

1937-38.
NEW ZEALAND.

INTERNATIONAL LABOUR CONFERENCE, GENEVA, 1937.

REPORT OF NEW ZEALAND EMPLOYERS' DELEGATE.

Presented to both Houses of the General Assembly by Leave.

DEAR SIR,—

I have the honour to submit the following report upon the twenty-third International Labour Conference at Geneva.

The Conference opened on Thursday, the 3rd June, 1937, and concluded on Wednesday, the 23rd June, 1937. I attended every sitting of the Conference, and also meetings of committees of which I was a member.

The Treaty of Peace, which set up, along with the League of Nations and the Permanent Court of International Justice, the International Labour Organization, provides that at least one such Conference shall be held each year.

These Conferences consist of delegates and technical advisers representing the Governments, employers, and workers of the various countries which are members of the International Labour Organization, and have power to pass, by a two-thirds majority vote of the delegates, Draft Conventions and Recommendations on any of the official items on the Agenda.

The essential difference between a Convention and a Recommendation is as follows :—

If a Government decides to *ratify a Convention* it binds itself to give legislative effect to the terms of that Convention for some definite term of years specified in the Convention, and to submit each year to Geneva a report on the measures it has taken to give effect to the provisions of the Convention.

If a Government decides to *adopt a Recommendation* it undertakes to apply the principles of the Recommendation in such a way as would be best suited to meet the conditions and circumstances in that country, but it does not bind itself to give legislative effect to the terms of the Recommendation or to submit an annual report to Geneva on what it has done.

No country is bound to ratify a Convention or adopt a Recommendation even if its Government delegates have voted for it at the Conference, but it must in every case within eighteen months bring the Convention or Recommendation before its Parliament.

The Conference can also pass Resolutions by a simple majority vote of the delegates, but these Resolutions entail no legal obligation on the Governments.

With regard to membership, the Treaty of Peace provides that membership of the League of Nations automatically carries with it membership of the International Labour Organization, but it is open to a State to be a member of the International Labour Organization without being a member of the League of Nations.

The membership of the International Labour Organization, which consists of sixty-two countries, is therefore made up as follows :—

- (a) The fifty-nine countries which are members of the League of Nations ;
- (b) Two countries—Brazil and Japan—which ceased to be members of the League of Nations in 1928 and 1935 respectively, but have remained members of the International Labour Organization ;
- (c) One country—United States of America—which became a member of the International Labour Organization in 1934 without joining the League of Nations.

At this year's Conference fifty-three of these sixty-two countries were represented. The only States of industrial importance which were not represented were Germany (whose resignation from both the League of Nations and the International Labour Organization took effect in October, 1935) and Italy (which, although still a member of both the League of Nations and the International Labour Organization, was not represented at the Conference).

With regard to the number of representatives, the Treaty of Peace provides that each country shall be presented at these annual conferences by two Government delegates, one employers' delegate, and one workers' delegate, and it permits each of these delegates to be accompanied by two technical advisers for each official item on the Agenda.

This year's Conference had on its Agenda seven such official items, and each State was therefore entitled, had it so wished, to send four delegates, twenty-eight Government advisers, fourteen employers' advisers, and fourteen workers' advisers. As on former occasions, practically all the States which were represented confined their delegations to much smaller limits, and the following table shows the number of delegates and advisers who attended the Conference :—

					Delegates.	Advisers.
Government	..	..	..	..	101	97
Employers	..	..	..	..	38	73
Workers	..	..	..	..	36	85
				Total	175	255

The Agenda of the Conference was as follows :—

(A) *Official items*, upon which alone draft Conventions or Recommendations can be adopted—

- (1) Reduction of hours of work in the textile industry.
- (2) Reduction of hours of work in the printing and kindred trades.
- (3) Reduction of hours of work in the chemical industry.
- (4) Safety provisions for workers in building construction, with reference to scaffolding and hoisting-machinery.
- (5) Planning of public works in relation to employment.
- (6) Partial revision of the Minimum Age (Industry) Convention, 1919.
- (7) Partial revision of the Minimum Age (on Industrial Employment) Convention, 1932.

(B) *Other Subjects*—

- (8) Resolutions on various subjects.
- (9) Standing Orders of the Conference.
- (10) Director's annual report.
- (11) Examination of legislation of States which have ratified Conventions.
- (12) Periodical reports on the working of the following Conventions—
 - (a) Workmen's Compensation (Accidents) Convention, 1925.
 - (b) Workmen's Compensation (Occupational Diseases) Convention, 1925.
 - (c) Inspection of Emigrants Convention, 1926.
 - (d) Forced Labour Convention, 1930.
- (13) Election of governing body of International Labour Office for 1937-40.

