' organisations in the work of inspection; and notification of the inspector's visit, or of the defects observed by him, to the workers' representatives. The last two provisions reflect the importance attached to ensuring that the workers have a say in devising and applying action which affects them, this being one of the workers' principal claims at the present time.

The Recommendation is at once more flexible and more detailed than the Convention but is more than a mere supplement to the latter. In its first Paragraph it urges that, when national circumstances permit, the agricultural labour inspectors' terms of reference should be enlarged so as to include collaboration with the competent technical services with a view to helping the agricultural producer, whatever his status, to improve his holding and the conditions of life and work of the persons working on it. Consonant with these ideas, labour inspection might be associated with matters such as the training of workers, social services in agriculture, co-operatives, and compulsory school attendance; inspectors should also become familiar with conditions of life and work in agriculture and have knowledge of the economic and technical aspects of work on the land. Governments are also urged to undertake or promote systematic education campaigns, including the use of rural promoters or instructors, the distribution of documents, and the organisation of conferences for agricultural workers affected by the introduction of new working techniques.

The Conference, meeting in plenary assembly, unanimously adopted the Committee's report. The Convention was later adopted by 312 votes in favour, none against, with 30 abstentions, and the Recommendation by 321 votes in favour, none against, with 19 abstentions.

Revision of Conventions Nos. 24 and 25 concerning sickness insurance

In the case of this item of the agenda, the report submitted by the Office for the second discussion by the Conference contained a proposed Convention and Recommendation concerning medical care and sickness benefits based on the conclusions adopted at the 1968 Session¹ and amended in the light of the governments' observations.

The Committee on Social Security set up by the Conference this year decided to raise the rate of cash benefit to be attained for a standard beneficiary as prescribed in the proposed Convention from 50 to 60 per cent of previous earnings. Correspondingly the rate of cash benefit for a standard beneficiary measured by reference to the wage of an ordinary adult male labourer was also raised from 50 to 60 per cent. The Committee also decided to reinsert in the proposed Convention the requirement to provide a funeral grant. A further important change made by the Committee this year was the inclusion of a provision under which member countries whose social security systems had reached a high level of development might temporarily derogate from particular requirements provided that such derogations neither fundamentally reduced nor impaired "the essential guarantees of this Convention". To avail itself of this provision, a member State's social security system has to fulfil a series of conditions, including a requirement that the total relevant expenditure on medical care and sickness benefits amounts to at least 4 per cent of its national income. The Conference subsequently adopted the proposed Convention by 260 votes in favour, 5 against, with 67 abstentions.

As regards the proposed Recommendation, changes were made in the course of the Committee's discussions to provide that under prescribed conditions medical care and sickness benefit should continue to be paid to persons temporarily absent from their countries; that a cash benefit for loss of earnings should be granted in cases of absence from work in order to obtain curative treatment (a similar provision referring to preventive treatment already appeared in the proposed Recommendation); that a reasonable opportunity to obtain necessary medical treatment should be afforded during working hours; and that appropriate measures should be taken to help an economically active protected person who has to care for a sick dependant. Finally, the Committee decided to recommend that the percentage specified in Article 22 (1) and Article 23 (1) of the Convention for the rate of cash benefit in relation to previous

¹ See "The 52nd Session of the International Labour Conference, June 1968", op. cit., pp. 303-305.

earnings should be increased by $6\frac{2}{3}$ points instead of by $16\frac{2}{3}$ points as specified in the proposed text. This decision was prompted by the Committee's decision, mentioned above, to raise the standard rate of benefit prescribed by the Convention from 50 to 60 per cent. The Conference subsequently adopted the proposed Recommendation by 231 votes in favour, 47 against, with 48 abstentions.

The new Convention deals with both medical care and sickness benefit, and while to some extent the two subjects are treated separately the obligations in respect of both subjects must be accepted by any State ratifying the Convention. The term "medical care" is defined to include allied benefits. The contingency giving rise to the requirements to provide medical care is "the need for medical care of a curative nature and, under prescribed conditions, the need for medical care of a preventive nature". In respect of this contingency, under prescribed conditions medical care of a curative or preventive nature must be provided "with a view to maintaining, restoring or improving the health of the person protected and his ability to work and attend to his personal needs". The types of medical care to be provided are listed in Article 13, and a reduced list for countries availing themselves of provisions for temporary exceptions is contained in Article 14. The range of persons protected for medical care must be (a) all employees, including apprentices, and the wives and children of such employees; or (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population, and the wives and children of persons in the said classes; or (c) prescribed classes of residents constituting not less than 75 per cent of all residents. It is provided that if the right to medical care is subject to a qualifying period it shall be such "as not to deprive of the right to benefit persons who normally belong to the categories of persons protected".

