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LEAGUE OF NATIONS.
INTERNATIONAL LABOUR CONFERENCE.

DRAFT CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE CONFERENCE AT ITS
FOURTEENTH SESSION, 10TH—28TH JUNE, 1930.

Laid on the Table of the House of Representatives by Leave.

Geneva, 1st August, 1930.

THE Draft Convention concerning forced or compulsory labour, the Recommendation concerning indirect compulsion to labour, the Recommendation concerning the regulation of forced or compulsory labour, the Draft Convention concerning the regulation of hours of work in commerce and offices, the Recommendation concerning the regulation of hours of work in hotels, restaurants, and similar establishments, the Recommendation concerning the regulation of hours of work in theatres and other places of public amusement, and the Recommendation concerning the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit, here reprinted, were adopted on 28th June, 1930, by the International Labour Conference at its Fourteenth Session, Geneva, 10th to 28th June, 1930.

The texts of the Draft Conventions and Recommendations as here presented are true copies of the texts authenticated by the signatures of the President of the International Labour Conference and of the Director of the International Labour Office, and deposited with the Secretary-General of the League of Nations.

ERIC DRUMMOND,
Secretary-General of the League of Nations.

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INTERNATIONAL LABOUR CONFERENCE.

DRAFT CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR.

The General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10th June, 1930, and having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the session, and having determined that these proposals shall take the form of a draft international convention, adopts, this 28th day of June of the year 1930, the following Draft Convention for ratification by the members of the International Labour Organization, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace:—

Article 1.

Each member of the International Labour Organization which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.

At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

Article 2.

For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term "forced or compulsory labour" shall not include—

- (a) Any work or service exacted in virtue of compulsory military service laws for work of a purely military character:
- (b) Any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country:
- (c) Any work or service exacted from any person as a consequence of a conviction in a Court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies, or associations:
- (d) Any work or service exacted in cases of emergency—that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic, or epizootic diseases, invasion by animal, insect, or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population:
- (e) Minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Article 3.

For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4.

The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies, or associations.

Where such forced or compulsory labour for the benefit of private individuals, companies, or associations exists at the date on which a member's ratification of this Convention is registered by the Secretary-General of the League of Nations, the member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that member.

Article 5.

No concession granted to private individuals, companies, or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies, or associations utilize or in which they trade.

Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

Article 6.

Officials of the Administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations, or upon any individual members thereof, to work for private individuals, companies, or associations.

Article 7.

Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

Chiefs who are duly recognized and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Article 8.

The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the Administration, when on duty, and for the transport of Government stores.

Article 9.

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself—

- (a) That the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service :
- (b) That the work or service is of present or imminent necessity :
- (c) That it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service :
- (d) That the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Article 10.

Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself—

- (a) That the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service :
- (b) That the work or the service is of present or imminent necessity :
- (c) That the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work :
- (d) That the work or service will not entail the removal of the workers from their place of habitual residence :
- (e) That the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life, and agriculture.

Article 11.

Only adult able-bodied males who are of an apparent age of not less than eighteen and not more than forty-five years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply :—

- (a) Whenever possible, prior determination by a medical officer appointed by the Administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out :
- (b) Exemption of school-teachers and pupils and of officials of the Administration in general :
- (c) The maintenance in each community of the number of adult able-bodied men indispensable for family and social life :
- (d) Respect for conjugal and family ties.

For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

Article 12.

The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13.

The normal working-hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working-hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted, and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14.

With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

The wages shall be paid to each worker individually, and not to his tribal chief or to any other authority.

For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working-days.

Nothing in this article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing, or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

Article 15.

Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Article 16.

Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

Article 17.

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself—

- (1) That all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals, and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking-water, food, fuel, and cooking-utensils, and, where necessary, of housing and clothing, are satisfactory :
- (2) That definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers :
- (3) That the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the Administration, which shall facilitate such journeys by making the fullest use of all available means of transport :
- (4) That, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the Administration :
- (5) That any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

Article 18.

Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, *inter alia*, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the Administration, when on duty, or for the transport of Government stores, or, in cases of very urgent necessity, the transport of persons other than officials : (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease : (c) the maximum load which these workers may carry : (d) the maximum distance from their homes to which they may be taken : (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes : and (f) the persons entitled to demand this form of forced or compulsory labour, and the extent to which they are entitled to demand it.

In fixing the maxima referred to under (c), (d), and (e) in the foregoing paragraph the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel, and the climatic conditions.

The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working-day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season, and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Article 19.