This year's Conference passed four Conventions: Reduction of Hours of Work in Textiles; Safety in Building; Minimum Age for Industrial Employment; and Minimum Age for Non-Industrial Employment.

Draft Conventions dealing with a reduction of hours of work in (1) the printing and kindred trades, and (2) chemical industry, were not passed.

REDUCTION OF HOURS OF WORK.

I voted against the three Draft Conventions for reduction of hours of work, and recorded my reasons for doing so in the following speech to the Conference when the Textile Trades Hours Convention was being considered :—

"It has been suggested to me on several occasions since I reached Geneva that I should vote for all the forty-hour week Conventions, for the reason that a forty-hour week is in force in New Zealand. I intend to vote against the three Conventions, and take this opportunity of placing on record some of my reasons for so doing. I will be as brief as possible, and to save time will apply my remarks equally to all three Conventions.

"The New Zealand law reducing hours came into force on the 1st September, 1936. The law does not introduce a universal forty-hour week. I believe that the Government was strongly urged by Labour interests to introduce a universal forty-hour week, but did not do so. The law on the point can be summarized as follows :—

"The Court of Arbitration, which consists of a Judge with Supreme Court status, a representative of the employers, and a representative of the workers, shall fix at not more than forty the maximum number of hours (exclusive of overtime) to be worked in any week by any worker, unless in the opinion of the Court, after hearing representatives of the employers and workers concerned, it would be impracticable to carry on efficiently the industry if the hours of work were so limited."

"Under that provision the hours of work in almost all industries in New Zealand have been the subject of investigation by the Arbitration Court. The Court has fixed hours either by special orders or by awards. All of the orders issued have a currency which expires about the beginning of September of this year, while the awards fixing hours have a currency expiring during the six months commencing on the 1st September next.

"In fixing hours the Court has by no means made the forty-hour week universal. There are a large number of exceptions. I cannot take up the time of the Conference in quoting them all, but there are a few to which I should like to refer.

"The whole of the retail trade has been granted a forty-four hour-week. Wholesale warehouses have been granted a forty-two hour-week. The printing and typographical trades have been granted a forty-four-hour week. The Court held that it would be impracticable to carry on these industries efficiently on the basis of a forty-hour week.

"Cheese and butter factories, part of the most important industry in New Zealand, have been dealt with in a similar way. In cheese-factories the hours awarded by the Court are fifty-two for nine months of the year, forty-four for one month, and thirty-eight for the two slack months of the year. In the case of butter-factories the hours are forty-eight for seven months of the year, and forty for five months.

"In the next most important industry, the freezing industry, including fellmongeries and tanneries, the hours are forty-four all the year round.

"In the case of workers such as storemen and packers, and motor and horse drivers, the Court has awarded a forty-four hour week, with the proviso that if attached to a factory or industry in which the hours are less the worker shall enjoy the shorter hours.

"The whole of the waterfront workers, including those engaged in the repair of ships, work a forty-four-hour week.

"In industries in which the ordinary hours of work have been fixed at forty, a good deal of overtime is being worked. In works such as engineering works, for instance, overtime is necessary for several reasons: in some cases because experienced workers are not available; in others because British manufacturers cannot supply the additional plant necessary to enable the work to be done in a forty-hour week; and in other cases because the work offering cannot be dealt with in a forty-hour week.

"It is too early to say that the new legislation is a failure. I am not saying that at all, but it is certainly too early to say that it is a success. The employers of New Zealand are doing their best to make it a success, because it is natural that employers should do everything in their power to carry on their businesses profitably.

"I should like to point out that the legislation was introduced at a time of rising prices, at a time when the country already had advanced a long way out of the depression. The people at large and the traders were short of goods, and had commenced buying to make up shortages which had accumulated during the depression years. Personally, I believe that the traders generally were buying more than their normal requirements, in anticipation of rising prices. The new regulations regarding hours therefore were introduced under favourable conditions, which we doubt will continue. Our factories are small compared with those in advanced industrial countries. They have been established successfully under reasonable labour conditions—the majority in the face of overseas competition—but it is doubtful whether these young industries can continue to compete successfully with overseas countries now that labour costs have been increased considerably.

"If any industry finds itself unable to carry on successfully in the face of overseas competition, or for any reason is unable to carry on efficiently, application can be made to the Court for an extension of hours. The legislation clearly says that if we cannot carry on an industry efficiently we can go to the Arbitration Court, and if we prove our case the Court can grant us a forty-four-hour week. It may be necessary to do this when the present orders fixing hours expire. I should like to make that clear: That in New Zealand we have the right to go to the Court at any time and ask for a forty-four-hour week, and the Court must grant it if satisfied that it is impracticable to carry on the industry efficiently on the basis of a forty-hour week.

