

1947

NEW ZEALAND

INTERNATIONAL LABOUR CONFERENCEREPORT OF GOVERNMENT DELEGATES ON THE THIRTIETH SESSION, GENEVA,
JUNE—JULY, 1947*To be laid on the Table of the House of Representatives***REPORT OF THE GOVERNMENT DELEGATION TO THE THIRTIETH SESSION
OF THE INTERNATIONAL LABOUR CONFERENCE**

THE Conference was held in Geneva, Switzerland, from the 19th June, 1947, until 11th July, 1947, both dates inclusive. Forty-eight States were represented, the total number of delegates present being 173 (90 Government, 41 employers, and 42 workers), while there were, in addition, 309 Advisers (144 Government, 74 employers, and 91 workers). In addition, there was representation from the United Nations (7), the United Nations Educational, Scientific, and Cultural Organization (3), the International Monetary Fund (1), the World Health Organization (1), and a non-member State—viz., El Salvador.

The New Zealand delegation was:—

Representing the Government—

Delegates—

Right Hon. William Joseph Jordan, High Commissioner for New Zealand in London.

Mr. Herbert Leslie Bockett, Secretary of Labour and Director of Employment.

Advisers and Substitute Delegates—

Mr. George Myers Frost Jackson, Department of Labour.

Mr. Thomas Patrick Davin, Second Secretary, Department of External Affairs.

Representing the Employers—

Mr. William Joseph Mountjoy, Secretary of the New Zealand Builders and Contractors' Industrial Association of Employers and a number of the industrial associations of employers and industrial unions of employers, also Secretary of the Wellington Employers' Association, Incorporated.

Representing the Workers—

Delegate—

Mr. Jesse Arthur Samuel Herring, Secretary of the New Zealand Federated Clerical and Office Staff Employees' Industrial Association of Workers, also the Auckland Clerical and Office Staff Employees' Industrial Union of Workers.

Adviser—

Mr. Peter Michael Butler, National Councillor, New Zealand Federation of Labour.

Mr. Carl Hambro, Leader of the Norwegian delegation, was unanimously elected President. He has taken a prominent part in international activities, was a member of the Norwegian delegation to the League of Nations from 1926, a member of the Supervisory Commission of the League of Nations from 1930 onwards, and is at present Chairman of the Liquidation Board of the League. Mr. Carlos Raul Desmaras, of the Argentine Republic, representing the Government group; Sir John Forbes Watson, of the United Kingdom, representing the employers' group; and Mr. Robert J. Watt, of the United States of America, representing the workers' group, were all unanimously elected Vice-Presidents.

Under the amended Constitution, membership of the International Labour Organization consists of those States which were members on 1st November, 1945, together with those members of the United Nations who accept the International Labour Organization Constitution and other States whose application for admission is endorsed by a two-thirds vote of a Conference of the Organization. Austria was admitted as a member by vote at the thirtieth Conference. There are thus 52 members of the Organization. Yugoslavia, however, has given the prescribed two years' notice of its intention to withdraw. Apart from Spain, Germany, and Japan, the U.S.S.R. is the only important nation that does not participate in the work of the Organization.

Subjects on the Agenda for discussion were as follows :—

- I. Report of the Director-General.
- II. Financial and Budgetary Questions.
- III. Social Policy in Non-metropolitan Territories.
- IV. Labour Inspection in Industry and Commerce.
- V. Employment Service Organization.
- VI. Reports on the Application of Conventions.
- VII. Freedom of Association and Industrial Relations.
- VIII. Resolutions.
- IX. Standing Orders.

Committees were set up to deal with each of the items mentioned above. New Zealand was represented on Committees as follows :—

Social Policy in Non-metropolitan Territories—

Right Hon. W. J. Jordan (Chairman).

Mr. T. P. Davin.

Labour Inspection in Industry and Commerce—

Mr. G. M. F. Jackson.

Mr. W. J. Mountjoy (employers).

Mr. J. A. S. Herring (workers).

Employment Service Organization—

Mr. H. L. Bockett.

Reports on the Application of Conventions—

Mr. W. J. Mountjoy (employers).

Freedom of Association—

Mr. P. M. Butler (workers).

Resolutions—

Mr. H. L. Bockett.

Standing Orders—

Mr. G. M. F. Jackson.

FINANCIAL AND BUDGETARY QUESTIONS

The audited accounts for the year ended 31st December, 1946, disclosed a surplus of 1,737,556 Swiss francs. Expenditure savings amounted to only 0.015 of the Budget—*i.e.*, 17,518 Swiss francs. Therefore, the surplus was mainly composed of receipts in addition to estimate, chiefly amounts received on account of arrears of contributions.

The balance of arrears now owing is, in fact, very much more satisfactory than it has been for a considerable time, and it is hoped to make arrangements for the liquidation of further arrears during the 1947 year. Because of the 1946 surplus it has been possible to reduce the amount to be budgeted for during the 1948 financial year, a matter upon which the Conference was asked to take a decision. Expenditure is estimated to the amount of 18,942,983 Swiss francs for 1948 (16,052,980 in 1947, 11,603,991 in 1946), and this has been allocated between Governments on a slightly revised basis due to the action of some States in accepting responsibility for a greater number of units than previously. New Zealand assumes responsibility for the same number of units—viz., 8—but there is a slight increase in the value of the unit, which is now 21,657 Swiss francs, or 5,060 United States dollars, as compared with 20,674 and 4,830 for 1947. Had it not been for the surplus, the New Zealand debit would have been eight times 24,162 Swiss francs—i.e., 193,296 Swiss francs or £13,800 (N.Z.), approximately. Because it is likely that the recoveries of arrears in 1947 will be considerably less than during the previous year it may be anticipated that the sum to be paid by New Zealand during 1949 will show a disproportionate increase.

In respect of the considerable increase in expenditure between 1946 and 1948 it has to be remembered that the Organization has been attempting to restore its staffing position to the pre-war level and that, in addition, steps have been taken to effect improvements in salary scales and other conditions of employment to bring them into line with those in operation in the United Nations and other similar Organizations.

Notwithstanding the apparent favourable financial situation of the Organization, it is necessary that consideration be given to an increase in the working capital; this is for the reason that some States do not pay their contributions as early in the financial year as is desirable. Hence, a resolution was adopted asking member States who have not already contributed to consider depositing with the Organization a sum to augment the Working Capital Fund. This resolution is contained in Appendix 9 hereto.

Other questions considered in this Committee were in connection with staff matters, as well as a review of the financial regulations. In the Standing Orders Committee consideration was given to the introduction of a procedure implementing the sanctions imposed by the amended Constitution in respect of those States that may be in arrears with their contributions, these sanctions being in the nature of a disqualification from participation in the work of the Organization.

SOCIAL POLICY IN NON-METROPOLITAN TERRITORIES

The third item on the agenda of the Conference was the subject, Social Policy in Non-metropolitan Territories. This matter had been under active consideration by the International Labour Conference since the Philadelphia Conference in 1944, which adopted a Recommendation on Social Policy in Dependent Territories. The Philadelphia session of the Conference was unable, however, to complete its examination of all the proposed provisions concerning social policy which had been referred to it, and it was decided that certain supplementary provisions would be considered at the next general session of the Conference, which took place in Paris in 1945. The Paris Conference adopted a further recommendation on the subject, but decided that the time had come to endeavour to replace the recommendations by the more binding national commitment of an International Labour Convention. Accordingly it was decided to place on the agenda of the 1946 Conference the question of what provisions might be suitable for inclusion in a convention relating to minimum standards of social policy in dependent territories.

The subject was dealt with for the first time, from the point of view of framing a Convention, at the 1946 Conference held at Montreal. At this Conference a committee on social policy in dependent territories was established which prepared a report and

the text of five proposed Conventions. The Conference, after studying the report, adopted a resolution placing the matters treated in the report on the agenda of the next Conference. Subsequent to the 1946 session the Office circulated a report among Governments containing relevant extracts from the Committee's Report and the text of five draft Conventions. Governments were requested to state whether they had any amendments to suggest or comments to make on any of the texts and, if not, whether they considered the drafts might form a suitable basis for discussion at the 1947 session. Various statements and suggested amendments were submitted by Governments, and on the basis of these replies two further reports were prepared by the Office, the latter of which contained the final draft of the texts submitted by the Office to the 1947 Conference.

The draft Conventions referred to were as under :—

- I. Proposed Convention concerning Social Policy in Non-metropolitan Territories.
- II. Proposed Convention concerning the Right of Association and the Settlement of Labour Disputes in Non-metropolitan Territories.
- III. Proposed Convention concerning Labour Inspectorates in Non-metropolitan Territories.
- IV. Proposed Convention concerning the Application of International Labour Standards to Non-metropolitan Territories.
- V. Proposed Convention concerning the Maximum Length of Contracts of Employment of Indigenous Workers.

For the purpose of considering the text of these draft conventions, the Conference appointed a Committee composed of eighteen Government members, nine employers' members, and nine workers' members. Two representatives of the Trusteeship Department of the United Nations were also present, as well as an observer from UNESCO. A technical expert of the General Federation of Jewish Labour in Palestine was added to the Committee as assessor without power to vote. The Right Honourable W. J. Jordan, Senior Government delegate for New Zealand, was unanimously elected Chairman of this Committee.

The Committee embarked on a general discussion of the draft Conventions, in the course of which the Government members of the United States, Australia, Belgium, France, the United Kingdom, the Netherlands, New Zealand, and Portugal described the policies of their Governments in regard to non-metropolitan territories and gave details of the social progress recently realized. In the course of his remarks, the New Zealand Government representative mentioned that the New Zealand Government had already given general support to the principles embodied in the proposed Conventions as contained in the second report issued by the Office, and had stated that in their opinion they formed a suitable basis for discussion. It was explained, however, that conventions which were directly relevant to conditions in African or South-east Asia colonies had little significance for New Zealand's non-metropolitan territories. The measures provided for in the Conventions arose from the needs of more industrialized communities and were therefore more appropriate for non-metropolitan territories which were capable of and had carried out considerable industrial development. They were not likely to have a great deal of practical application in New Zealand's dependent territories.

The Committee then proceeded to a detailed discussion of the individual articles of the draft Conventions and the numerous amendments submitted. The Committee sat on seventeen occasions, and its conclusions, together with the revised texts of the five draft Conventions, were presented to the Conference on 7th July in three reports. The Conventions, as revised by the Committee, were adopted by the Conference after some discussion on various proposed amendments, none of which was adopted.