The competent authority shall only authorize recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food-supplies, and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

Nothing in this article shall be construed as abrogating the obligation on members of a community, where production is organized on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

Article 20.

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Article 21.

Forced or compulsory labour shall not be used for work underground in mines.

Article 22.

The annual reports that members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 408 of the Treaty of Versailles and of the corresponding articles of the other treaties of peace, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23.

To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

These regulations shall contain, *inter alia*, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities, and ensuring that such complaints will be examined and taken into consideration.

Article 24.

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Article 25.

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Article 26.

Each member of the International Labour Organization which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage, or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction: Provided that, if such member may desire to take advantage of the provisions of Article 421 of the Treaty of Versailles and of the corresponding articles of the other treaties of peace, it shall append to its ratification a declaration stating—

- (1) The territories to which it intends to apply the provisions of this Convention without modification:
- (2) The territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications:
- (3) The territories in respect of which it reserves its decision.

The aforesaid declaration shall be deemed to be an integral part of the ratification, and shall have the force of ratification. It shall be open to any member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this article, in the original declaration.

Article 27.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding parts of the other treaties of peace shall be communicated to the Secretary-General of the League of Nations for registration.

Article 28.

This Convention shall be binding only upon those members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two members of the International Labour Organization have been registered with the Secretary-General.

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

Article 29.

As soon as the ratifications of two members of the International Labour Organization have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the members of the International Labour Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other members of the organization.

Article 30.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 five years, and thereafter may denounce this Convention at the expiration of each period of five years under the terms provided for in this article.

Article 31.

At the expiration of each period of five 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 32.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the members.

Nevertheless, this Convention shall remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

Article 33.

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Draft Convention duly adopted by the General Conference of the International Labour Organization during its Fourteenth Session which was held at Geneva and declared closed the 28th day of June, 1930.

In faith whereof we have appended our signatures this 25th day of July, 1930.

President of the Conference :

E. MAHAIM.

Director of the International Labour Office :

ALBERT THOMAS.

RECOMMENDATION CONCERNING INDIRECT COMPULSION TO LABOUR.

The General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10th June, 1930, and having decided upon the adoption of certain proposals with regard to indirect compulsion to labour, which is included in the first item on the agenda of the session, and having determined that these proposals should take the form of a recommendation, adopts, this 28th day of June of the year 1930, the following recommendation, to be submitted to the members of the International Labour Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace :

Having adopted a Draft Convention concerning forced or compulsory labour, and desiring to supplement this Draft Convention by a statement of the principles which appear best fitted to guide the policy of the members in endeavouring to avoid any indirect compulsion to labour which would lay too heavy a burden upon the populations of territories to which the Draft Convention may apply, the Conference recommends that each member should take the following principles into consideration :—

I.

The amount of labour available, the capacities for labour of the population, and the evil effects which too sudden changes in the habits of life and labour may have on the social conditions of the population are factors which should be taken into consideration in deciding questions connected with the economic development of territories in a primitive stage of development, and, in particular, when deciding upon—

- (a) Increases in the number and extent of industrial, mining, and agricultural undertaking in such territories :
- (b) The non-indigenous settlement, if any, which is to be permitted :
- (c) The granting of forest or other concessions, with or without the character of monopolies.

II.

The desirability of avoiding indirect means of artificially increasing the economic pressure upon populations to seek wage-earning employment, and particularly such means as—

- (a) Imposing such taxation upon populations as would have the effect of compelling them to seek wage-earning employment with private undertakings :
- (b) Imposing such restrictions on the possession, occupation, or use of land as would have the effect of rendering difficult the gaining of a living by independent cultivation :
- (c) Extending abusively the generally accepted meaning of vagrancy :
- (d) Adopting such pass laws as would have the effect of placing workers in the service of others in a position of advantage as compared with that of other workers.

III.

The desirability of avoiding any restrictions on the voluntary flow of labour from one form of employment to another or from one district to another which might have the indirect effect of compelling workers to take employment in particular industries or districts, except where such restrictions are considered necessary in the interest of the population or of the workers concerned.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Fourteenth Session which was held at Geneva and declared closed the 28th day of June, 1930.

In faith whereof we have appended our signatures this 25th day of July, 1930.

President of the Conference :
E. MAHAİM.

Director of the International Labour Office :
ALBERT THOMAS.

RECOMMENDATION CONCERNING THE REGULATION OF FORCED OR COMPULSORY LABOUR.