"The Conventions which are before us are very different. They impose a hard-and-fast forty-hour week. There is no elasticity in them as there is in our New Zealand legislation. Therefore, I do not think I would be acting in the interests of employers of New Zealand if I supported Conventions which take away the very valuable and very sensible loophole provided in our legislation, and which is particularly necessary in our country, where we are trying to carry on industries efficiently in the face of overseas competition.

"Coming to my second point, the principal industries in New Zealand, of course, are those concerned with the production of butter, cheese, lamb, mutton, and wool. The prosperity of our country depends almost entirely on the ability of Great Britain to buy the greater part of our surplus produce. We find that when industry in Great Britain is prosperous, and when the workers there are employed full time at reasonable wages, Great Britain is able to buy more of our produce and to pay good prices for it. When British industry is not prosperous and there is unemployment in Great Britain, the quantity of produce which Great Britain can buy from us falls, as does the price paid for it. I am told by the employers who represent the chemical and textile groups of industries in Great Britain that in order to carry on successfully they must retain their share of the export trade, and they tell me that if a forty-hour week were introduced in their factories they would be unable to retain a fair share of the export trade against countries which are not members of the International Labour Organization, or, being members, will not ratify the conventions. Therefore, I would not be acting in the best interests of New Zealand if I supported a proposal likely to injure or embarrass British industry.

“ I have always understood that the principal object of the International Labour Office is to raise the standard of living in backward countries. I doubt whether that object will be served by the adoption of forty-hour week Conventions, because we cannot reasonably expect backward countries to ratify them. If we adopt forty-eight-hour week Conventions there might be a chance of backward countries adopting them, but there is no chance of them adopting Conventions which provide a forty-hour week. Such Conventions merely create difficulties for employers in countries where the conditions of employment are already favourable.”

The following is a summary of the voting on the draft Conventions dealing with reduction of hours of work :—

1. *Textile Industry*.—In the final record vote in the full Conference the draft Convention was adopted by 88 votes to 41, securing the necessary two-thirds majority by two votes—

- 51 Government delegates, representing 28 countries, voted for.
- 12 Government delegates, representing 6 countries, voted against.
- 36 Government delegates, representing 19 countries, abstained from voting.
- 2 employers' delegates—United States of America and Russia—voted for.
- 28 employers' delegates voted against.
- 3 employers' delegates abstained from voting.
- 35 workers' delegates voted for.
- 1 workers' delegate—Bulgaria—abstained from voting.
- The New Zealand delegation voted as follows :—
 - 2 Government delegates voted for.
 - The workers' delegate voted for.
 - The employers' delegate voted against.

The Convention passed dealing with hours of work in the textile industry, and a resolution modifying the Convention for certain countries where industrial conditions are backward, are attached as Appendices Nos. 1 and 2.

2. *Printing and Kindred Trades*.—In the final record vote in the full Conference the draft Convention was rejected. The voting was 72 in favour and 43 against, and the necessary two-thirds majority was therefore not obtained—

- 34 Government delegates voted for.
- 12 Government delegates voted against.
- 53 Government delegates abstained from voting.
- 2 employers' delegates voted for.
- 31 employers' delegates voted against.
- 1 Employers' delegate abstained from voting.
- 36 workers' delegates voted for.
- The New Zealand delegation voted as follows—
 - 2 Government delegates voted for.
 - The workers' delegate voted for.
 - The employers' delegate voted against.

3. *Chemical Industry*.—In the final record vote in the full Conference the draft Convention was rejected. The voting was 76 in favour and 42 against. The necessary two-thirds majority was therefore not obtained—

- 39 Government delegates voted for.
- 12 Government delegates voted against.
- 44 Government delegates abstained from voting.
- 2 employers' delegates—U.S.A. and Russia—voted for.
- 30 employers' delegates voted against.
- 2 employers' delegates—France and Bulgaria—abstained from voting.
- 35 workers' delegates voted for.
- 1 workers' delegate—Bulgaria—abstained from voting.

PROPOSED GENERAL CONVENTION.

The Conference had before it a Resolution proposed by the Belgian and French workers' delegates proposing the abandonment of the method pursued at the more recent Conferences of discussing reduction of hours of work industry by industry, and asking the governing body to revert at the 1938 Conference to the previous proposal for a general Convention.

The employers' group opposed that Resolution, but, as Resolutions require only a simple majority, it was adopted by the Conference by 66 votes to 39, and will come before the governing-body for consideration at its next meeting in October.

The two New Zealand Government delegates and the workers' delegate voted for the resolution, and the employers' delegate voted against it. A copy of the Resolution is attached as Appendix No. 3.

BUILDING REGULATIONS.