The contingency in respect of which sickness benefit must be provided is incapacity for work resulting from sickness involving suspension of earnings as defined by national legislation. Sickness is defined as a morbid condition whatever its cause.¹ The range of persons protected for sickness benefit are (a) all employees; or (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the relevant requirements of the Convention.

The system of measuring the rate of benefit required, though not the rate itself, is modelled on the Social Security (Minimum Standards) Convention, 1952. It stipulates a rate of 60 per cent, as opposed to 45 per

¹ The Committee rejected an amendment to restrict the definition to non-occupationally caused conditions because, among other reasons, the Convention established standards without specifying the nature of the programme through which they should be achieved.

cent in the 1952 Convention, to be established in a similar manner as in that Convention by reference to a standard beneficiary, defined as a man with a wife and two children. The provision regarding the qualifying period is the same as in the case of medical care: if there is a qualifying period it must be such as not to deprive of benefit persons who normally belong to the categories of persons protected. Sickness benefit must be paid throughout the contingency but may be limited to not less than fifty-two weeks in each case of incapacity.

The Convention allows temporary exceptions by a ratifying country whose economy and medical facilities are insufficiently developed; these exceptions concern the age of the children to be covered, the extent of coverage, the minimum requirements of the content of medical care and the possibility of limiting the duration of sickness benefit to twenty-six weeks. Any country whose legislation protects employees may, by a declaration accompanying its ratification, exclude employees in agriculture who, at the time of ratification, are not protected by legislation in conformity with the Convention.

The supplementary Recommendation adopted by the Conference indicates that member countries should aim to extend (if necessary, by stages) their legislation on medical care and sickness benefit in a number of specified respects as regards coverage. It goes on to recommend a number of particular improvements, which include: the supply of medical aids such as eye-glasses; services for convalescents; abolition of a qualifying period for medical care; extending the duration of medical care; continuation of protection for persons temporarily absent from the territory; and elimination of cost sharing for persons of limited means or suffering from diseases entailing prolonged care.

Application of Conventions and Recommendations

The Conference Committee on the Application of Conventions and Recommendations carried out its annual review of the measures taken by member States to fulfil their obligations under the ILO Constitution with respect to international labour standards and in particular to the application of the Conventions they have ratified. As usual, it based its considerations on the reports and information supplied by governments and the report submitted on the subject by the Committee of Experts on the Application of Conventions and Recommendations.

The Committee stressed that fifty years after the birth of the ILO its standard-setting activities remained and should continue to be one of its principal means of action. If the objectives of the ILO were to be fulfilled, its standards must be taken into consideration by the greatest possible number of countries and must lead to actual improvements in the economic and social conditions of the various countries of the world.

In 1968 there had been a very large consensus in the Conference Committee, on the basis of proposals presented by the Committee of Experts, for the initiation, on an experimental basis, of direct contacts between representatives of the Organisation and governments in cases where the customary procedure based on the examination of reports and legislative texts had not led to satisfactory results and where prolonged controversies might simply lead to a deadlock. The Committee learned with great interest that the Governments of Argentina, Mauritania and Venezuela had already expressed a desire for the establishment of such contacts with regard to certain Conventions. The hope was expressed that other countries would also avail themselves of this possibility.

The Committee proceeded to a discussion with government representatives of a certain number of cases of failure to fulfil obligations under the ILO Constitution concerning standards, and of divergences from ratified Conventions. In this regard, the Committee had before it supplementary information or explanations submitted by over sixty governments concerning the fulfilment of their obligations under the ILO Constitution and the application of Conventions they had ratified. In accordance with established practice, it decided to draw the attention of the Conference in its report to cases where governments apparently encountered serious difficulties in discharging certain of their obligations. It was emphasised, as in previous years, that this procedure was not to be construed as amounting to a sort of sanction; the purpose of the Committee was to induce governments to overcome such difficulties.