The General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10th June, 1930, and having decided upon the adoption of certain proposals with regard to the regulation of forced or compulsory labour, which is included in the first item on the agenda of the session, and having determined that these proposals shall take the form of a recommendation, adopts, this 28th day of June of the year 1930, the following recommendation, to be submitted to the members of the International Labour Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace :

Having adopted a Draft Convention concerning forced or compulsory labour, and desiring to give expression to certain principles and rules relating to forced or compulsory labour which appear to be of a nature to render the application of the said Draft Convention more effective, the Conference recommends that each member should take the following principles and rules into consideration :—

I.

Any regulations issued in application of the Draft Convention concerning forced or compulsory labour, as well as any other legal provisions or administrative orders, existing at the time of the ratification of the said Draft Convention or thereafter enacted, governing the employment of forced or compulsory labour, including any laws or administrative orders concerning compensation or indemnification for sickness, injury to, or death of workers taken for forced or compulsory labour, should be printed by the competent authority in such one or more native languages as will convey their import to the workers concerned and to the population from which the workers are to be drawn. Such printed texts should be widely exhibited, and, if necessary, arrangements made for their oral communication to the workers and to the population concerned : copies should also be made available to the workers concerned and to others at cost price.

II.

Recourse to forced or compulsory labour should be so regulated as not to imperil the food-supply of the community concerned.

III.

When recourse is had to forced or compulsory labour all possible measures should be taken to ensure that the imposition of such labour in no case leads indirectly to the illegal employment of women and children on forced or compulsory labour.

IV.

All possible measures should be taken to reduce the necessity for recourse to forced or compulsory labour for the transport of persons or goods. Such recourse should be prohibited when and where animal or mechanical transport is available.

V.

All possible steps should be taken to see that no alcoholic temptations are placed in the way of workers engaged in forced or compulsory labour.

The foregoing is the authentic text of the recommendation duly adopted by the General Conference of the International Labour Organization during its Fourteenth Session which was held at Geneva and declared closed the 28th day of June, 1930.

In faith whereof we have appended our signatures this 25th day of July, 1930.

President of the Conference:

E. MAHAÏM.

Director of the International Labour Office:

ALBERT THOMAS.

DRAFT CONVENTION CONCERNING THE REGULATION OF HOURS OF WORK IN COMMERCE AND OFFICES.

The General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10th June, 1930, and having decided upon the adoption of certain proposals with regard to the regulation of hours of work in commerce and offices, which is included in the second item on the agenda of the session, and having determined that these proposals shall take the form of a draft international convention, adopts, this 28th day of June of the year 1930, the following Draft Convention for ratification by the members of the International Labour Organization, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace:—

Article 1.

1. This Convention shall apply to persons employed in the following establishments, whether public or private:—

- (a) Commercial or trading establishments, including postal, telegraph, and telephone services, and commercial or trading branches of any other establishments:
- (b) Establishments and administrative services in which the persons employed are mainly engaged in office work:
- (c) Mixed commercial and industrial establishments, unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line which separates commercial and trading establishments, and establishments in which the persons employed are mainly engaged in office work, from industrial and agricultural establishments.

2. The Convention shall not apply to persons employed in the following establishments:—

- (a) Establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit:
- (b) Hotels, restaurants, boardinghouses, clubs, cafés, and other refreshment-houses:
- (c) Theatres and places of public amusement.

The Convention shall nevertheless apply to persons employed in branches of the establishments mentioned in (a), (b), and (c) of this paragraph in cases where such branches would, if they were independent undertakings, be included among the establishments to which the Convention applies.

3. It shall be open to the competent authority in each country to exempt from the application of the Convention—

- (a) Establishments in which only members of the employer's family are employed:
- (b) Offices in which the staff is engaged in connection with the administration of public authority:
- (c) Persons occupying positions of management or employed in a confidential capacity:
- (d) Travellers and representatives, in so far as they carry on their work outside the establishment.

Article 2.

For the purpose of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer: it does not include rest periods during which the persons employed are not at the disposal of the employer.

Article 3.

The hours of work of persons to whom this Convention applies shall not exceed forty-eight hours in the week and eight hours in the day, except as hereinafter otherwise provided.

Article 4.

The maximum hours of work in the week laid down in Article 3 may be so arranged that hours of work in any day do not exceed ten hours.

Article 5.