The Conference adopted a Draft Convention on safety provisions; four Recommendations dealing respectively with safety provisions, inspection, co-operation in accident prevention, and vocational education; and a Resolution on responsibility of manufacturers, &c., of cranes as regards safety devices.

In the final record vote in the full Conference the Draft Convention on safety provisions was adopted by 128 votes to 0. The Recommendation, including the model code, was adopted by 117 votes to 3.

The Recommendation on inspection was adopted by 124 votes to 0.

The Recommendation on co-operation in accident prevention was adopted by 115 votes to 0.

The Recommendation on vocational education was adopted by 122 votes to 0.

The Resolution regarding the responsibility of manufacturers, &c., of cranes was adopted without opposition.

A copy of the Convention is attached as Appendix No. 4, and the Recommendations and Resolution follow as Appendices Nos. 5 to 9. The New Zealand Government and workers' delegates voted for the Convention, Recommendations, and Resolution. I voted for the Convention, but abstained from voting on the Recommendations and Resolution, because I did not approve of the wording of a number of the clauses, which seemed to place too great a responsibility on the employer, going as far as to require him to render accidents impossible.

PLANNING OF PUBLIC WORKS IN RELATION TO EMPLOYMENT.

The Conference adopted without opposition a Recommendation and a Resolution on international co-operation concerning public works, and a Recommendation concerning the national planning of public works.

The first Recommendation provides for each Government communicating to Geneva annual statistical and other information concerning public works undertaken or planned in its territory.

The Resolution invites the governing body to set up an International Public Works Committee to prepare and revise a uniform plan, on which the Governments will supply that information; to study the information so supplied; and to make reports on the matter to the governing body, with a view to their transmission to the various Governments.

The second Recommendation deals with timing of public works undertaken and financed by public authorities so that they can increase in volume in periods of depression; financing of public works; the employment on public works of special categories of workers, such as young persons, women, and non-manual workers; and methods of recruitment and conditions of work of workers engaged in public works.

A copy of these Recommendations and Resolution are attached as Appendices Nos. 10, 11, and 12.

MINIMUM AGE FOR ADMISSION TO EMPLOYMENT.

The Conference had before it for revision the 1919 Convention concerning the minimum age for admission to "industrial" employment and the 1932 Convention concerning minimum age for admission to "non-industrial" employment.

These Conventions fix the general age for admission to employment at fourteen, and the principal point on which revision was proposed in each case was to raise that age to fifteen.

The Draft Convention submitted by the governing body as a basis of discussion proposed in each case to raise the age to fifteen, but made provision 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 appropriate authority thought fit. A similar provision is contained in our New Zealand law. In committee the workers, supported by a majority of the Government representatives, were successful in deleting the exemption. I stated that I would support both the industrial and non-industrial Conventions if the exemption suggested by the governing body as to the issue of the permits was retained, but not otherwise, because I considered that in New Zealand it would be impracticable to debar all young persons under sixteen from employment, for reasons too obvious to require special mention in this report.

In the final record vote in the full Conference the Draft Convention relating to industrial employment was adopted by 98 votes to 18, and the Draft Convention relating to non-industrial employment by 81 votes to 22. The New Zealand Government and workers' delegates voted for the Conventions and I voted against them.

Copies of the Conventions as passed, and also two Resolutions dealing with the same subject, are attached as Appendices Nos. 13 to 16.

RESOLUTIONS ON VARIOUS SUBJECTS.

Resolutions on the following subjects were passed by the Conference, and are attached as Appendix No. 17 :—

- (1) Maintenance of insurance rights of migrant workers ;
- (2) Protection of indigenous workers ;
- (3) Rights of women workers ;
- (4) Application of labour laws in foreign settlements in China ;
- (5) Obligation of States to submit Conventions and Recommendations for decision of competent national authority ;
- (6) Relationship of Burma to International Labour Organization ;
- (7) Proposed Asiatic tripartite Conference.

ELECTION OF GOVERNING BODY FOR 1937-40.

Every three years the Conference appoints the members of the governing body of the International Labour Office, consisting of 16 Government, 8 employers', and 8 workers' members. The governing body fell to be elected at this year's Conference, and a full list of the new governing body is attached as Appendix No. 18.

I sincerely thank the New Zealand Government and workers' delegates for our happy relationship throughout the Conference.

I have the honour to be,

Yours faithfully,

W. E. ANDERSON.

APPENDICES.

INDEX.