The text of the Conventions as finally adopted by the Conference are attached to this report as Appendices.

The Convention concerning Social Policy in Non-metropolitan Territories (Appendix 1) contains provisions dealing with such matters as the provision of financial and technical assistance to the local administrations in order to further development; improvements in the fields of public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage-earners and independent producers, the protection of migrant workers, social security, standards of public services, and general production. It is specifically stated that the improvement of standards of living shall be regarded as the principal objective in the planning of economic development, and there is another provision requiring that steps shall be taken to interest and associate the peoples of non-metropolitan territories in the framing and execution of measures of social progress. There are special sections dealing with the abolition of discrimination on grounds of race, colour, sex, belief, tribal association, or trade-union affiliation, and with education and vocational training.

The Convention concerning the Right of Association and the Settlement of Labour Disputes in Non-metropolitan Territories (Appendix 2) requires the rights of employers and employed alike to associate for all lawful purposes to be guaranteed by appropriate measures. It also contains provisions relating to the right to conclude collective agreements, consultation with employers and employees concerning the application of protective measures for workers and labour legislation generally, and procedures for the investigation and settlement of disputes.

The Convention concerning Labour Inspectorates in Non-metropolitan Territories (Appendix 3) requires the establishment of labour inspection services in territories where such services do not now exist, prescribes the rights and duties of such inspectors, and requires that workers and their representatives shall be afforded every facility for communicating freely with inspectors.

The Convention concerning the Application of International Labour Standards to Non-metropolitan Territories (Appendix 4) requires countries ratifying it to make a declaration stating in respect of non-self-governing colonies, protectorates, and possessions the extent to which it undertakes that the provisions of the Conventions set forth in a schedule to the Convention shall be applied in those territories. The Conventions scheduled in the covering Convention deal with the minimum age in industry, minimum age for employment at sea, minimum age for employment of stokers and trimmers, medical examination of young persons employed at sea, night work by young persons, maternity protection, night work by women, underground work by women, equality of treatment in accident compensation, workers' compensation for accidents, marking of weight of packages transported by vessels, weekly rest in industry, and the medical examination of young persons in industry.

The Convention concerning the Maximum Length of Contracts of Employment of Indigenous Workers (Appendix 5) requires that laws or regulations shall prescribe the maximum period of service which may be stipulated or implied in any contract. Contracts of apprenticeship are excluded and other exceptions may be permitted by the authorities—for example, in the case of literate workers whose freedom of choice is satisfactorily safeguarded. The maximum period of service for employment not involving a long and expensive journey is in no case to exceed twelve months if the workers are not accompanied by their families, or two years if they are so accompanied. When a long and expensive journey is involved the maximum period is two years if the workers are not accompanied by their families, and three years if they are.

While the subject-matter of these Conventions may not, as indicated above, have much practical application so far as New Zealand's Non-metropolitan Territories are concerned, nevertheless their adoption represents a considerable step forward towards the realization of the aspirations of many of the peoples of non-metropolitan territories throughout the world for improved living standards and labour conditions and brings to fruition the work begun in this direction at Philadelphia in 1944.

LABOUR INSPECTION IN INDUSTRY AND COMMERCE

Article 427 of the Treaty of Peace of Versailles contained a statement of a number of methods and principles regarded at the time as being of special and urgent importance. One principle was that each State should make provision for a system of inspection in which women should take part in order to ensure the enforcement of the laws and regulations for the protection of the employed. Following the adoption by the International Labour Conference of a number of Conventions, it became desirable that a declaration as to a proper framework of an inspection system be made. Hence the fifth session of the Conference devoted its attention to this subject, the result being the issue in 1923 of a recommendation "concerning the general principles for the organization of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers." This recommendation received fairly general approval, but from 1930 the adoption of a Convention on the subject was urged. Arising out of this a Preparatory Technical Conference was convened, and it was proposed that its conclusions form the basis of discussions at the 1940 session of the Conference. War conditions precluded this Conference being held. Hence this subject has remained in abeyance until the thirtieth session.

There was fairly general acceptance of the proposals contained in the text submitted for discussion. Governments had largely endorsed the proposals when the outline agenda was submitted to them before the Conference, and it was left to the thirtieth session largely to vary the form, the substance being generally acceptable also to workers' and employers' groups.

As a result of Conference deliberations a Convention (Appendix 6) was drawn up for submission to States members of the Organization. This applies to (factory) industry and commerce, but it is open to States to exclude that portion relating to inspection of commercial undertakings. It is supplemented by two recommendations (Appendices 7 and 8), one stating the aims as to methods and statistics, the other urging States to apply inspection systems to mining and transport undertakings, these being the subject-matter of a permissive exclusion article in view of the fact that administrative arrangements in some countries vary considerably from the method proposed in the Convention. In addition, a resolution (Appendix 9) was adopted urging those countries with protective legislation having limited application to extend its scope to all workers in industry and commerce.

These documents are included in the Appendix to this report. As far as New Zealand is concerned little difficulty in ratification is presented, subject, however, to some revision of the law as it is written into the Shops and Offices Act, 1921-22, and its amendments.

EMPLOYMENT SERVICE ORGANIZATION

The governing body of the International Labour Office at its ninety-eighth session (Montreal, May, 1946) decided to place the question of Employment Service Organization on the agenda of the thirtieth session of the International Labour Conference, and also decided that the question should be considered under the double-discussion method. In accordance with the usual procedure, the International Labour Office prepared and despatched to Governments a preliminary report on the law and practice relating to Employment Service Organization, together with a questionnaire on the subject.

In presenting its conclusions to the Conference, the Committee emphasized the economic and social importance which it attaches to Employment Service Organization. It considered the creation and development of such a Service on a voluntary basis to be of special significance in attaining the purposes stated by the International Labour Conference in the Declaration of Philadelphia, and particularly in the achievement and maintenance of full employment.

The Committee decided that its conclusions would have the greatest practical value if they were presented in a form which would enable full account to be taken of the differences in economic and employment conditions obtaining in the various countries. It therefore decided to incorporate the general principles of the Employment Service Organization in a proposed Convention and the methods of applying them in a proposed recommendation.

The Employment Committee of the Conference considered a number of points prepared by the International Labour Office based on the replies submitted by Governments in response to the questionnaire, and the conclusions adopted by the Conference will be incorporated in a draft Convention and a draft recommendation which will be submitted to Governments and finally discussed at the next session of the Conference.

The Committee met on eleven occasions and dealt with some seventy-two amendments submitted by Government, workers', and employers' delegates. Although there were a large number of amendments to be considered by the Committee, these were mainly of a drafting nature, and it was very satisfactory to find that in the general organization and functions of an Employment Service there was complete agreement not only amongst the Government members, but also amongst the workers' and employers' representatives on the Committee.

The final report of the Committee as adopted by the full Conference is contained in Appendix 9 to this report, and it is gratifying to record that the New Zealand law and administrative practice is in complete accord with the proposals adopted. While a number of the countries represented at the Conference have not yet developed their Employment Service Organization to the extent envisaged in the proposals, it is clear from the discussions which took place that all countries do aim to develop their Employment Services not only for the purpose of carrying out the normal functions of an Employment Exchange, but also to ensure the best possible organization 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 resources.

In the organization of the Employment Service considerable emphasis was placed on the need for the setting-up of Advisory Committees of equal numbers of representatives of employers and workers to advise the administrative authority on the organization and operation of the Employment Service and the development of Employment Service policy.

Another matter which received particular attention was the need for the collection and publication of reliable and comprehensive statistics of the current situation of the employment market and its probable evolution both in the country as a whole and in the different industries, occupations, and areas. Mention was also made of the need for developing special facilities, including provision for vocational guidance for juveniles, within the framework of the Employment Service.

The results of the preparatory work undertaken by the Committee on Employment Service Organization will be used by the International Labour Office as the basis for the preparation of a draft Convention and a draft recommendation for circulation to Governments prior to consideration and final discussion at the next session of the Conference.

RESOLUTION ON THE PARTIAL REVISION OF THE FEE CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933

A resolution was adopted by the Conference in which it was decided to place on the agenda of the next general session the question of the revision of the Fee Charging Employment Agencies Convention, 1933. This Convention, which has been ratified by only six countries, requires ratifying members to abolish profit-making, fee charging employment agencies within three years of the coming into force of the Convention and

during this interval to prohibit the establishment of any new agencies of this character, and to subject such agencies already in existence to the public supervision of the competent authority, which is instructed to regulate the scale of fees and expenses of the agencies. Article 3, paragraph 4 (d), of the Convention provides that every fee charging employment agency conducted with a view to profit which is allowed to continue operations shall “only place or recruit workers abroad if authorized so to do by its licence and if its operations are conducted *under an agreement between the countries concerned.*” A similar provision is contained in Article 4 (c) relating to fee charging employment agencies not conducted with a view to profit. The Swedish Government, which is one of the countries that has ratified the Convention, is experiencing difficulty in complying with its provisions. In Sweden authority has been granted under the Convention for fee charging employment agencies conducted with a view to profit to place Swedish musicians and artists abroad and to recruit musicians and artists abroad for employment in Sweden. As most of the countries from which the artists might be recruited or in which Swedish artists might be placed had not ratified the Convention, and did not appear to have sufficient interest in the conclusion of agreements which were necessary to comply with the terms of the Convention, the Swedish Government found itself in a more unfavourable position by reason of having ratified the Convention than those other countries which had failed to ratify. The proposed amendments would overcome the difficulty referred to, but as the whole Convention is due for review under the ten-yearly review procedure it was decided by Conference to place the whole matter on the Agenda of its next General Session.

FREEDOM OF ASSOCIATION AND INDUSTRIAL RELATIONS

This subject was considered following the request of the Economic and Social Council of the United Nations which had been called upon during February–March last on representations from the World Federation of Trade Unions and the American Federation of Labour to consider the question “of guarantees for the exercise and development of trade union rights.” It appears that these representations were made because of attacks in various countries on trade-union rights. The Council also referred the subject to the Commission on Human Rights.

“Recognition of the principle of freedom of association” was declared in the Treaty of Versailles and in the preamble to the Constitution of the International Labour Organization to be one of the means of improving the conditions of the workers and of securing peace. The Declaration of Philadelphia (1944) reaffirmed as a fundamental principle that “freedom of expression and of association are essential to sustained progress.” The Declaration also affirmed that the International Labour Organization has a solemn obligation to further “the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures.” Thus the Conference was asked to consider a subject upon which very definite pronouncements had previously been made both by Conferences of the Organization and by other gatherings of the nations of the world.