1. In case of a general interruption of work due to (a) local holidays, or (b) accidents or *force majeure* (accidents to plant, interruption of power, light, heating, or water, or occurrences causing serious material damage to the establishments); hours of work in the day may be increased for the purpose of making up the hours of work which have been lost, provided that the following conditions are complied with :—

- (a) Hours of work which have been lost shall not be allowed to be made up on more **than** thirty days in the year, and shall be made up within a reasonable lapse of time :
- (b) The increase in hours of work in the day shall not exceed one hour :
- (c) Hours of work in the day shall not exceed ten.

2. The competent authority shall be notified of the nature, cause, and date of the **general** interruption of work, of the number of hours of work which have been lost, and of the temporary alterations provided for in the working time-table.

Article 6.

In exceptional cases where the circumstances in which the work has to be carried on make the provisions of Articles 3 and 4 inapplicable, regulations made by public authority may permit hours of work to be distributed over a period longer than the week, provided that the average hours of work over the number of weeks included in the period do not exceed forty-eight hours in the **week**, and that hours of work in any day do not exceed ten hours.

Article 7.

Regulations made by public authority shall determine—

1. The permanent exceptions which may be allowed for—

- (a) Certain classes of persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses :
- (b) Classes of persons directly engaged in preparatory or complementary work which **must** necessarily be carried on outside the limits laid down for the hours of work of the **rest** of the persons employed in the establishment :
- (c) Shops and other establishments where the nature of the work, the size of the population, or the number of persons employed render inapplicable the working-hours fixed in Articles 3 and 4.

2. The temporary exceptions which may be granted in the following cases :—

- (a) In case of accident, actual or threatened, *force majeure*, or urgent work to machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment :
- (b) In order to prevent the loss of perishable goods or avoid endangering the technical results of the work :
- (c) In order to allow for special work such as stock-taking and the preparation of balance-sheets, settlement days, liquidations, and the balancing and closing of accounts :
- (d) In order to enable establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

3. Save as regards paragraph 2 (a) the regulations made under this article shall determine the number of additional hours of work which may be allowed in the day, and, in respect of temporary exceptions, in the year.

4. The rate of pay for the additional hours of work permitted under paragraph 2 (b), (c), and (d) of this article shall not be less than one-and-a-quarter times the regular rate.

Article 8.

The regulations provided for in Articles 6 and 7 shall be made after consultation with the workers' and employers' organizations concerned, special regard being paid to collective agreements, if any, existing between such workers' and employers' organizations.

Article 9.

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering national safety.

Article 10.

Nothing in this Convention shall affect any custom or agreement whereby shorter hours are worked or higher rates of remuneration are paid than those provided by this Convention.

Any restrictions imposed by this Convention shall be in addition to and not in derogation of any other restrictions imposed by any law, order, or regulation which fixes a lower maximum number of hours of employment or a higher rate of remuneration than those provided by this Convention.

Article 11.

For the effective enforcement of the provisions of this Convention,—

1. The necessary measures shall be taken to ensure adequate inspection.
2. Every employer shall be required—

- (a) To notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, or by such method as may be approved by the competent authority, the times at which hours of work begin and end, and, where work is carried on by shifts, the times at which each shift begins and ends :
- (b) To notify in the same way the rest periods granted to the persons employed which, in accordance with Article 2, are not included in the hours of work :
- (c) To keep a record in the form prescribed by the competent authority of all additional hours of work performed in pursuance of paragraph 2 of Article 7 and of the payments made in respect thereof.

3. It shall be made an offence to employ any person outside the times fixed in accordance with paragraph 2 (a) or during the periods fixed in accordance with paragraph 2 (b) of this article.

Article 12.

Each member which ratifies this Convention shall take the necessary measures in the form of penalties to ensure that the provisions of the Convention are enforced.

Article 13.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding parts of the other treaties of peace shall be communicated to the Secretary-General of the League of Nations for registration.

Article 14.

This Convention shall be binding only upon those members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two members of the International Labour Organization have been registered with the Secretary-General.

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

Article 15.

As soon as the ratifications of two members of the International Labour Organization have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the members of the International Labour Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other members of the organization.

Article 16.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 five years, and thereafter may denounce this Convention at the expiration of each period of five years under the terms provided for in this article.

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.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the members.

Nevertheless, this Convention shall 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 French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Draft Convention duly adopted by the General Conference of the International Labour Organization during its Fourteenth Session which was held at Geneva and declared closed the 28th day of June, 1930.

In faith whereof we have appended our signatures this 25th day of July, 1930.

President of the Conference :

E. MAHAİM.

Director of the International Labour Office :

ALBERT THOMAS.