	Appendix No.
Reduction of Hours of Work—	
Draft Convention, Textile Industry	1
Resolution, Textile Industry	2
Resolution, Proposed General Convention	3
Building Regulations—	
Draft Convention, General Safety Provisions	4
Recommendation, Model Safety Code	5
Recommendation, Inspection	6
Recommendation, Co-operation in Accident Prevention	7
Recommendation, Vocational Education	8
Resolution, Hoisting-appliances	9
Planning of Public Works in relation to Employment—	
Recommendation, International Co-operation	10
Recommendation, National Planning	11
Resolution, International Co-operation	12
Minimum Age for Admission to Employment—	
Draft Convention, Industrial Employment	13
Draft Convention, Non-industrial Employment	14
Recommendation, Industrial Employment	15
Resolution, Employment outside School Hours	16
Resolution on Various Subjects	17
Governing Body of International Labour Organization for 1937-40	18

APPENDIX I.—REDUCTION OF HOURS OF WORK.

DRAFT CONVENTION, TEXTILE INDUSTRY.

TEXT OF DRAFT CONVENTION CONCERNING THE REDUCTION OF HOURS OF WORK IN THE TEXTILE INDUSTRY.

The General Conference of the International Labour Organization,
Having met at Geneva in its twenty-third session on 3rd June, 1937 ;
Considering that the question of the reduction of hours of work in the textile industry is the second item on the Agenda of the session ;
Confirming the principle laid down in the Forty-hour Week Convention, 1935, including the maintenance of the standard of living ;
Considering it to be desirable that this principle should be applied by international agreement to the textile industry ;
adopts, this twenty-second day of June, one thousand nine hundred and thirty-seven, the following Draft Convention, which may be cited as the Reduction of Hours of Work (Textiles) Convention, 1937 :—

Article 1.

1. This Convention applies to—
 - (a) Persons employed in an undertaking which fulfils the condition stated in paragraph 2 of this Article, including persons employed in any branch of such an undertaking which branch does not fulfil that condition ; and
 - (b) Persons employed in a branch of an undertaking which branch fulfils the condition stated in paragraph 2 of this Article, even though the undertaking does not fulfil that condition.
2. The condition referred to in the preceding paragraph is that the undertaking or branch of an undertaking is engaged wholly or mainly in one or more of the series of operations delimited in paragraphs 3, 4, and 5 of this Article in the course of the manufacture of any kind of thread, yarn, twine, cord, rope, netting, or felt, or any woven, piled, knitted, or lacework fabric from any one or more of the following materials : cotton, wool, silk, flax, hemp, jute, rayon or other synthetic fibre, or any other textile material whether of vegetable, animal, or mineral origin.
3. The series of operations referred to in paragraph 2 of this Article begins—
 - (a) In the case of cotton, with the reception of the bales of ginned cotton for breaking up and cleaning ;
 - (b) In the case of wool, with the reception of the raw wool for sorting and cleaning (excluding the process of anthrax disinfection) ;
 - (c) In the case of silk, with the reeling of the silk from the cocoon or the steeping of the silk waste :

- (d) In the case of flax, jute, and hemp, with the operation of retting, except where this operation is effected as work accessory to that of an agricultural undertaking ;
 - (e) In the case of rayon or other synthetic fibre, with the reception of the materials used in the chemical production of the fibre ;
 - (f) In the case of rags, with the sorting of the rags or the reception of the sorted rags ; and
 - (g) In the case of any other textile material, with the operation prescribed by the competent authority as corresponding to the operations set out above.
4. The series of operations referred to in paragraph 2 of this Article includes the operations of bleaching, dyeing, printing, and finishing, and similar operations, and ends with the packing and despatch of the products specified in that paragraph.
5. The series of operations referred to in paragraph 2 of this Article includes the making in whole or in part of any garment or other article only in the following cases—
- (a) The case of hosiery-manufacture ; and
 - (b) Cases in which the garment or other article is made by the same process as the fabric thereof.
6. In any case in which it is doubtful whether an undertaking or branch of an undertaking fulfils the condition stated in paragraph 2 of this Article, the question shall be determined by the competent authority after consultation with the organizations of employers and workers concerned, where such exist.
7. Where and so long as the principle of a forty-hour week is applied to persons to whom this Convention applies in accordance with the provisions of any international labour Convention other than this Convention, the competent authority may exclude such persons from the application of this Convention.
8. This Convention applies to persons employed in both public and private undertakings.

Article 2.

The competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, exempt from the application of this Convention—

- (a) Persons employed in undertakings in which only members of the employer's family are employed ;
- (b) Classes of persons who by reason of their special responsibilities are not subjected to the normal rules governing the length of the working-week.

Article 3.

1. 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, and does not include rest periods during which they are not at his disposal.
2. Where at the date of the adoption of this Convention it is the practice not to regard time spent in the cleaning or oiling of machines as part of ordinary working-time, the competent authority may permit any time not exceeding one and a half hours in any week which is so spent to be disregarded in reckoning for the purpose of this Convention the hours of work of the persons concerned.

Article 4.