As a basis for discussion the Committee had placed before it a special report covering the history of the problem, a survey of legislation and practice, also a proposed Resolution concerning (1) freedom of association, (2) protection of the right to organize and to bargain collectively, (3) collective agreements, (4) conciliation and arbitration, and (5) co-operation between the public authorities and employers’ and workers’ organizations, as well as a list of points covering headings one to four. During the interchange of views there were many amendments and sub-amendments, the voting at times showing a substantial feeling against particular texts. The conclusions submitted to the Conference were thus reported as “a clear reflection of the opinions of the majority of the Committee.”

These conclusions which are set out fully in Appendix 9 hereto as resolutions can be shortly summarized as—

- (1) Resolution concerning freedom of association and protection of the right to organize and to bargain collectively, endorsing the right to establish organizations; these to have autonomy, protection from dissolution by administrative authority, and a right of national federation and international affiliation; without exemption, however, from responsibilities and obligations.
- (2) Resolution placing (a) the question of freedom of association and the protection of the right to organize, also (b) the application of the principles of the right to organize and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between the public authorities and employers' and workers' organizations on the agenda of the 1948 session. Associated with this is a list of points as a basis for discussion.
- (3) Resolution asking the Governing Body of the International Labour Office to report to the 1948 session on the question of international machinery for supervising freedom of association.

W. J. JORDAN.
H. L. BOCKETT.

APPENDIX 1.—CONVENTION CONCERNING SOCIAL POLICY IN NON-METROPOLITAN TERRITORIES

THE General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its thirtieth session on 19 June, 1947, and

Having decided upon the adoption of certain proposals concerning social policy in non-metropolitan territories, which is included in the third item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts, this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Convention, which may be cited as the Social Policy (Non-metropolitan Territories) Convention, 1947.

PART I.—OBLIGATIONS OF PARTIES

Article 1

1. Each member of the International Labour Organization which ratifies this Convention undertakes that the policies and measures set forth in the Convention shall be applied in the non-metropolitan territories for which it has or assumes responsibilities, including any trust territories for which it is the administering authority, other than the territories referred to in paragraphs 2 and 3 of this Article, subject to the concurrence of the Governments of the territories concerned in respect of any matters which are within the self-governing powers of the territories.

2. Where the subject-matter of this Convention is wholly or primarily within the self-governing powers of any non-metropolitan territory, the member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

3. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) By two or more members of the Organization in respect of any territory which is under their joint authority; or
- (b) By any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

PART II.—GENERAL PRINCIPLES

Article 2

1. All policies designed to apply to non-metropolitan territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of the peoples of non-metropolitan territories.

Article 3

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national, or territorial basis, financial and technical assistance to the local administrations in order to further the economic development of non-metropolitan territories.

2. The terms under which such assistance is granted shall provide for such control by or co-operation with the local administrations in determining the nature of the economic development and the conditions under which the resulting work is undertaken as may be necessary to safeguard the interests of the peoples of such territories.

3. It shall be an aim of policy for the responsible Government authorities to arrange that adequate funds are made available to provide public or private capital or both for development purposes on terms which secure to the peoples of non-metropolitan territories the fullest possible benefits from such development.

4. In appropriate cases international, regional, or national action shall be taken with a view to establishing conditions of trade which will encourage production at a high level of efficiency and make possible the maintenance of a reasonable standard of living in non-metropolitan territories.

Article 4

All possible steps shall be taken by appropriate international, regional, national, and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production.

Article 5

All possible steps shall be taken effectively to interest and associate the peoples of non-metropolitan territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

PART III.—IMPROVEMENT OF STANDARDS OF LIVING

Article 6

The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

Article 7

1. All practicable measures shall be taken in the planning of economic development to harmonize such development with the healthy evolution of the communities concerned.

2. In particular, efforts shall be made to avoid the disruption of family life and of traditional social units, especially by :

(a) Close study of the causes and effects of migratory movements, and appropriate action where necessary :

- (b) The promotion of town and village planning in areas where economic needs result in the concentration of population :
- (c) The prevention and elimination of congestion in urban areas :
- (d) The improvement of living conditions in rural areas and the establishment of suitable industries in rural areas where adequate manpower is available.

Article 8

The measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of agricultural producers shall include—

- (a) The elimination to the fullest practicable extent of the causes of chronic indebtedness :
- (b) The control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interests of the territory :
- (c) The control, by the enforcement of adequate laws or regulations, of the ownership and use of land and resources to ensure that they are used, with due regard to customary rights, in the best interests of the inhabitants of the territory :
- (d) The supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels :
- (e) The reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers' co-operatives.

Article 9

1. Measures shall be taken to secure for independent producers and wage earners conditions which will give them scope to improve living standards by their own efforts and will ensure the maintenance of minimum standards of living as ascertained by means of official inquiries into living conditions, conducted after consultation with the representative organizations of employers and workers.

2. In ascertaining the minimum standards of living account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

PART IV.—PROVISIONS CONCERNING MIGRANT WORKERS

Article 10

Where the circumstances under which workers are employed involve their living away from their homes, the terms and conditions of their employment shall take account of their normal family needs.

Article 11

Where the labour resources of one area of a non-metropolitan territory are used on a temporary basis for the benefit of another area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilization to the area of labour supply.

Article 12

1. Where the labour resources of a territory are used in an area under a different administration the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilization.

3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

Article 13

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

PART V.—REMUNERATION OF WORKERS AND RELATED QUESTIONS

Article 14

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organizations shall be encouraged.

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed in consultation with representatives of the employers and workers, including representatives of their respective organizations, where such exist.

3. The necessary measures shall be taken to ensure that the employers and workers concerned are informed of the minimum wage rates in force and that wages are not paid at less than these rates in cases where they are applicable.

4. A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates shall be entitled to recover, by judicial or other means authorized by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

Article 15

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

2. Wages shall normally be paid in legal tender only.

3. Wages shall normally be paid direct to the individual worker.

4. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the worker shall be prohibited.

5. Payment of wages shall not be made in taverns or stores, except in the case of workers employed therein.

6. Unless there is an established local custom to the contrary, and the competent authority is satisfied that the continuance of this custom is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

7. Where food, housing, clothing, and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to ensure that they are adequate and their cash value properly assessed.

8. All practicable measures shall be taken—

- (a) To inform the workers of their wage rights ;
- (b) To prevent any unauthorized deductions from wages ; and
- (c) To restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the proper cash value thereof.

Article 16

1. The maximum amounts and manner of repayment of advances on wages shall be regulated by the competent authority.

2. The competent authority shall limit the amount of advances which may be made to a worker in consideration of his taking up employment ; the amount of advances permitted shall be clearly explained to the worker.

3. Any advance in excess of the amount laid down by the competent authority shall be legally irrecoverable and may not be recovered by the withholding of amounts of pay due to the worker at a later date.

Article 17

1. Voluntary forms of thrift shall be encouraged among wage earners and independent producers.

2. All practicable measures shall be taken for the protection of wage earners and independent producers against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organizations or through institutions which are under the control of the competent authority.

PART VI.—NON-DISCRIMINATION ON GROUNDS OF RACE, COLOUR, SEX, BELIEF, TRIBAL ASSOCIATION OR TRADE-UNION AFFILIATION

Article 18

1. It shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association, or trade-union affiliation in respect of—

- (a) Labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the territory :
- (b) Admission to public or private employment :
- (c) Conditions of engagement and promotion :
- (d) Opportunities for vocational training :
- (e) Conditions of work :
- (f) Health, safety, and welfare measures :
- (g) Discipline :
- (h) Participation in the negotiation of collective agreements :
- (i) Wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking to the extent to which recognition of this principle is accorded in the metropolitan territory.

2. Subject to the provisions of sub-paragraph (i) of the preceding paragraph, all practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association, or trade-union affiliation.

3. Workers from one territory engaged for employment in another territory may be granted, in addition to their wages, benefits in cash or in kind to meet any reasonable personal or family expenses resulting from employment away from their homes.

4. The foregoing provisions of this Article shall be without prejudice to such measures as the competent authority may think it necessary or desirable to take for the safeguarding of motherhood and for ensuring the health, safety and welfare of woman workers.

PART VII.—EDUCATION AND TRAINING

Article 19

1. Adequate provision shall be made in non-metropolitan territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training, and apprenticeship, with a view to the effective preparation of children and young persons of both sexes for a useful occupation.

2. Territorial laws or regulations shall prescribe the school leaving age and the minimum age for and conditions of employment.

3. In order that the child population may be able to profit by existing facilities for education and in order that the extension of such facilities may not be hindered by a demand for child labour, the employment of persons below the school leaving age during the hours when the schools are in session shall be prohibited, in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

Article 20

1. In order to secure high productivity through the development of skilled labour in non-metropolitan territories training in new techniques of production shall be provided in suitable cases in local, regional, or metropolitan centres.

2. Such training shall be organized by or under the supervision of the competent authorities, in consultation with the employers' and workers' organizations of the territory from which the trainees come and of the country of training.

PART VIII.—MISCELLANEOUS PROVISIONS

Article 21

1. In respect of the territories covered by paragraph 1 of Article 1 of this Convention, each member of the Organization which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

- (a) The territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification:
- (b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications together with details of the said modifications:
- (c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable:
- (d) The territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 1 of this article.

4. Any member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 22

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 2 and 3 of Article 1 of this Convention shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications.

When the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

2. The member, members, or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The member, members, or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 23

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 24

If any Convention concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any territory in respect of which there has been communicated to the Director-General of the International Labour Office a declaration—

- (a) Undertaking that the provisions of the said Convention shall be applied in pursuance of paragraph 2 of Article 35 of the Constitution of the International Labour Organization as amended by the Constitution of the International Labour Organization Instrument of Amendment, 1946; or
- (b) Accepting the obligations of the said Convention in pursuance of paragraph 5 of the said Article 35.

PART IX.—FINAL PROVISIONS

Article 25

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 27

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article will be bound for another period of ten years, and thereafter may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 28

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

Article 29

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 30

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 31

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,—

- (a) The ratification by a member of the new revising Convention shall, *ipso jure*, involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force :
- (b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

Article 32

The English and French versions of the text of this Convention are equally authoritative.