The Committee noted with concern that the situation regarding compliance with the obligation under article 19 of the ILO Constitution to submit Conventions and Recommendations to the competent authorities remained unsatisfactory, and emphasised the fundamental importance of this obligation.

Part of the Committee's discussion was devoted to the general survey by the Committee of Experts of the ratification outlook in regard to seventeen Conventions selected by the Governing Body on the occasion of the ILO's fiftieth anniversary. This selection covered a cross-section of the key instruments adopted by the Conference over the past half-century in the fields of basic human rights, social policy, labour administration, employment policy and services, wages, social security, minimum age and maternity protection. The Committee considered that the value of the survey resided not only in the large body of authoritative information from close to one hundred member States but also in the useful explanations it contained in discussing some of the doubts and difficulties mentioned by governments in their reports. The survey provided a stimulus for governments to examine their law and practice in regard to those of the seventeen Conventions they had not yet ratified and, it was hoped, would lead eventually to many new ratifications.

The Workers' and Employers' members in particular stressed the fundamental nature of the Conventions on freedom of association, since the existence of independent trade unions and employers' organisations was one of the essential preconditions for the promotion of social progress both at the national and at the international level. Special reference was also made to the Discrimination (Employment and Occupation) Convention, 1958, the general ratification of which had been called for by the Workers' members in 1968. With regard to the Conventions on forced labour, it was considered that, although they had already secured world-wide recognition, they deserved additional ratifications in order to permit the continued and close supervision of the application of the important principle of freely chosen employment.

It was recalled that appeals for ratification of the human rights instruments by all governments had been made by the Conference in 1964 and 1968. It was recognised that special reasons might prevent ratification in the case of certain countries. As regards federal States, the ILO Constitution contained special provisions to meet their circumstances, but the latter need not always be an obstacle to ratification. The Discrimination (Employment and Occupation) Convention, 1958, was a case in point. Economic and social obstacles to ratification were also repeatedly mentioned. The Employers' members emphasised, however, that in cases where ratification was impossible for the present because of economic, social or other reasons, governments should endeavour to improve conditions gradually so that they would eventually be in a position to ratify and apply the Conventions concerned.

The Committee welcomed the positive elements which had emerged from the survey of the Committee of Experts and which gave great promise for the future. It was noted that a considerable number of ratifications of the Conventions in question had been received since the Committee of Experts had met, and a number of governments had referred during the discussion to their intention to ratify additional Conventions. The Committee voiced its confidence that the anniversary year would be a starting point for further regular action on the part of governments so as to continue the upward trend in the level of ratifications. This would help to guarantee that the fiftieth anniversary celebrations would produce concrete and lasting results in terms of social progress during the second half-century of the Organisation's existence.

During the discussion of the Committee's report in the Conference, the Chairman of the Committee, Mr. L.-E. Troclet, Government representative of Belgium, reviewed the standard-setting activities of the Organisation on the basis of his twenty-five years' experience in the work of the Conference. He stressed that while the ILO now had a greater variety of means of action than in 1919, its standard-setting work still remained one of its main reasons for existence and must inspire all its other activities. Noting that an impressive body of standards treating

all aspects of social legislation had been adopted by the ILO over its fifty years of existence and that an increasingly dense network of international obligations had been created as a result of the large number of ratifications of Conventions, he stressed the importance of the ILO procedures of supervision of the application of these standards in ensuring that they were translated into legislation and practice. The task of supervision could have the desired results, however, only if all those concerned—governments and members of the Committee—sought to attain a more effective application of the Conventions, putting aside all national sensitivity, preference or prejudice and examining the questions in good faith and with a real effort to be objective. In this connection Mr. Troclet formulated three fundamental axioms concerning the obligations of States: first, no State was obliged to belong to the ILO, but when it did belong, it must respect the engagements entered into when joining the Organisation, and particularly those under articles 19 and 22 of the Constitution; secondly, no State was obliged to ratify a Convention, but when it did ratify, it freely entered into a legal engagement towards other States; thirdly, a State must fulfil its engagement and bring its legislation into line with the Convention. Failure to fulfil an undertaking freely entered into was an attack on the respect due to treaties.