RECOMMENDATION CONCERNING THE REGULATION OF HOURS OF WORK IN HOTELS, RESTAURANTS, AND SIMILAR ESTABLISHMENTS.

The General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10th June, 1930, and having decided upon the adoption of certain proposals with regard to hours of work in hotels, restaurants, and similar establishments, which is included in the second item on the agenda of the session, and having determined that these proposals shall take the form of a recommendation, adopts, this 28th day of June of the year 1930, the following recommendation, to be submitted to the members of the International Labour Organization for consideration, with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace :

Having adopted a Draft Convention concerning the regulation of hours of work in commerce and offices, and wishing to extend subsequently the application of the rules laid down in the said Draft Convention to as many classes of establishments as possible, including hotels, restaurants, and similar establishments, the Conference recommends :—

1. That those members in which no statutory regulation yet exists of the hours of work of persons employed in hotels, restaurants, boardinghouses, clubs, cafés, and similar establishments which are exclusively or mainly engaged in providing board and lodging or supplying refreshments for consumption on the premises, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Draft Convention ;

2. That those members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Draft Convention in question ; and

3. That in both cases the members should, within four years of the adoption of this recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the agenda of a subsequent session of the Conference, with a view to the adoption of a Draft Convention.

The foregoing is the authentic text of the recommendation duly adopted by the General Conference of the International Labour Organization during its Fourteenth Session which was held at Geneva and declared closed the 28th day of June, 1930.

In faith whereof we have appended our signatures this 25th day of July, 1930.

President of the Conference :

E. MAHAİM.

Director of the International Labour Office :

ALBERT THOMAS.

RECOMMENDATION CONCERNING THE REGULATION OF HOURS OF WORK IN THEATRES AND OTHER PLACES OF PUBLIC AMUSEMENT.

The General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10th June, 1930, and having decided upon the adoption of certain proposals with regard to the regulation of hours of work in theatres and other places of public amusement, which is included in the second item on the agenda of the session, and having determined that these proposals should take the form of a recommendation, adopts, this 28th day of June of the year 1930, the following recommendation, to be submitted to the members of the International Labour Organization for consideration, with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace :

Having adopted a Draft Convention concerning the regulation of hours of work in commerce and offices, and wishing to extend subsequently the application of the rules laid down in the said Draft Convention to as many classes of establishments as possible, including theatres and other places of public amusement, the Conference recommends :—

1. That those members in which no statutory regulation yet exists of the hours of work of persons employed in theatres, music halls, cinemas, and places of public amusement generally, whether indoor or outdoor, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Draft Convention :

2. That those members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Draft Convention in question ; and

3. That in both cases the members should, within four years of the adoption of this recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the agenda of a subsequent session of the Conference, with a view to the adoption of a Draft Convention.

The foregoing is the authentic text of the recommendation duly adopted by the General Conference of the International Labour Organization during its Fourteenth Session which was held at Geneva and declared closed the 28th day of June, 1930.

In faith whereof we have appended our signatures this 25th day of July, 1930.

President of the Conference :

E. MAHAIM.

Director of the International Labour Office :

ALBERT THOMAS.

RECOMMENDATION CONCERNING THE REGULATION OF HOURS OF WORK IN ESTABLISHMENTS FOR THE TREATMENT OR THE CARE OF THE SICK, INFIRM, DESTITUTE, OR MENTALLY UNFIT.

The General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10th June, 1930, and having decided upon the adoption of certain proposals with regard to the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit, which is included in the second item on the agenda of the session, and having determined that these proposals shall take the form of a recommendation, adopts, this 28th day of June of the year 1930, the following recommendation, to be submitted to the members of the International Labour Organization for consideration, with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace :

Having adopted a Draft Convention concerning the regulation of hours of work in commerce and offices, and wishing to extend such regulations to as many classes of establishments as possible, including establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit, the Conference recommends :—

1. That those members in which no statutory regulations yet exist on the hours of work of persons employed in establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Draft Convention ;

2. That those members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Draft Convention in question ; and

3. That in both cases the members should, within four years of the adoption of this recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the agenda of a subsequent session of the Conference, with a view to the adoption of a Draft Convention.

The foregoing is the authentic text of the recommendation duly adopted by the General Conference of the International Labour Organization during its Fourteenth Session which was held at Geneva and declared closed the 28th day of June, 1930.

In faith whereof we have appended our signatures this 25th day of July, 1930.

President of the Conference :

E. MAHAIM.

Director of the International Labour Office :

ALBERT THOMAS.

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