APPENDIX 2.—CONVENTION CONCERNING THE APPLICATION OF INTERNATIONAL LABOUR STANDARDS TO NON-METROPOLITAN TERRITORIES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its thirtieth session on 19 June, 1947 ; and

Having decided upon the adoption of certain proposals concerning the application of international labour standards in non-metropolitan territories, which is included in the third item on the agenda of the session ; and

Having determined that these proposals shall take the form of an international Convention,
adopts, this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Convention, which may be cited as the Labour Standards (Non-metropolitan Territories) Convention, 1947 :—

Article 1

1. Each member of the International Labour Organization which ratifies this Convention shall communicate to the Director-General of the International Labour Office with its ratification a declaration stating, in respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization, as amended by the Constitution of the International Labour Organization Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, the extent to which it undertakes that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in respect of the said territories.

2. The aforesaid declaration shall state in respect of each of the Conventions set forth in the Schedule to this Convention—

- (a) The territories in respect of which the member undertakes that the provisions of the Convention shall be applied without modification :
- (b) The territories in respect of which the member undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications :
- (c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable :
- (d) The territories in respect of which the member reserves its decision.

3. The undertakings referred to in subparagraphs (a) and (b) of paragraph 2 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

4. Any member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 2 of this Article.

5. Any member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 2

1. A declaration accepting the obligations of this Convention in respect of any non-metropolitan territory where the subject-matter of the Conventions set forth in the Schedule to this Convention is within the self-governing powers of the territory may be communicated to the Director-General of the International Labour Office by the member responsible for the international relations of the territory in agreement with the Government of the territory.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) By two or more members of the Organization in respect of any territory which is under their joint authority ; or
- (b) By any international authority responsible for the administration of any territory in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraph of this Article shall include an undertaking that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in the territory concerned either without modification or subject to modifications; when the declaration indicates that the provisions of one or more of the said Conventions will be applied subject to modifications it shall give in respect of each such Convention details of the said modifications.

4. The member, members, or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The member, members, or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of any one or more of the Conventions set forth in the Schedule.

Article 3

The competent authority may, by regulations published beforehand, exclude from the application of any provisions giving effect to any of the Conventions set forth in the Schedule undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

Article 4

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of one or more of the Conventions set forth in the Schedule, the annual reports on the application of this Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 5

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule to this Convention, including the provisions of further Conventions in the Schedule or 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.

2. Each member for which this Convention is in force and each territory for which a declaration accepting the obligations of this Convention in pursuance of Article 2 is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such amendment to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such amendment shall become effective for each member for which this Convention is in force on acceptance by the said member and for each territory in respect of which a declaration accepting the obligations of the Convention in pursuance of Article 2 is in force on acceptance in respect of the said territory.

4. When any such amendment becomes effective for any member or for any territory in respect of which the obligations of this Convention have been accepted in pursuance of Article 2, the member, members, or international authority concerned shall communicate to the Director-General of the International Labour Office a declaration giving, in respect of the Convention or Conventions the provisions of which have been included in the Schedule by the amendment, the particulars required by paragraph 2 of Article 1 or paragraph 3 of Article 2, as the case may be.

5. Any member which ratifies this Convention after the date of the adoption of any such amendment by the Conference shall be deemed to have ratified the Convention as amended, and any territory in respect of which the obligations of the Convention are accepted after that date in pursuance of Article 2 shall be deemed to have accepted the obligations of the Convention as amended.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 8

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article will be bound for another period of ten years, and thereafter may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

Article 10

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 11

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 12

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,—

- (a) The ratification by a member of the new revising Convention shall, *ipso jure*, involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 8 above, if and when the new revising Convention shall have come into force :
- (b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

Article 13

The English and French versions of the text of this Convention are equally authoritative.

SCHEDULE

MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly :—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth :
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind :
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure :
- (d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health, or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

Article 3

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

Article 5

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health, or morals of the persons employed therein, national laws shall either—

- (a) Prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents ; or

(b) Empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organization shall include full information concerning the age or ages prescribed by national laws in pursuance of subparagraph (a) of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of subparagraph (b) of the preceding paragraph, as the case may be.

MINIMUM AGE (SEA) CONVENTION (REVISED), 1936

Article 1

For the purpose of this Convention the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

Article 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921

Article 1

For the purpose of this Convention the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Article 3

The provisions of Article 2 shall not apply—

- (a) To work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority;
- (b) To the employment of young persons on vessels mainly propelled by other means than steam;
- (c) To young persons of not less than sixteen years of age who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organizations of employers and workers in those countries.

Article 4

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

Article 5

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Article 6

Articles of agreement shall contain a brief summary of the provisions of this Convention.

MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946

PART I.—GENERAL PROVISIONS

Article 1

1. This Convention applies to children and young persons employed or working in, or in connection with, industrial undertakings, whether public or private.
2. For the purpose of this Convention, the term " industrial undertaking " includes particularly—
 - (a) Mines, quarries, and other works for the extraction of minerals from the earth :
 - (b) Undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation, or transmission of electricity or motive power of any kind :
 - (c) Undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration, and demolition work :
 - (d) Undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses, or airports.
3. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination.
2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.
3. The document certifying fitness for employment may be issued—
 - (a) Subject to specified conditions of employment :
 - (b) For a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.
4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.
2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.
3. National laws or regulations shall—
 - (a) Make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations ; or
 - (b) Empower the competent authority to require medical re-examinations in exceptional cases.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.
2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

Article 5

The medical examination required by the preceding Articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.

2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.

3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined—

(a) Of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination :

(b) Of permits or certificates requiring special conditions of employment.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

2. National laws or regulations shall determine the other methods of supervision to be adopted for ensuring the strict enforcement of this Convention.

PART II.—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 8

1. In the case of a member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention, either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization any areas in respect of which it proposes to have recourse to the provisions of the present Article, and no member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 9

1. Any member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment in industry of children and young persons may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.

3. Every member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual reports upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921

Article 1

For the purpose of this Convention the term " vessel " includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Article 3

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

Article 4

In urgent cases the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—
 - (a) Mines, quarries, and other works for the extraction of minerals from the earth :
 - (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented finished, adapted for sale, broken up, or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind :
 - (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure :
 - (d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.
2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.
2. Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night—
 - (a) Manufacture of iron and steel ; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process) :
 - (b) Glass-works :
 - (c) Manufacture of paper :
 - (d) Manufacture of raw sugar :
 - (e) Gold-mining-reduction work.

Article 3

1. For the purpose of this Convention, the term " night " signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.
2. In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.
3. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.
4. In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

Article 4

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 7

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

MATERNITY PROTECTION CONVENTION, 1919

Article 1

1. For the purpose of this Convention the term " industrial undertaking " includes particularly—
 - (a) Mines, quarries, and other works for the extraction of minerals from the earth :
 - (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed : including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind :
 - (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure :
 - (d) Transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.
2. For the purpose of this Convention the term " commercial undertaking " includes any place where articles are sold or where commerce is carried on.
3. The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

Article 2

For the purpose of this Convention the term " woman " signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term " child " signifies any child whether legitimate or illegitimate.

Article 3

In any public or private industrial or commercial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

- (a) Shall not be permitted to work during the six weeks following her confinement :
- (b) Shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks :
- (c) Shall, while she is absent from her work in pursuance of paragraph (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife ; no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place :
- (d) Shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

Article 4

Where a woman is absent from her work in accordance with paragraph (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934

Article 1

1. For the purpose of this Convention the term " industrial undertaking " includes particularly—
 - (a) Mines, quarries, and other works for the extraction of minerals from the earth :
 - (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed : including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind :

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning :

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organizations concerned, decide that in the case of women employed in that industry or area the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4

Article 3 shall not apply—

(a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character :

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 7

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

Article 8

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

UNDERGROUND WORK (WOMEN) CONVENTION, 1935

Article 1

For the purpose of this Convention the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

Article 2

No female, whatever her age, shall be employed on underground work in any mine.

Article 3

National laws or regulations may exempt from the above prohibition—

(a) Females holding positions of management who do not perform manual work ;

(b) Females employed in health-welfare services ;

(c) Females who, in the course of their studies, spend a period of training in the underground parts of a mine ; and

(d) Any other females who occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925

Article 1

1. Each member of the International Labour Organization which ratifies this Convention undertakes to grant to the nationals of any other member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a member or its nationals would have to make outside that member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the members concerned.

Article 2

Special agreements may be made between the members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one member on behalf of an undertaking situated in the territory of another member shall be governed by the laws and regulations of the latter member.

Article 3

The members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Article 4

The members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

Article 1

Each member of the International Labour Organization which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

Article 2

1. The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking, or establishment of whatsoever nature, whether public or private.

2. It shall nevertheless be open to any member to make such exception in its national legislation as it deems necessary in respect of—

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

Article 3

This Convention shall not apply to—

- (1) Seamen and fishermen for whom provision shall be made by a later Convention :
- (2) Persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

Article 4

This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen's compensation in agriculture adopted by the International Labour Conference at its third session remains in force.

Article 5

The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments : Provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilized.

Article 6

In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.

Article 7

In case where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.

Article 8

The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.

Article 9

Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognized to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

Article 10

1. Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognized to be necessary: Provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

2. National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilized for this purpose.

Article 11

The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or in case of death, to their dependants.

MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929

Article 1

1. Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any member which ratifies this Convention for transport by sea or inland waterway shall have had its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.

2. In exceptional cases where it is difficult to determine the exact weight, national laws or regulations may allow an approximate weight to be marked.

3. The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned, and not on the Government of a country through which it passes on the way to its destination.

4. It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other person or body.

WEEKLY REST (INDUSTRY) CONVENTION, 1921

Article 1

1. For the purpose of this Convention the term "industrial undertakings" includes—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth:
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed: including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind:
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure:
- (d) Transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. [*Inapplicable.*]

3. Where necessary, in addition to the above enumeration, each member may define the line of division which separates industry from commerce and agriculture.

Article 2

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

Article 3

Each member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

Article 4

1. Each member may authorize total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

Article 5

Each member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

Article 6

1. Each member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

2. The International Labour Office will present a report on this subject to the General Conference of the International Labour Organization.

Article 7

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged—

- (a) Where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government;
- (b) Where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

APPENDIX 3.—TEXT OF THE CONVENTION CONCERNING THE RIGHT OF ASSOCIATION AND THE SETTLEMENT OF LABOUR DISPUTES IN NON-METROPOLITAN TERRITORIES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its thirtieth session on 19 June, 1947, and

Having decided upon the adoption of certain proposals concerning the right of association and the settlement of labour disputes in non-metropolitan territories, which is included in the third item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts, this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Convention, which may be cited as the Right of Association (Non-metropolitan Territories) Convention, 1947.