Finally, interpreting the unanimous feeling of the Committee, Mr. Troclet appealed to all governments, at the beginning of the second fifty years of the ILO's existence, to keep the question of the application of ILO standards—in fact the question of the social progress of their peoples—in the forefront of their preoccupations and to remember that the respect due to treaties and the primacy of law were guarantees for all.

Holidays with pay

The right to an annual holiday with pay was first embodied in an international instrument in 1936, when the Holidays with Pay Convention (No. 52) was adopted by the International Labour Conference, prescribing a minimum annual holiday of six working days after one year of continuous service. At the time of its adoption this was an innovating instrument, which established standards far in advance of the practice then prevalent.

Twenty-five years later those standards had clearly become out of date, and in 1961 the International Labour Conference adopted a resolution noting that, while technological progress had beneficial effects on national economies and levels of living it might also entail harmful consequences for the health of some workers. The resolution noted further that annual holidays of proper duration for the purposes of rest, recreation and cultural development were important for the workers and that Convention No. 52 no longer met current requirements. It invited the

Governing Body of the International Labour Office to consider placing the revision of the Convention on the agenda of an early session of the Conference with a view to bringing its provisions at least into line with those of the Holidays with Pay Recommendation, 1954, which provided for holidays of at least two working weeks for twelve months of service and for proportionate holidays for workers with less than twelve months' service.

A survey made in 1963-64 by the Committee of Experts on the Application of Conventions and Recommendations confirmed that Convention No. 52 was also out of date in relation to national practice. The overwhelming majority of countries were shown to have a minimum basic holiday of at least two weeks, while a number had a minimum of three or even four weeks. By the beginning of 1968 over thirty countries had a general legislative or statutory minimum of three weeks or more, and in over fifteen other countries large categories of workers were entitled to three weeks or more by virtue either of laws of limited scope or of collective agreements.

It was against this background that the question of holidays with pay was placed on the agenda of the 53rd Session of the Conference for a first discussion. As the outcome of this discussion, the committee set up to deal with the question, and subsequently the Conference itself, adopted a number of conclusions.

These conclusions call for the adoption of a new Convention on holidays with pay revising Convention No. 52. They provide that the new Convention should be given effect by national laws or regulations in so far as its provisions are not made effective by other means, such as collective agreements, arbitration awards, court decisions or statutory wage fixing machinery. The Convention would cover all employed persons, but limited categories might be excluded where this was necessary because of special problems of a substantial nature relating to enforcement or to legislative or constitutional matters.

All persons covered by the Convention would be entitled to an annual paid holiday of a minimum length, which each ratifying State would specify in a declaration appended to its ratification, and this specified length could be increased at a later date by a further declaration. These somewhat unusual provisions are intended to enable and encourage member States to specify, either at the time of ratification or subsequently, an annual holiday longer than the absolute minimum prescribed in the Convention. According to a decision carried by a very narrow margin, the minimum would be three working weeks for one year of service. This is qualified, however, by a provision to the effect that paid public or customary holidays exceeding six in a year may be included in the calculation of the third week even though as a general rule public and customary holidays should not be counted as part of the prescribed minimum. Another provision relating to the length of the holiday—also adopted by

a narrow margin—states that persons under the age of 18 years should be entitled to holidays longer than the minimum, that is longer than three working weeks.

The conclusions provide further that persons whose length of service in any year is less than that required for entitlement to a full holiday should be entitled to a holiday proportionate to their length of service. However, a minimum period of service, to be determined in each country but not to exceed six months, may be required for entitlement to any holiday at all. The method of calculating length of service for these periods would be determined in each country, but absence from work due to illness, injury, maternity or other reasons beyond the control of the employed persons concerned should not be regarded as interrupting service. Moreover, days of incapacity for work resulting from illness or injury should not be counted as part of the minimum annual holiday prescribed in the Convention.

Payment for the period of the holiday should consist of the workers' normal or average remuneration, including the cash equivalent of any part of that remuneration paid in kind, calculated in a manner to be determined in each country. The annual holiday could be divided into parts, but one of them should consist of at least two uninterrupted working weeks, provided that the length of service of the person concerned entitles him to such a period and unless an agreement to the contrary has been made between the parties or their respective organisations. The minimum annual holiday prescribed in the Convention should be granted and taken no later than one year from the end of the year to which it corresponds, but with the consent of the employed person concerned part of it could be postponed within a specified time limit. The time at which the holiday is to be taken should be determined after consultation between the parties or agreed upon by their respective organisations.