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.
2. In the cases of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night, or week, weekly hours of work may average forty-two.
3. The competent authority shall, after consultation with the organizations of employers and workers concerned, where such exist, determine the processes to which paragraph 2 of this Article applies.
4. Where hours of work are calculated as an average, the competent authority shall, after consultation with the organizations of employers and workers concerned, where such exist, determine the number of weeks over which the average may be calculated and the maximum number of hours that may be worked in any week.

Article 5.

The competent authority may, by regulations made after consultation with the organizations of employers and workers concerned, where such exist, provide that the limits of hours authorized by the preceding Article may be exceeded to an extent prescribed by such regulations in the case of—

- (a) Persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch, or shift ;
- (b) Persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention, or remain at their posts only to reply to possible calls ;
- (c) Persons employed in connection with the transport, delivery, or loading or unloading of goods.

Article 6.

1. The limits of hours authorized by the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

- (a) In case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure* ;
- (b) In order to make good the unforeseen absence of one or more members of a shift.

2. The employer shall notify the competent authority without delay of all time worked in virtue of this Article, and of the reasons therefor.

Article 7.

1. The limits of hours authorized by the preceding Articles may be exceeded in cases where the continued presence of particular persons is necessary for the completion of a bleaching, dyeing, finishing, or other operation, or of a succession of such operations, which for technical reasons, cannot be interrupted without damage to the material worked, and which by reason of exceptional circumstances it has not been possible to complete within the normal limit of hours.

2. The competent authority shall, after consultation with the organizations of employers and workers concerned, where such exist, determine the operations to which and the conditions subject to which the preceding paragraph applies, and the maximum number of hours which may be worked in virtue of that paragraph by the persons concerned.

Article 8.

1. Upon application by an employer, the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, grant an allowance of overtime for specified classes of persons in exceptional cases in which overtime on one or more operations is necessary in order to enable the workers engaged in subsequent operations in the same undertaking to be employed up to the authorized limits of hours.

2. The competent authority shall determine, after consultation with the organizations of employers and workers concerned, where such exist, the maximum number of hours of overtime which may be worked in virtue of paragraph 1 of this Article, so, however, that no such allowance shall permit of any person being employed for more than sixty hours of such overtime in any year or for more than four hours of such overtime in any week.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one and a quarter times the normal rate.

4. The competent authority may attach to the grant of an allowance of overtime such conditions as it deems expedient, with a view to securing a progressive reduction in the amount of overtime.

Article 9.

1. The competent authority may permit the limits of hours authorized by the preceding Articles to be exceeded, subject to the conditions that—

- (a) All time worked in virtue of this Article shall be regarded as overtime, and shall be remunerated at not less than one and a quarter times the normal rate ; and
- (b) No person shall be employed in virtue of this Article for more than seventy-five hours of overtime in any year.

2. In cases in which national laws or regulations apply the weekly limit of hours as a strict limit applicable to each week, the competent authority may permit not more than one hundred additional hours of overtime in any year to be worked, subject to the condition that such additional hours of overtime shall be remunerated at not less than one and a quarter times the normal rate.

3. When granting permission in virtue of the preceding paragraphs, the competent authority shall satisfy itself that there will be no consistent working of overtime.

4. The competent authority shall only grant permission to work overtime in virtue of this Article in accordance with regulations made after consultation with the organizations of employers and workers concerned, where such exist.

5. The regulations referred to in the preceding paragraph shall prescribe—

- (a) The procedure by which permission may be granted to employers to work overtime in virtue of this Article ; and
- (b) The maximum number of hours for which the competent authority may grant permission, and the minimum overtime rate to be paid for such hours.

Article 10.

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall—

- (a) Notify in a manner approved by the competent authority by the posting of notices or otherwise—
 - (i) The hours at which work begins and ends ;
 - (ii) Where work is carried on by shifts, the hours at which each shift begins and ends ;
 - (iii) Where a rotation system is applied, a description of the system, including a time-table for each person or group of persons ;

- (iv) The arrangement made in cases where the average duration of the working-week is calculated over a number of weeks; and
- (v) Effective rest periods as defined in Article 3; and
- (b) Keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 7, 8, and 9 of this Convention, and of the payments made in respect thereof.

Article 11.

Any member may suspend the operation of the provisions of this Convention during any emergency which endangers the national safety.

Article 12.

During a period which shall not exceed two years from the coming into force of this Convention for the member concerned, the competent authority may approve transitional arrangements in virtue of which—

- (a) The reduction of hours of work to the limits authorized by the preceding Articles may be accomplished by stages during the said period;
- (b) Specified classes of workers or undertakings may be exempted from all or any of the provisions of the Convention during the said period.

Article 13.