Article 1

This Convention applies to non-metropolitan territories.

Article 2

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

Article 3

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

Article 4

All practicable measures shall be taken to consult and associate the representatives of organizations of employers and workers in the establishment and working of arrangements for the protection of workers and the application of labour legislation.

Article 5

All procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible.

Article 6

1. Employers and workers shall be encouraged to avoid disputes, and if they arise to reach fair settlements by means of conciliation.
2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organizations of employers and workers in the establishment and working of conciliation machinery.
3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.
4. Where practicable, these officers shall be officers specially assigned to such duties.

Article 7

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

Article 8

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization, as amended by the Constitution of the International Labour Organization Instrument of Amendment, 1946, other than the territories referred

to in paragraphs 4 and 5 of the said Article as so amended, each member of the Organization which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

- (a) The territories in respect of which it undertakes that the provisions of the Conventions shall be applied without modification :
- (b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications :
- (c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable :
- (d) The territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 1 of this Article.

4. Any member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 9

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office--

- (a) By two or more members of the Organization in respect of any territory which is under their joint authority ; or
- (b) By an international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The member, members, or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The member, members, or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 14, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 10

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 11

If any Convention concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any territory in respect of which there has been communicated to the Director-General of the International Labour Office a declaration—

- (a) Undertaking that the provisions of the said Convention shall be applied in pursuance of paragraph 2 of Article 35 of the Constitution of the International Labour Organization; or
- (b) Accepting the obligations of the said Convention in pursuance of paragraph 5 of the said Article 35.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.
3. Thereafter this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 14

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article will be bound for another period of ten years, and thereafter may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.
2. When notifying the members of the Organization of the registration of the second ratification communicated to him the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,—

(a) The ratification by a member of the new revising Convention shall, *ipso jure*, involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force :

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

APPENDIX 4.—TEXT OF THE CONVENTION CONCERNING LABOUR INSPECTORATES IN NON-METROPOLITAN TERRITORIES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its thirtieth session on 19 June, 1947, and

Having decided upon the adoption of certain proposals concerning labour inspectorates in non-metropolitan territories, which is included in the third item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts, this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Convention, which may be cited as the Labour Inspectorates (Non-metropolitan Territories) Convention, 1947.

Article 1

Labour inspection services complying with the requirements of Articles 2 to 5 of this Convention shall be maintained in non-metropolitan territories.

Article 2

Labour inspection services shall consist of suitably trained inspectors.

Article 3

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

Article 4

1. Inspectors appointed by the competent authority and provided with credentials shall be required to inspect conditions of employment at frequent intervals.

2. Inspectors shall be authorized by law to exercise the following powers for the purpose of carrying out their duties—

- (a) To enter freely and without previous notice at any hour of the day or night any workplace liable to inspection where they may have reasonable cause to believe that persons enjoying legal protection are employed, and to inspect such workplaces ;
- (b) To enter by day any premises which they may have reasonable cause to believe to be liable to inspection ; and
- (c) To carry out any examination, test, or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed and, in particular—

(i) To interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions, or to apply for information to any other person whose evidence they may consider necessary :

(ii) To require the production of any books, registers, or other documents the keeping of which is prescribed by laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them :

(iii) To enforce the posting of notices required by the legal provisions :

(iv) To take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for this purpose.

3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 5

Subject to such exceptions as may be made by law or regulation, labour inspectors—

- (a) Shall be prohibited from having any direct or indirect interest in the undertakings under their supervision ;
- (b) Shall be bound, on pain of appropriate penalties or disciplinary measures, not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties ; and
- (c) Shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 6

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization, as amended by the Constitution of the International Labour Organization Instrument of Amendment, 1946, other than the territories referred

to in paragraphs 4 and 5 of the said Article as so amended, each member of the Organization which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

- (a) The territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification :
- (b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications :
- (c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable :
- (d) The territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 1 of this Article.

4. Any member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 12, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 7

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) By two or more members of the Organization in respect of any territory which is under their joint authority; or
- (b) By any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The member, members, or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The member, members, or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 12, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 8

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 9

When a declaration undertaking that the provisions of the Labour Inspection Convention, 1947, shall be applied in respect of any territory has been communicated to the Director-General of the International Labour Office in pursuance of Article 30 of that Convention, or a declaration accepting the obligations of that Convention in respect of any territory has been so communicated in pursuance of Article 31 thereof, the provisions of this Convention shall cease to apply in respect of such territory.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.
3. Thereafter this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 12

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article will be bound for another period of ten years and thereafter may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.
2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

Article 14

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 15

At the expiration of each period of ten years after the coming into force of this Convention the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,—

- (a) The ratification by a member of the new revising Convention shall, *ipso jure*, involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force :
- (b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

APPENDIX 5.—TEXT OF THE CONVENTION CONCERNING THE MAXIMUM LENGTH OF CONTRACTS OF EMPLOYMENT OF INDIGENOUS WORKERS

The General Conference of the International Labour Organization,
 Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its thirtieth session on 19 June, 1947, and
 Having decided upon the adoption of certain proposals concerning the maximum length of contracts of employment of indigenous workers, which is included in the third item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,

adopts, this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Convention, which may be cited as the Contracts of Employment (Indigenous Workers) Convention, 1947.

Article 1

For the purposes of this Convention—

- (a) The term “worker” means an indigenous worker—that is to say, a worker belonging to or assimilated to the indigenous population of a non-metropolitan territory ;
- (b) The term “employer” includes, unless the contrary intention appears, any public authority, individual, company, or association, whether non-indigenous or indigenous ;
- (c) The term “regulations” means the law and/or regulations in force in the territory concerned ; and
- (d) The term “contract” means, unless the contrary intention appears, a contract of employment by which a worker enters the service of an employer as a worker for remuneration in cash or in any other form whatsoever, but does not include contracts of apprenticeship made in accordance with special provisions relating to apprenticeship contained in the regulations.

Article 2

1. The competent authority may exclude from the application of this Convention—
 - (a) Contracts by which a worker enters the service of an indigenous employer who does not employ more than a limited number of workers prescribed by the regulations or satisfy some other criterion prescribed thereby ;
 - (b) Any contract under which the only or principal remuneration granted to the worker is the occupancy or use of land belonging to his employer.
2. The competent authority may, after consultation with the employers' and workers' organizations representative of the interests concerned, exclude from the application of this Convention contracts entered into between employers and literate workers whose freedom of choice in employment is satisfactorily safeguarded ; such exclusion may apply to the whole of the workers in a territory, to the workers in any specified industry, to the workers in any specified undertaking, or to special groups of workers.

Article 3

1. The regulations shall prescribe the maximum period of service which may be stipulated or implied in any contract, whether written or oral.
2. The maximum period of service which may be stipulated or implied in any contract for employment not involving a long and expensive journey shall in no case exceed twelve months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.
3. The maximum period of service which may be stipulated or implied in any contract for employment involving a long and expensive journey shall in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

Article 4

1. When a contract made in one territory (hereinafter called the territory of origin) relates to employment in a territory under a different administration (hereinafter called the territory of employment), the maximum period of service which may be stipulated or implied therein shall not exceed either the maximum period prescribed by the regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment.
2. The competent authorities of the territories of origin and of employment shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

Article 5

This Convention does not apply to contracts entered into before the coming into force of the Convention for the territory where the question of its applicability arises.

Article 6

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization, as amended by the Constitution of the International Labour Organization Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each member of the Organization which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—
 - (a) The territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification :

(b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications :

(c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable :

(d) The territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 1 of this Article.

4. Any member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 7

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) By two or more members of the Organization in respect of any territory which is under their joint authority ; or

(b) By any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modifications or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The member, members, or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The member, members, or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 8

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration,

Article 10

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 11

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article will be bound for another period of ten years, and thereafter may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,—

(a) The ratification by a member of the new revising Convention shall, *ipso jure*, involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

APPENDIX 6.—TEXT OF THE CONVENTION CONCERNING LABOUR
INSPECTION IN INDUSTRY AND COMMERCE

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office and having met in its thirtieth session on 19 June, 1947, and
Having decided upon the adoption of certain proposals with regard to the
organization of labour inspection in industry and commerce, which is the
fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international
Convention,

adopts, this eleventh day of July of the year one thousand nine hundred and forty-
seven, the following Convention, which may be cited as the Labour Inspection
Convention, 1947.

PART I.—LABOUR INSPECTION IN INDUSTRY

Article 1

Each member of the International Labour Organization for which this Convention
is in force shall maintain a system of labour inspection in industrial work-places.

Article 2

1. The system of labour inspection in industrial workplaces shall apply to all work-
places in respect of which legal provisions relating to conditions of work and the
protection of workers while engaged in their work are enforceable by labour inspectors.

2. National laws or regulations may exempt mining and transport undertakings
or parts of such undertakings from the application of this Convention.

Article 3

1. The functions of the system of labour inspection shall be—

(a) To secure the enforcement of the legal provisions relating to conditions of work
and the protection of workers while engaged in their work, such as provisions
relating to hours, wages, safety, health and welfare, the employment of
children and young persons, and other connected matters, in so far as such
provisions are enforceable by labour inspectors ;

(b) To supply technical information and advice to employers and workers con-
cerning the most effective means of complying with the legal provisions ;

(c) To bring to the notice of the competent authority defects or abuses not specifically
covered by existing legal provisions.

2. Any further duties which may be entrusted to labour inspectors shall not be
such as to interfere with the effective discharge of their primary duties or to prejudice
in any way the authority and impartiality which are necessary to inspectors in their
relations with employers and workers.

Article 4

1. So far as is compatible with the administrative practice of the member, labour
inspection shall be placed under the supervision and control of a central authority.

2. In the case of a federal State, the term " central authority " may mean either
a federal authority or a central authority of a federated unit.

Article 5

The competent authority shall make appropriate arrangements to promote—

(a) Effective co-operation between the inspection services and other Government
services and public or private institutions engaged in similar activities ; and

(b) Collaboration between officials of the labour inspectorate and employers and
workers or their organizations.

Article 6

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

Article 7

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors shall be adequately trained for the performance of their duties.

Article 8

Both men and women shall be eligible for appointment to the inspection staff; where necessary, special duties may be assigned to men and women inspectors.