Upon termination of employment an employed person who had completed any minimum period of service that might be required would receive either a proportionate paid holiday or compensation in lieu thereof or the equivalent holiday credit. Agreements to relinquish the right to the minimum annual holiday prescribed in the Convention or to forgo such a holiday would be null and void or prohibited. Finally, effective measures appropriate to the manner in which effect is given to the provisions of the Convention in a particular country should be taken to ensure the proper administration and enforcement of regulations or provisions concerning holidays with pay, by means of adequate inspection or otherwise.

These conclusions, cast in the form of a proposed Convention, have since been transmitted to governments for further study and comments. Their views will be taken into consideration in the drafting of an amended text to be submitted to the Conference as a basis for its second discussion of the question at its 54th Session in 1970.

Minimum wage fixing machinery and related problems, with special reference to developing countries

In 1928, when the first international instruments on minimum wage fixing were adopted by the International Labour Conference, minimum wage fixing machinery tended to be regarded as a marginal device to be applied only in cases where, because of lack of adequate wage regulation through collective agreement or otherwise, there was a danger of "sweated labour". In the intervening years the concept of minimum wage fixing machinery has evolved considerably, and the need to take account of this evolution and at the same time to provide guidelines relevant to present and future economic and social conditions, especially in developing countries, were the main reasons behind the developments which led to inclusion of the above item on the agenda of the Conference.

At its 48th Session, in 1964, the International Labour Conference adopted a resolution concerning minimum living standards and their adjustment to the level of economic growth, in which the Director-General was requested to work out proposals for revision of the Minimum Wage-Fixing Machinery Convention and Recommendation of 1928. In response to this request a Meeting of Experts on Minimum Wage Fixing Machinery and Related Problems with Special Reference to Developing Countries was convened in 1967, and at its 170th Session (November 1967) the Governing Body, after reviewing the report of the Meeting of Experts, decided to place the item on the agenda of the 53rd Session of the Conference.

Hitherto two Conventions and two Recommendations have been adopted concerning minimum wage fixing machinery. In all, seventy-seven countries have ratified the older of the two Conventions, the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), many of them in recent years. Ratifying countries undertake to create or maintain machinery whereby minimum wage rates can be fixed for workers engaged in certain of the trades (in manufacture and commerce) or parts of trades in which no arrangements exist for the effective regulation of wages, by collective agreement or otherwise, and wages are exceptionally low. These countries are free to decide on the nature, form and methods of operation of the minimum wage fixing machinery, provided that representatives of employers and workers are consulted regarding the creation of the machinery and are associated in its operation. The Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99), has been ratified by thirty-two countries. The provisions of this instrument are for the most part similar to those of Convention No. 26, although there are several important differences. First, Convention No. 99, unlike Convention No. 26, is so worded as to permit implementation through collective agreements. Secondly, under Convention No. 99 the competent authority may exclude categories of persons such as members of a

farmer's family employed by him from any or all of the provisions of the Convention. Thirdly, whereas Convention No. 26 has no provision relating to payment in kind, Convention No. 99 provides that partial payment of minimum wages in kind may be authorised subject to certain safeguards.

The Meeting of Experts in the autumn of 1967 generally agreed that it would be desirable to draw up a new instrument or instruments on minimum wage fixing machinery. The major reasons were that: (i) in the forty years since Convention No. 26 was adopted the concept of the minimum wage has undergone considerable evolution; (ii) the Conventions in force require ratifying countries only to create or maintain suitable minimum wage fixing machinery; they do not require the actual fixing of minimum wage rates; and (iii) decisions taken by minimum wage fixing authorities may need to be co-ordinated or harmonised in some way with other policy decisions; the instruments now in force are silent as regards this aspect of minimum wage fixing. The Meeting of Experts favoured the adoption of a Convention on the subject, supplemented by a Recommendation.

The Committee on Minimum Wage set up to examine the question at the 53rd Session of the Conference paid considerable attention, both in the general discussion and in the subsequent consideration of the proposed conclusions prepared by the Office, to the form of a new instrument. Although some members favoured a Recommendation only, the majority expressed themselves in favour of a Convention supplemented by a Recommendation. It was also the majority view that Convention No. 26 and Convention No. 99 should remain in force and open to ratification if a new Convention on minimum wage fixing machinery was adopted by the Conference.