The annual reports upon the application of this Convention to be submitted by members under Article 22 of the Constitution of the International Labour Organization shall include more particularly full information concerning—

- (a) Decisions taken in virtue of Article 1, paragraph 3 (g);
- (b) Exemptions made in virtue of Article 2, and any conditions subject to which such exemptions are made;
- (c) Any recourse to the provisions of Article 3, paragraph 2;
- (d) Determinations made in pursuance of Article 4, paragraph 4;
- (e) Regulations made in virtue of Article 5;
- (f) Determinations made in pursuance of Article 7, paragraph 2;
- (g) Allowance of overtime granted in virtue of Article 8; and
- (h) The extent to which recourse has been had to the provisions of Article 9.

Article 14.

In accordance with paragraph 11 of Article 19 of the Constitution of the International Labour Organization, nothing in this Convention shall affect any law, award, custom, or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention.

Article 15.

In the event of the Conference adopting a further Convention determining such modifications of the provisions of this Convention as may be required to meet the case of countries to which Article 19, paragraph 3, of the Constitution of the International Labour Organization applies, this Convention and the aforesaid further Convention shall be deemed to form one Convention.

Article 16.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 17.

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Secretary-General.
2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Secretary-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 18.

As soon as the ratifications of two members of the International Labour Organization have been registered, 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 19.

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 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.
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 20.

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 21.

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 19 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 22.

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

APPENDIX 2.—RESOLUTION, TEXTILE INDUSTRY.

TEXT OF RESOLUTION PROPOSING MODIFICATION OF THE ABOVE CONVENTION FOR COUNTRIES WITH BACKWARD INDUSTRIAL CONDITIONS.

The Conference,

Having regard to the obligation imposed upon it by Article 19 (3) of the Constitution of the Organization—namely, that “in framing any Recommendation or Draft Convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries” ;

Recognizing that circumstances have made it difficult for the Conference to give adequate consideration to the question of introducing into the Draft Convention on the reduction of hours of work in the textile industry special provisions in pursuance of this Article of the Constitution ;

Considering, nevertheless, that it is of the highest importance that hours of work in the textile industry should be regulated in accordance with an international Convention in all countries, including those in which it may not be practicable to apply without modification the provisions of the Draft Convention adopted by this session of the Conference ;

requests the governing body of the International Labour Office to give immediate consideration to the question of the adoption of a special Draft Convention determining the modifications of the provisions of the Draft Convention on the reduction of hours of work in the textile industry for such countries, with a view to the placing of this question on the Agenda of the Conference.

APPENDIX 3.—RESOLUTION, PROPOSED GENERAL CONVENTION.

TEXT OF RESOLUTION PROPOSING THE RETURN TO THE METHOD OF A GENERAL CONVENTION.

The Twenty-third Session of the International Labour Conference,

Examining the efforts made since 1931 by the International Labour Organization to reduce as far as possible the disastrous effect of the world depression on the economic system of all countries in general and on the working-classes in particular ;

Considering that, of the measures advocated, the reduction of hours of work is of outstanding importance, and has, above all others, engaged the attention of the International Labour Organization ;

Considering that, at the eighteenth session in 1934, the attempts to prepare and adopt a general Convention with a view to introducing the forty-hour week in all countries and in all industries were unsuccessful ;

Considering that at that time it appeared that more tangible results could be obtained if the question of the reduction of the working-week were considered separately for each industry ;

Considering that for that purpose a procedure was put into operation with a view to the adoption of Conventions covering several industries—for example, the iron and steel industry, the building industry, the coal-mining industry, glass-bottle works, public works, the textile industry, &c. ;

Considering that only two Conventions have been adopted—namely, those concerning public works and glass-bottle works ;

That, on the other hand, the attempts to arrive at the adoption of Conventions concerning the coal-mining industry, the iron and steel industry, and the building industry were unsuccessful ;

Considering that such a procedure entails more risks than tangible results and will require an incalculable number of years before a satisfactory solution is achieved ;

Considering that the economic situation and the attempts which have been made to deal with the question show clearly that efforts should be directed towards the adoption of a general Convention ;

But considering that the procedure already set in motion concerning the industries included in the Agenda of the 1937 and 1938 sessions should follow its course,

requests the governing body to examine the situation and to consider placing on the Agenda of the next Session of the Conference the question of the generalization of the reduction of hours of work in all economic activities which are not covered by the Conventions already adopted and those to be adopted by the twenty-third session of the Conference.

APPENDIX 4.—BUILDING REGULATIONS.

DRAFT CONVENTION, GENERAL SAFETY PROVISIONS.

TEXT OF DRAFT CONVENTION CONCERNING SAFETY PROVISIONS IN THE BUILDING INDUSTRY.