Article 9

Each member shall take the necessary measures to ensure that duly qualified technical experts and specialists, including specialists in medicine, engineering, electricity, and chemistry, are associated in the work of inspection, in such manner as may be deemed most appropriate under national conditions, for the purpose of securing the enforcement of the legal provisions relating to the protection of the health and safety of workers while engaged in their work and of investigating the effects of processes, materials and methods of work on the health and safety of workers.

Article 10

The number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate and shall be determined with due regard for :

- (a) The importance of the duties which inspectors have to perform, in particular—
 - (i) The number, nature, size, and situation of the workplaces liable to inspection ;
 - (ii) The number and classes of workers employed in such workplaces ;
 - and
 - (iii) The number and complexity of the legal provisions to be enforced ;
- (b) The material means placed at the disposal of the inspectors ; and
- (c) The practical conditions under which visits of inspection must be carried out in order to be effective.

Article 11

1. The competent authority shall make the necessary arrangements to furnish labour inspectors with—

- (a) Local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned ;
- (b) The transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

Article 12

1. Labour inspectors provided with proper credentials shall be empowered :

- (a) To enter freely and without previous notice at any hour of the day or night any workplace liable to inspection ;

- (b) To enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and
- (c) To carry out any examination, test, or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular—
 - (i) To interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
 - (ii) To require the production of any books, registers, or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;
 - (iii) To enforce the posting of notices required by the legal provisions;
 - (iv) To take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

2. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

Article 13

1. Labour inspectors shall be empowered to take steps with a view to remedying defects observed in plant, layout, or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by law, to make or to have made orders requiring—

- (a) Such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to the health or safety of the workers; or
- (b) Measures with immediate executory force in the event of imminent danger to the health or safety of the workers.

3. Where the procedure prescribed in paragraph 2 is not compatible with the administrative or judicial practice of the member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

Article 14

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

Article 15

Subject to such exceptions as may be made by national laws or regulations, labour inspectors—

- (a) Shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) Shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and

- (c) Shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Article 16

Workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Article 17

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

Article 18

Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

Article 19

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

Article 20

1. The central inspection authority shall publish an annual general report on the work of the inspection services under its control.

2. Such annual reports shall be published within a reasonable time after the end of the year to which they relate and in any case within twelve months.

3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within a reasonable period after their publication and in any case within three months.

Article 21

The annual report published by the central inspection authority shall deal with the following and other relevant subjects in so far as they are under the control of the said authority:

- (a) Laws and regulations relevant to the work of the inspection service:
- (b) Staff of the labour inspection service:
- (c) Statistics of workplaces liable to inspection and the number of workers employed therein:
- (d) Statistics of inspection visits:
- (e) Statistics of violations and penalties imposed:
- (f) Statistics of industrial accidents:
- (g) Statistics of occupational diseases.

PART II.—LABOUR INSPECTION IN COMMERCE

Article 22

Each member of the International Labour Organization for which this Part of this Convention is in force shall maintain a system of labour inspection in commercial workplaces.

Article 23

The system of labour inspection in commercial workplaces shall apply to workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

Article 24

The system of labour inspection in commercial workplaces shall comply with the requirements of Articles 3 to 21 of this Convention in so far as they are applicable.

PART III.—MISCELLANEOUS PROVISIONS

Article 25

1. Any member of the International Labour Organization which ratifies this Convention may, by a declaration appended to its ratification, exclude Part II from its acceptance of the Convention.

2. Any member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the position of its law and practice in regard to the provisions of Part II of this Convention and the extent to which effect has been given, or is proposed to be given, to the said provisions.

Article 26

In any case in which it is doubtful whether any undertaking, part, or service of an undertaking or workplace is an undertaking, part, service, or workplace to which this Convention applies, the question shall be settled by the competent authority.

Article 27

In this Convention the term "legal provisions" includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors.

Article 28

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organization full information concerning all laws and regulations by which effect is given to the provisions of this Convention.

Article 29

1. In the case of a member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 30

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each member of the Organization which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating—

- (a) The territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) The territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b) (c), or (d) of paragraph 1 of this Article.

4. Any member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 31

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) By two or more members of the Organization in respect of any territory which is under their joint authority; or
- (b) By any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The member, members, or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The member, members, or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 34, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

PART IV.—FINAL PROVISIONS

Article 32

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 33

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 34

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article will be bound for another period of ten years, and thereafter may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 35

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

Article 36

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 37

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 38

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,—

(a) The ratification by a member of the new revising Convention shall, *ipso jure*, involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 34 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

Article 39

The English and French versions of the text of this Convention are equally authoritative.

APPENDIX 7.—TEXT OF THE RECOMMENDATION CONCERNING LABOUR INSPECTION

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing body of the International Labour Office and having met in its thirtieth session on 19 June, 1947, and

Having decided upon the adoption of certain proposals with regard to the organization of labour inspection in industry and commerce, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a recommendation supplementing the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947,

adopts, this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Recommendation, which may be cited as the Labour Inspection Recommendation, 1947 :

Whereas the Labour Inspection Recommendation, 1923, and the Labour Inspection Convention, 1947, provide for organization of systems of labour inspection, and it is desirable to supplement the provisions thereof by further recommendations ;

The Conference recommends that each member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

I. PREVENTIVE DUTIES OF LABOUR INSPECTORATES

1. Any person who proposes to open an industrial or commercial establishment, or to take over such an establishment, or to commence in such an establishment the carrying on of a class of activity specified by a competent authority as materially affecting the application of legal provisions enforceable by labour inspectors, should be required to give notice in advance to the competent labour inspectorate, either directly or through another designated authority.

2. Members should make arrangements under which plans for new establishments plant, or processes of production may be submitted to the appropriate labour inspection service for an opinion as to whether the said plans would render difficult or impossible compliance with the laws and regulations concerning industrial health and safety or would be likely to constitute a threat to the health or safety of the workers.

3. Subject to any right of appeal which may be provided by law, the execution of plans for new establishments, plant, and processes of production deemed under national laws or regulations to be dangerous or unhealthy should be conditional upon the carrying out of any alterations ordered by the inspectorate for the purpose of securing the health and safety of the workers.

II. COLLABORATION OF EMPLOYERS AND WORKERS IN REGARD TO HEALTH AND SAFETY

4. (1) Arrangements for collaboration between employers and workers for the purpose of improving conditions affecting the health and safety of the workers should be encouraged.

(2) Such arrangements might take the form of safety committees or similar bodies set up within each undertaking or establishment and including representatives of the employers and the workers.

5. Representatives of the workers and the management, and more particularly members of works safety committees or similar bodies where such exist, should be authorized to collaborate directly with officials of the labour inspectorate, in a manner and within limits fixed by the competent authority, when investigations and, in particular, enquiries into industrial accidents or occupational diseases are carried out.

6. The promotion of collaboration between officials of the labour inspectorate and organizations of employers and workers should be facilitated by the organization of conferences or joint committees, or similar bodies, in which representatives of the labour inspectorate discuss with representatives of organizations of employers and workers questions concerning the enforcement of labour legislation and the health and safety of the workers.

7. Appropriate steps should be taken to ensure that employers and workers are given advice and instruction in labour legislation and questions of industrial hygiene and safety by such measures as—

- (a) Lectures, radio talks, posters, pamphlets, and films explaining the provisions of labour legislation and suggesting methods for their application and measures for preventing industrial accidents and occupational diseases ;
- (b) Health and safety exhibitions ; and
- (c) Instruction in industrial hygiene and safety in technical schools.

III. LABOUR DISPUTES

8. The functions of labour inspectors should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

IV.—ANNUAL REPORTS ON INSPECTION

9. The published annual reports on the work of inspection services should, in so far as possible, supply the following detailed information :—

- (a) A list of the laws and regulations bearing on the work of the inspection system not mentioned in previous reports :
- (b) Particulars of the staff of the labour inspection system, including—
 - (i) The aggregate number of inspectors ;
 - (ii) The number of inspectors of different categories ;
 - (iii) The number of women inspectors ; and
 - (iv) Particulars of the geographical distribution of inspection services

- (c) Statistics of workplaces liable to inspection and of the number of persons therein employed, including—
- (i) The number of workplaces liable to inspection ;
 - (ii) The average number of persons employed in such workplaces during the year ;
 - (iii) Particulars of the classification of persons employed under the following headings : men, women, young persons, and children :
- (d) Statistics of inspection visits, including—
- (i) The number of workplaces visited :
 - (ii) The number of inspection visits made, classified according to whether they were made by day or by night ;
 - (iii) The number of persons employed in the workplaces visited ;
 - (iv) The number of workplaces visited more than once during the year ;
- (e) Statistics of violations and penalties, including—
- (i) The number of infringements reported to the competent authorities ;
 - (ii) Particulars of the classification of such infringements according to the legal provisions to which they relate ;
 - (iii) The number of convictions ;
 - (iv) Particulars of the nature of the penalties imposed by the competent authorities in the various cases (fines, imprisonment, &c.) :
- (f) Statistics of industrial accidents, including the number of industrial accidents notified and particulars of the classification of such accidents—
- (i) By industry and occupation ;
 - (ii) According to cause ;
 - (iii) According to whether fatal or non-fatal :
- (g) Statistics of occupational diseases, including—
- (i) The number of cases of occupational disease notified ;
 - (ii) Particulars of the classification of such cases according to industry and occupation ;
 - (iii) Particulars of the classification of such cases according to their cause or character such as the nature of the disease, poisonous substance or unhealthy process to which the disease is due.

APPENDIX 8.—TEXT OF THE RECOMMENDATION CONCERNING LABOUR INSPECTION IN MINING AND TRANSPORT UNDERTAKINGS

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its thirtieth session on 19 June, 1947, and

Having decided upon the adoption of certain proposals with regard to the organization of labour inspection in mining and transport undertakings, which is included in the fourth item on the agenda of the session, and

Having determined that certain of these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947,

adopts, this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Recommendation, which may be cited as the Labour Inspection (Mining and Transport) Recommendation, 1947 :

Whereas the Labour Inspection Convention, 1947, provides for the organization of systems of labour inspection and permits the exemption of mining and transport undertakings from the application thereof by national laws or regulations ; and

Whereas it is nevertheless essential to make adequate provision in respect of mining and transport undertakings for the effective enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work ;

The Conference recommends that each member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto :—

Each member of the International Labour Organization should apply to mining and transport undertakings as defined by the competent authority appropriate systems of labour inspection to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work.