There was general agreement that a new Convention should require a ratifying country actually to fix minimum wage rates. The question of the workers to be covered by the proposed Convention was discussed at length. The Committee decided upon a flexible formulation, which would provide for coverage of all groups of workers whose terms of employment are such that coverage would be appropriate. Each member country ratifying the Convention would also be required to list the groups of workers not covered and to state the reason for not covering them.

The Committee's conclusions contain guidelines for the criteria to be used in the actual fixing of minimum wages. Social considerations such as the needs of workers and their families, and economic considerations such as the attainment of a high level of employment, are among the criteria mentioned. The criteria for fixing minimum wage rates would be elaborated in the supplementary Recommendation. In both draft instruments the criteria listed would not be construed as exhaustive but rather as factors, among others, which the competent authority should consider in fixing minimum wages. In addition, the proposed Convention would

require ratifying countries to create or maintain machinery to adjust minimum wage rates from time to time. The machinery established for this purpose should not interfere with free collective bargaining.

The conclusions propose that the Convention should provide for consultation regarding the creation, maintenance and modification of minimum wage fixing machinery with representatives of organisations of workers and employers or, where no such organisations exist, with representatives of the workers and employers concerned. It should also provide, wherever appropriate, for direct participation by representatives of workers and employers and persons representing the general interests of the country.

To ensure the application of minimum wage fixing decisions, the need for adequate inspection would be stressed in the Convention. A number of other means for ensuring application would be spelled out in the supplementary Recommendation, including arrangements for publicising minimum wage provisions and adequate penalties for infringement of minimum wage provisions.

A variety of opinions were expressed on the issue of part payment of minimum wages in kind. Some members of the Committee, while opposed in general to payment of any part of minimum wages in kind, recognised there were certain circumstances where partial payment in kind should be allowed. Accordingly they favoured inclusion of a provision in the Convention which would place partial payment in kind of minimum wages under the regulation of the competent authority. The majority, however, preferred to delete any mention of payment in kind in the Convention and Recommendation.

The Conference unanimously adopted the conclusions of the Committee. These conclusions, drafted in the form of a Convention and a Recommendation, have since been submitted to governments for further study and comment prior to the second discussion of the question at the 54th Session of the Conference in 1970.

Special youth employment and training schemes for development purposes

In the past ten years or so many developing countries have been faced with the frightening problem of unemployed, underemployed and badly employed youth—a problem compounded of the explosive demographic situation, shortage of capital both for job creation and for the extension of educational and training facilities, the change in the social environment and rural-urban migration.

The patent failure of methods taken over from industrialised countries to deal with this problem has led a number of governments to experiment with novel methods of employment and training (known by a great variety of titles, such as national youth service, young pioneers, youth development corps, civic action programme, army of knowledge,

student service, volunteers for progress, and so on) designed to ensure that young people can play a useful part in the process of economic and social development.

Some of these schemes are intended primarily for those who have not had the opportunity to receive education or training of a sort which would help them to become employed, while others are directed to the more fortunate ones who have had education and training but need a special framework within which to apply them in service to the community.

The various types of scheme were first discussed by the Conference at its 46th Session, in 1962, and this led to the Office's carrying out a series of case studies¹ which showed that beneath an apparent disparity there were common features. Among these were the aims of arousing the interest of young people in economic and social development and of preparing them better to take part in it by linking their training directly to development projects on behalf of the community. While these schemes arose mainly in the developing countries, certain programmes in industrialised countries had similar features, for instance those designed to give employment and training to disadvantaged youth or to help educated young people to do a period of useful service in hardship areas in their own countries or in the developing countries.

In some countries participation in these schemes was seen as an obligation similar to military service, while in others participation was thought to be of value only if it was entirely voluntary. Where there was an element of compulsion and some work was involved in addition to training, the question arose of compatibility with governments' obligations under the Conventions concerning forced labour. The Committee of Experts on the Application of Conventions and Recommendations accepted that certain types of scheme having elements of obligatory enrolment were compatible with the Conventions but found a need for clarification by the Conference of the principles which should govern other types of scheme.

Because of this need for clarification, and because existing international labour standards were not fully applicable, the Governing Body decided to place the whole subject of these schemes in its various dimensions on the agenda of the Conference for first discussion. In accordance with the normal constitutional procedure, the Office sent out a report and questionnaire, and the replies from governments to the latter showed widespread agreement that a Recommendation should be adopted on this subject, as well as considerable common ground on the principles which such an instrument should contain. On the basis of these replies the Office submitted to the Conference proposed conclusions on the content of such a Recommendation.

¹ Some of these were published in *International Labour Review*, Vol. 93, No. 1, Jan. 1966, pp. 1-79.

The Committee on Youth Schemes set up by the Conference was charged with studying and improving these conclusions. An interesting general discussion took place, during which some members credited the schemes with producing highly motivated young people who made an impressive contribution to development in their own countries, while others regarded them as a disguised form of cheap labour. Some thought that the training given in these schemes was more realistic and effective than traditional programmes in preparing young people for the jobs which would be available to them, while others judged it to be an inferior substitute, which could only be accepted as an interim measure pending the introduction of traditional education and vocational training programmes. One member suggested that the Director-General of the ILO should be invited to make proposals for the establishment of a youth development programme; this suggestion received wide support, but some members pointed out that it had financial implications which could not be assessed by the Committee.

A consensus of opinion was achieved on the majority of points, but irreconcilable differences of view became evident in relation to the circumstances, if any, which might justify exceptions to the general principle that participation in special schemes should be voluntary. On the basis of the replies of governments, the Office had listed three types of case in which governments might exceptionally be justified in placing participation on a compulsory basis. While this list was endorsed by a number of members, particularly from the developing countries, other members feared that it might open the door too wide. In the end the Committee accepted, by a majority, a compromise proposal, which admitted the possibility of exceptions but circumscribed more closely the cases in which they might be countenanced.

The Committee placed great emphasis on the social as distinct from the economic objectives of the schemes and stressed, in the conclusions accompanying its report, that the "essential elements of every scheme should include the safeguarding of human dignity, the development of the personality and of a sense of individual and social responsibility, and the improvement of the educational and vocational qualifications and the work experience of participants". It endorsed the importance of integrating the schemes with human resources plans. It proposed the criteria which should be used in selecting participants. With some minor changes, it endorsed the proposals contained in the Office text regarding the proportion of employment and training in the various types of schemes, the selection and training of staff to operate the schemes, and the assistance to be given to participants for their occupational future.

The conclusions also contain minimum standards for conditions of service, and provisions for the participation of representatives of youth organisations and of employers and workers in the work of the body responsible for co-ordinating and directing schemes.

When the Committee's report was discussed in the plenary sitting of the Conference, several speakers reaffirmed their reservations with regard to any exceptions to the principle of voluntary participation, while the Government delegates from a number of developing countries (particularly but not exclusively African countries) expressed some disappointment with the conclusions finally proposed by the Committee, which they regarded as unlikely to provide clear guidance for developing countries, and parts of which they regarded as unrealistic.

The conclusions, recast in the form of a proposed Recommendation, have since been transmitted to governments for further study and comments. Replies will be taken into account in the preparation of an amended text to be submitted to the Conference as a basis for its second discussion of the subject at its 54th Session in 1970.

The World Employment Programme

Part 1 of the Director-General's Report to the Conference¹ was entitled *The World Employment Programme*. It contained an analysis of the extent and nature of unemployment and underemployment in the developing and the industrialised countries, of the outlook for the future in the light of the growth of the world's population, and of the policy measures that needed to be adopted by developing and industrialised countries to raise levels of productive employment everywhere. It also contained the Director-General's proposals for action to be taken at the international level, by the ILO and other organisations, within the framework of the World Employment Programme.

Part 2 of the Report contained an account of the ILO's activities in 1968 and in addition provided some brief indications of activities to be undertaken in 1969, 1970 and 1971.