APPENDIX 9.—RESOLUTIONS ADOPTED BY THE THIRTIETH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

(a) RESOLUTION CONCERNING EUROPEAN AND WORLD RECONSTRUCTION

The International Labour Conference, assembled in its thirtieth session at Geneva while the Ministers of Foreign Affairs of the United Kingdom, the Union of Soviet Socialist Republics, and France are meeting in Paris to examine as suggested by United States Secretary of State Marshall means for speedy reconstruction of a devastated Europe, which is a first condition of world reconstruction, welcomes with great satisfaction this event of decisive importance for the future of the world.

Aware of the growing poverty imposed on the peoples by the economic disorganization caused by the war and prolonged by their divisions, the Conference, in accordance with the unbroken tradition of the International Labour Organization, declares that only close and confident co-operation among the nations can ensure the termination of these hardships, a return to prosperity, and the establishment of a stable and lasting peace.

In this spirit, in the spirit of the Agreement between the International Labour Organization and the United Nations, and in the conviction that questions relating to labour will be of primordial importance in connection with the action to be undertaken, the Conference affirms its readiness, within the scope of its functions, to make its full contribution, and that of the forces which it represents, to the great work of world reconstruction of which this date should be the starting point.

(b) RESOLUTION CONCERNING WELFARE FACILITIES FOR WORKERS

Whereas the Declaration of Philadelphia reaffirms the fundamental principle that labour is not a commodity and recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations and the provision of adequate nutrition, housing and facilities for recreation and culture

Whereas it is desirable to encourage the establishment in undertakings of services, amenities, and facilities designed to meet the needs of the workers in these respects ; and

Whereas such policies result in increased efficiency and higher productivity, The International Labour Conference, meeting in its thirtieth session—

1. Draws attention to the importance of establishing in undertakings, wherever appropriate, in co-operation with representatives of the workers concerned and under properly qualified management, such services, facilities, and amenities as adequate canteens, rest and recreation facilities, sanitary and medical facilities, arrangements

for travel to and from work, and for the accommodation of workers employed at a distance from their homes, and such other services, amenities, and facilities as contribute to improve the conditions under which workers are employed ; and

2. Requests the Governing Body—

- (a) To instruct the International Labour Office to expand its studies of the administration and working of such services, facilities, and amenities ;
- (b) To consider the desirability of placing the question, or such aspects of it as may be appropriate, on the agenda of an early session of the Conference ; and
- (c) To refer to future Regional Conferences and to the Industrial Committees for consideration such aspects of the question as may present special problems in particular regions or industries.

(c) RESOLUTION CONCERNING MAINTENANCE OF RIGHTS OF MIGRANT WORKERS UNDER SOCIAL INSURANCE SCHEMES

Whereas the General Conference of the International Labour Organization adopted at its nineteenth session a Convention (No. 48), concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age, widows' and orphans insurance ;

Whereas by the adoption of this Convention the General Conference of the International Labour Organization thereby recognized as useful and equitable the establishment by the members of the Organization of standards guaranteeing to migrants and their dependants the maintenance of rights acquired with insurance institutions, either in a single country or in two or more countries successively or alternately ;

Whereas the adoption of this Convention represented a measure of social progress intended to protect migrants and their dependants against occupational and social risks and against poverty ;

Whereas social protection of migrants in the spirit of the said Convention is of quite special importance at present, since the recent war has caused a considerable increase in the migration of wage-earners from one country to another and the effects of this increase are still being felt,

The Conference—

Requests the Governing Body to have prepared as soon as possible a periodical report on the application of the above-mentioned Convention with a view to re-examining the situation and ascertaining the difficulties which have impeded ratification of the Convention.

(d) RESOLUTION CONCERNING THE SCOPE OF LABOUR INSPECTION

Whereas the Labour Inspection Convention, 1947, applies only to undertakings in respect of which legal provisions for the protection of workers are enforceable by labour inspection ;

Whereas this scope of application may leave Governments free to exclude large numbers of workers from the application of the Convention ; and

Whereas all workers in industrial and commercial undertakings are in need of the protection afforded by the appointment of an inspectorate to enforce proper conditions of work ;

The thirtieth session of the International Labour Conference,—

Urges the Governments to apply to all workers employed in industrial and commercial undertakings the legal provisions for the protection of workers which are enforceable by labour inspection.

(e) RESOLUTION CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE AND TO BARGAIN COLLECTIVELY

Whereas the Preamble to the Constitution of the International Labour Organization expressly declares "recognition of the principle of freedom of association" to be a means of improving conditions of labour and of establishing peace; and

Whereas the Declaration of Philadelphia reaffirms that "freedom of expression and association are essential to sustained progress" and recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve, among other things, "the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures"; and

Whereas it also affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilized world; and

Whereas standards of living, normal functioning of national economy, and social and economic stability depend to a considerable degree on a properly organized system of industrial relations founded on the recognition of freedom of association; and

Whereas, moreover, in many countries, employers' and workers' organizations have been associated with the preparation and application of economic and social measures; and

Whereas the International Labour Conference, the Regional Conferences of the American States members of the International Labour Organization, and the various Industrial Committees have, in numerous Resolutions, called the attention of the States members of the International Labour Organization to the need for establishing an appropriate system of industrial relations founded on the guarantee of the principle of freedom of association.

The General Conference of the International Labour Organization:

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its thirtieth session on 19 June, 1947,

adopts this day of of the year one thousand nine hundred and forty-seven, the following Resolution:—

I. *Freedom of Association*

1. Employers and workers, without distinction whatsoever, should have the inviolable right to establish or join organizations of their own choosing without previous authorization.

2. Employers' and workers' organizations should have the right to draw up their constitutions and rules, to organize their administration and activities, and to formulate their programmes; there should be no interference on the part of the public authorities which would restrict this right or impede the organizations in the lawful exercise of this right.

3. Employers' and workers' organizations should not be liable to be dissolved or have their activities suspended by administrative authority.

4. Employers' and workers' organizations should have the right to establish federations and confederations as well as the right of affiliation with international organizations or employers and workers.

5. The guarantees defined in paragraphs 1, 2, and 3 herein with regard to the establishment, functioning, dissolution, and suspension of employers' and workers' organizations should apply to federations and confederations of such organizations.

6. The acquisition of legal personality by employers' and workers' organizations should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

7. The acquisition and exercise of the rights as outlined in this part should not exempt the employers' and workers' organizations from their full share of responsibilities and obligations.

II. *Protection of the Right to Organize and to Bargain Collectively*

8. There should be agreement between organized employers and workers mutually to respect the exercise of the right of association.

9. (1) Where full and effective protection is not already afforded appropriate measures should be taken to enable guarantees to be provided for—

(a) The exercise of the right of freedom of association without fear of intimidation, coercion, or restraint from any source with the object of—

(i) Making the employment of the worker conditional on his not joining a trade union or on his withdrawing from a trade union of which he is a member ;

(ii) Prejudicing a worker because he is a member or agent or official of a trade union ;

(iii) Dismissing a worker because he is a member or agent or official of a trade union ;

(b) The exercise of the right of association by workers' organizations in such a way as to prevent any acts on the part of the employer or employers' organizations or their agents with the object of—

(i) Furthering the establishment of trade unions under the domination of employers ;

(ii) Interfering with the formation or administration of a trade union or contributing financial or other support to it ;

(iii) Refusing to give practical effect to the principles of trade union recognition and collective bargaining.

(2) It should be understood, however, that a provision in a freely concluded collective agreement making membership of a certain trade union a condition precedent to employment or a condition of continued employment does not fall within the terms of this Resolution.

10. Appropriate agencies should be established, if necessary, for the purpose of ensuring the protection of the right of association as defined in paragraph 9 herein.

(f) RESOLUTION CONCERNING INTERNATIONAL MACHINERY FOR SAFEGUARDING FREEDOM OF ASSOCIATION

The Conference,

(1) Recalling the references to freedom of association in the Declaration of Philadelphia and the Constitution of the International Labour Organization, reaffirms belief in and attachment to the principle of freedom of association in all countries as an essential element in those wider personal freedoms which are the foundation of peace, prosperity, and happiness ;

(2) Is concerned at the widespread reports that conditions may exist prejudicial to freedom of association in many countries ;

(3) Feels that steps should be taken to encourage, expand, and universally establish freedom of association both by reminding Governments of all States, whether members of the I.L.O. or not, of their obligations in this respect under the Constitution of the I.L.O., and/or the Charter of the United Nations, and by other practicable means ;

(4) In this connection has noted with interest the proposals made by the W.F.T.U. and the A.F. of L. for the establishment of international machinery for safeguarding freedom of association and feels that these proposals deserve close and careful examination.

(5) Recognizes that the proposals raise issues of great complexity and difficulty, including, for example,—

(i) Questions involving the sovereignty of States ;

(ii) The relationship of any such machinery to the proposals under examination by the United Nations for giving effect to a Bill of Rights and establishing machinery for supervising the exercise of other fundamental freedoms, including freedom of speech, of information and of lawful assembly ;

(iii) The composition, scope, powers (including powers of enquiry and investigation), and procedure of the proposed machinery ;

(iv) The authority under which the proposed machinery would act.

(6) Considers it essential to give to such questions, which may involve changes in the inter-relationship of States, the detailed examination and careful preparation which they merit and without which any international action would be bound to fail and likely to leave the situation worse than it is at present.

(7) Recognizes, however, that the establishment, in consultation with the United Nations, of permanent international machinery may be an indispensable condition for the full observance of freedom of association throughout the world and that any such machinery should, if established, operate under the guarantees provided by the tripartite Constitution of the International Labour Organization.

(8) Accordingly requests the Governing Body to examine this question in all its aspects and to report back to the Conference at the thirty-first session in 1948.

(g) RESOLUTIONS CONCERNING THE AGENDA OF THE NEXT SESSION OF THE CONFERENCE

The Conference,

Having approved the report of the Committee appointed to examine item V on its agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention, and a Recommendation relating to employment service organization,

Having also considered proposals for the revision of the Fee Charging Employment Agencies Convention, 1933 (No. 34),

Decides to place on the agenda of its next general session :—

(1) The question of employment service organization with a view to final decision on a Convention and Recommendation on the subject ; and

(2) The question of the revision of the Fee Charging Employment Agencies Convention 1933 (No. 34).

The Conference,

Having approved the report of the Committee appointed to consider the seventh item on its agenda,

Decides—

(1) To place on the agenda of its next general session the question of freedom of association and of the protection of the right to organize with a view to the adoption of one or several Conventions at that session ; and

(2) To place on the agenda of its next general session, as one item for first discussion ; the application of the principles of the right to organize and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between the public authorities and employers' and workers' organizations.