In the discussion that took place on the Director-General's Report many speakers stressed the pertinence of the Director-General's proposals for the World Employment Programme at a time when the world community was about to embark on the Second Development Decade. They mentioned the disappointing results of the First Development Decade and emphasised that in the years to come it was necessary to put into effect a more determined and carefully planned strategy for development. Concern was also expressed by a number of delegates at the increasingly rapid growth of the world's population. Some argued that the ILO should do everything in its power to assist its member States in reducing the "population explosion" to manageable proportions; but there was general agreement that population policies could be no substitute for vigorous measures for economic and social development. It was against

¹ *Report of the Director-General, Report I, International Labour Conference, 53rd Session, 1969 (Geneva, ILO, 1969), Part 1: The World Employment Programme; Part 2: Activities of the ILO, 1968.*

this background that there was full agreement in the discussion on the need for a world employment programme such as was proposed by the Director-General and on the need for its objectives to be given an important place in the strategy for development to be implemented in the Second Development Decade.

A full exchange of views also took place on the measures to be implemented at the national and international levels to attain this objective. There was general agreement on the need to devote special attention to raising the volume of employment, and hence the incomes and standards of living, of workers and their families in rural areas. The education, training and vocational guidance of young people were also emphasised by a large number of speakers as being of fundamental importance in any employment policy. A number of references were made to the possibilities of applying labour-intensive production methods in order to raise the volume of employment; in this connection several delegates warned that these measures should not be applied at the expense of economic growth, while others felt that there was still some considerable scope for spreading available capital more widely and thus for raising over-all levels of employment without sacrificing economic growth.

It was emphasised throughout the debate that responsibility for the implementation of these measures lay with national governments, in co-operation with employers' and workers' organisations. It was pointed out that the ILO could not become a world employment exchange or a world planning commission for human resources. On the other hand the ILO, with the support and co-operation of other international organisations, could usefully help and guide national action. Several speakers also referred to the need for massive financial and technical assistance from the industrialised countries and for more favourable terms of trade, if employment levels were to be effectively raised in the developing countries.

In his reply the Director-General welcomed the unanimous support with which his proposals for a World Employment Programme had been met. Nobody, he said, appeared to doubt that if the Second Development Decade was to lead to far greater and more effective social advancement than did the first, and if it was to cope with the enormous increases in population that could be expected in the years to come, it was essential that one of its central goals should be a vast increase in remunerative and productive employment in the developing world.

He pointed out, however, that there was no easy solution to this problem; the World Employment Programme should be seen as an attempt to bring about a better, more humane way of organising production and distributing its benefits throughout the world. He stressed that the policies applied by industrialised countries since the 1930s to tackle unemployment—by increasing demand and production—would not suffice to raise employment in the conditions of the developing countries today. Employment had to be seen as an integral element of development

policies in addition to objectives concerning production, and development would have to be judged by the contribution it made to closing the "employment gap" as well as to raising the national product.

The Director-General felt that the debate had revealed a world-wide recognition of the need to face up to the employment situation in the developing world. The time had therefore come for action. He pointed out that governments would have to take some very difficult decisions, often including a complete reappraisal of their economic and social policies—their policies for investment, for rural development, for industrial development, and for education and training—so as to orient them to the expansion of employment. Employers would have to support national employment policies by applying techniques, wherever appropriate, which would enable them to employ more labour. Trade unions, for their part, would have to play a key role in arousing support for such policies and in developing constructive popular attitudes to work and to social change. A climate of mutual confidence between governments, business and trade unions had to be built up. As for the advanced countries, the Director-General called upon them to prove that they were concerned with the employment situation not only at home but in all parts of the world. In particular, their policies for development assistance and for international trade would have to be directed, at least in part, to closing the employment gap in developing countries.

Turning to international action under the World Employment Programme, the Director-General stressed that the ILO would have to channel a large portion of its resources to assisting and advising its member States in the formulation of active employment policies and that this would have to be a major purpose of all the ILO's methods of action. The ILO was also counting on the support of other organisations in implementing the Programme. In this connection he stressed that it was vitally important that the objectives of the World Employment Programme should be recognised as among the central objectives of the strategy of development in the coming decade. It was, he said, of the utmost importance that the governments whose representatives at this session of the International Labour Conference had been so outspoken in their support for the World Employment Programme should speak with the same voice and the same determination in the conferences and policy-making organs of other organisations—particularly the United Nations Economic and Social Council and the General Assembly of the United Nations. Unless the blueprint for development for the next Development Decade contained as a major objective the increase of employment, it would, he said, be a complete failure.