List of Points which might form a Basis of Discussion by the Conference

I. *Freedom of Association*

1. Desirability of drawing up a proposed international Convention concerning freedom of association.

2. Need to provide that employers and workers, without distinction whatsoever, should have the inviolable right to establish or join organizations of their own choosing without previous authorization.

3. (1) Need to provide that employers' and workers' organizations should have the right to draw up their constitutions and rules, to organize their administration and activities, and to formulate their programmes.

(2) Need to provide further that the public authorities should refrain from any interference which would restrict this right or impede the organizations in the lawful exercise of this right.

4. Need to provide that employers' and workers' organizations may not be dissolved or suspended by administrative authority.

5. Need to recognize the right of employers' and workers' organizations to establish federations and confederations of such organizations and to affiliate with international organizations of employers and workers.

6. Need to provide that the guarantees defined in paragraphs 2, 3, and 4 with regard to the establishment, functioning, dissolution, and suspension of employers' and workers' organizations should apply to federations and confederations of such organizations.

7. Need to provide that the acquisition of legal personality by employers' and workers' organizations should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

8. Desirability of providing that the acquisition and exercise of the rights as outlined in this Part should not exempt employers' and workers' organizations from their full share of responsibilities and obligations.

II. *Protection of the Right to Organize*

1. Desirability of drawing up a proposed Convention concerning the protection of the right to organize.

2. Need to provide that where full and effective protection is not already afforded appropriate measures should be taken to enable guarantees to be provided for the exercise of the right of freedom of association without fear of intimidation, coercion or restraint from any source.

3. Desirability of making such provision as may be necessary for the establishment of appropriate agencies for the purpose of ensuring the protection of the right of association.

(h) RESOLUTION CONCERNING CONTRIBUTIONS PAYABLE TO THE PENSIONS FUND IN 1948

The International Labour Conference :

Decides that the contribution of the International Labour Organization to the Pensions Fund for 1948 under Article 7, paragraph (a), of the Staff Pensions Regulations shall be 14 per cent. of the pensionable emoluments of the members of the Fund :

Decides that, for the year 1948, the officials mentioned in Article 4, paragraph (a) (i) of the Staff Pensions Regulations shall continue to pay an additional 1 per cent. of their pensionable emoluments, and those mentioned in Article 4, paragraph (a) (ii), an additional $\frac{1}{2}$ per cent., if their pensionable emoluments exceed 6,500 francs per annum, and an additional $\frac{1}{2}$ per cent., if these emoluments are 6,500 francs or below that figure.

Resolves, that, in continuation of the arrangement approved in previous years, the whole budgetary vote for 1948 in respect of Part II of the budget shall be paid to the Fund.

(i) RESOLUTION CONCERNING THE ELECTION OF MEMBERS OF THE ADMINISTRATIVE BOARD OF THE STAFF PENSIONS FUND

The Conference, in accordance with Article 3 of the revised Staff Pensions Regulations, elects on the nomination of the Governing Body of the International Labour Office for a period of three years from 9 October, 1947, as members of the Administrative Board of the Staff Pensions Fund, Mr. F. T. Cremins (Ireland), Professor W. Rappard (Switzerland), and Mr. Jack Tate (United States of America), and, as substitute members, Miss Stemberg (Netherlands), Professor Kirkaldy (United Kingdom), and Mr. Charles McCord (Canada).

(j) RESOLUTION CONCERNING THE ELECTION OF MEMBERS OF THE I.L.O. STAFF
BENEFIT COMMITTEE

The Conference, considering that the Governing Body of the International Labour Office has decided that immediate negotiations should be set on foot with the United Nations for the International Labour Organization to become a member Organization of the United Nations Joint Staff Pension Scheme in respect of all regular full-time members of the staff who are at present uninsured and taking account of section 21 of the Provisional Regulations of the United Nations Joint Staff Pensions Scheme, elects on the nomination of the Governing Body of the International Labour Office for a period of three years from 11 July, 1947, as members of the I.L.O. Staff Benefit Committee, Mr. F. T. Cremins (Ireland), Professor W. Rappard (Switzerland), and Mr. Jack Tate (United States of America), and, as substitute members, Miss Stemberg (Netherlands), Professor Kirkaldy (United Kingdom), and Mr. Charles McCord (Canada).

(k) RESOLUTION CONCERNING THE APPOINTMENT OF A DEPUTY JUDGE FOR THE
ADMINISTRATIVE TRIBUNAL

The Conference, in accordance with Article 3 of the Statute of the Administrative Tribunal (revised), elects for a period of three years Mr. Charles E. Wyzanski (United States of America) as a Deputy Judge of the Administrative Tribunal.

(l) RESOLUTION CONCERNING THE WORKING CAPITAL FUND

Whereas a Working Capital Fund of an adequate amount is necessary to ensure the smooth financing of the work of the International Labour Organization; and

Whereas the present amount of the Fund (3,756,824.55 Swiss francs or 877,762 U.S. dollars) is inadequate for this purpose; and

Whereas the shares in the Fund of States members of the Organization remain their property; and

Whereas only sixteen States members of the Organization at present own shares in the Fund,

The Conference decides that the Working Capital Fund of the International Labour Organization should be increased as soon as possible to 7 million Swiss francs (1,635,514 U.S. dollars). For this purpose it recommends that States members who have at present no share in the Fund should examine the possibility of placing to their credit in the Fund sums corresponding to those already placed in the Fund by other members, and that States who already have a share in the Fund should, if the total of 7 million Swiss francs (1,635,514 U.S. dollars) is not thus achieved, examine the possibility of placing such further sums in the Fund as may be required for this purpose.

The Conference further recommends that States members who were members of the League of Nations on its dissolution and who are entitled to receive a share of the cash assets to be distributed by the Board of Liquidation of the League of Nations should authorize the Board of Liquidation to transfer to the Working Capital Fund on their behalf a sum calculated on the basis indicated in the previous paragraph.

(m) RESOLUTION ADOPTING THE BUDGET FOR THE THIRTIETH FINANCIAL PERIOD (1948)
AND FOR THE ALLOCATION OF EXPENSES AMONG STATES MEMBERS FOR 1948

In virtue of the Financial Regulations the Conference passes for the thirtieth financial period ending 31 December, 1948, the budget of expenditure of the International Labour Organization, amounting to Swiss francs 19,042,983 or \$4,449,295 (gold francs 13,469,226) and the budget of income amounting to gold francs 13,469,226 (Swiss francs 19,042,983 or \$4,449,295), 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 Financial Committee of Government representatives.

(n) RESOLUTION CONCERNING WOMEN'S WORK

Whereas in the Declaration of Philadelphia the International Labour Organization affirmed that ' all human beings, irrespective of race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity ' ;

Whereas the International Labour Organization has since its inception endeavoured to afford to women workers an opportunity for full participation in the economic life of their countries ;

Whereas the principles and procedures advocated by the International Labour Organization relate to educational and vocational opportunities, employment opportunities, the recognition of the principle of equal remuneration for work of equal value, conditions of work, and safeguards for motherhood and the health, safety, and welfare of women workers ; and

Whereas it is important that these principles and procedures should be known and applied as widely as practicable.

The International Labour Conference,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its thirtieth session on 19 June, 1947,

Desires to bring to the attention of States members of the Organization the following statement of principles and procedures contained in Conventions and Recommendations adopted by the International Labour Conference :

I

1. The Employment (Transition from War to Peace) Recommendation, 1944, enunciates the principles that

" The redistribution of women workers in the economy should be organized on the principle of complete equality of opportunity for men and women on the basis of their individual merit, skill, and experience, without prejudice to the provisions of the International Labour Conventions and Recommendations concerning the employment of women.

" In order to place women on a basis of equality with men in the employment market, and thus to prevent competition among the available workers prejudicial to the interests of both men and women workers, steps should be taken to encourage the establishment of wage rates based on job content, without regard to sex.

" The employment of women in industries and occupations in which large numbers of women have traditionally been employed should be facilitated by action to raise the relative status of these industries and occupations and to improve conditions of work and methods of placement therein."

2. The Minimum Wage Fixing Machinery Convention, 1928, provides that " minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low," and the Minimum Wage Fixing Machinery Recommendation, 1928, provides that " special regard might usefully be had to trades or parts of trades in which women are ordinarily employed."

3. The Vocational Training Recommendation, 1939, provides that " Workers of both sexes should have equal rights of admission to all technical and vocational schools " ; that " Appropriate facilities for technical and vocational training should be provided for occupations in which women and girls are mainly employed, including domestic employments and activities " ; and that " Persons of both sexes should have equal rights to obtain the same certificates and diplomas on completion of the same studies."

4. The Childbirth Convention, 1919, the Childbirth (Agriculture) Recommendation, 1921, the Income Security Recommendation, 1944, and the Medical Care Recommendation, 1944, make provision for maternity protection of women workers, and various other Conventions, including the Night Work (Women) Conventions, 1919, and 1934, the White Lead (Painting) Convention, 1921, and the Underground Work (Women) Convention, 1935, safeguard the health of women workers with regulations as to night work, underground work in mines or occupations involving risks such as those of industrial poisoning, if and when such work threatens the vitality and welfare of women workers.

Recognizing that the employment of women, and particularly of mothers, has physical and psychological consequences for the women themselves and economic and social consequences for society and that the status of women workers is closely related to the social and economic structure and to the technical and industrial development of the different countries,

And considering the desirability of eliminating the inequitable treatment of women workers with full understanding of the specific problems which arise from actual but changing social, economic, and industrial conditions in the various parts of the world,

The Conference :

1. Notes with satisfaction the work already done by the Regional Conferences of States members of the International Labour Organization to further the foregoing principles and procedures as well as to promote the provision of social aids to working mothers, assurance of wages to women adequate to a decent standard of life, and the principle of "the right to work of every individual irrespective of sex or marital condition," with due regard for occupational qualifications and physical capacity and for the economic and social conditions of every country.

2. Recommends that other Regional Conferences should consider these matters, and

3. Expresses the hope that the Governing Body—

(i) Will instruct the International Labour Office to continue the detailed study of the employment of women and its effect on the labour market, and to undertake the study of the problems of the employment of mothers of families, industrial home work, the status of domestic workers and the steps to be taken to protect women workers, bearing in mind their role as mothers and home-makers ; and

(ii) Will consider the desirability of placing these questions on the agenda of future sessions of the Conference.

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