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 Twenty-third Session on 3rd June, 1937, and

Considering that building-work gives rise to serious accident risks which it is necessary to reduce both on humanitarian and on economic grounds, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting-machinery, which is the first item on the Agenda of the session, and

Considering that, in view of the desirability of standardizing minimum safety provisions without prescribing requirements too rigid for general application, the most appropriate form for these proposals is that of a Draft International Convention accompanied by a Recommendation embodying a Model Code of Safety Regulations,

adopts, this twenty-third day of June, of the year one thousand nine hundred and thirty-seven, the following Draft Convention, which may be cited as the Safety Provisions (Building) Convention 1937 :—

PART I.—OBLIGATIONS OF PARTIES TO CONVENTION.

Article 1.

1. Each member of the International Labour Organization which ratifies this Convention undertakes that it will maintain in force laws or regulations—

- (a) Which ensure the application of the general rules set forth in Parts II to IV of this Convention ; and
- (b) In virtue of which an appropriate authority has power to make regulations for the purpose of giving such effect as may be possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the model code annexed to the Safety Provisions (Building) Recommendation, 1937, or any revised model code subsequently recommended by the International Labour Conference.

2. Each such member further undertakes that it will communicate every third year to the International Labour Office a report indicating the extent to which effect has been given to the provisions of the model code annexed to the Safety Provisions (Building) Recommendation, 1937, or of any revised model code subsequently recommended by the International Labour Conference.

Article 2.

1. The laws or regulations for ensuring the application of the general rules set forth in Parts II to IV of this Convention shall apply to all work done on the site in connection with the construction, repair, alteration, maintenance, and demolition of all types of buildings.

2. The said laws or regulations may provide that the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, exempt from all or any of their provisions work of such a character that reasonably safe conditions normally obtain.

Article 3.

The laws or regulations for ensuring the application of the general rules set forth in Parts II to IV of this Convention, and regulations made by the appropriate authority for the purpose of giving effect to the model code annexed to the Safety Provisions (Building) Recommendation, 1937, shall—

- (a) Require employers to bring them to the notice of all persons concerned in a manner approved by the competent authority ;
- (b) Define the persons responsible for compliance therewith ; and
- (c) Prescribe adequate penalties for any violation thereof.

Article 4.

Each member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, a system of inspection adequate to ensure the effective enforcement of its laws and regulations relating to safety precautions in the building industry.

Article 5.

1. In the case of a member the territory of which includes large areas where, by reason of the sparseness of the population or of the stage of economic 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 localities or of particular kinds of building operations 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 6.

Each member which ratifies this Convention undertakes to communicate annually to the International Labour Office the latest statistical information relating to the number and classification of accidents occurring to persons occupied on work within the scope of this Convention.

PART II.—GENERAL RULES AS TO SCAFFOLDS.

Article 7.

1. Suitable scaffolds shall be provided for workmen for all work that cannot be safely done from a ladder or by other means.

2. A scaffold shall not be constructed, taken down, or substantially altered except—

(a) Under the supervision of a competent and responsible person; and

(b) As far as possible by competent workers possessing adequate experience in this kind of work.

3. All scaffolds and appliances connected therewith and all ladders shall—

(a) Be of sound material;

(b) Be of adequate strength, having regard to the loads and strains to which they will be subjected; and

(c) Be maintained in proper condition.

4. Scaffolds shall be so constructed that no part thereof can be displaced in consequence of normal use.

5. Scaffolds shall not be overloaded, and so far as practicable the load shall be evenly distributed.

6. Before installing lifting-gear on scaffolds special precautions shall be taken to ensure the strength and stability of the scaffolds.

7. Scaffolds shall be periodically inspected by a competent person.

8. Before allowing a scaffold to be used by his workmen, every employer shall, whether the scaffold has been erected by his workmen or not, take steps to ensure that it complies fully with the requirements of this Article.

Article 8.

1. Working-platforms, gangways, and stairways shall—

(a) Be so constructed that no part thereof can sag unduly or unequally;

(b) Be so constructed and maintained, having regard to the prevailing conditions, as to reduce as far as practicable risks of persons tripping or slipping; and

(c) Be kept free from any unnecessary obstruction.

2. In the case of working-platforms, gangways, working-places, and stairways at a height exceeding that to be prescribed by national laws or regulations—

(a) Every working-platform and every gangway shall be closely boarded, unless other adequate measures are taken to ensure safety;

(b) Every working-platform and gangway shall have adequate width; and

(c) Every working-platform, gangway, working-place, and stairway shall be suitably fenced.

Article 9.

1. Every opening in the floor of a building or in a working-platform shall, except for the time and to the extent required to allow the access of persons or the transport or shifting of material, be provided with suitable means to prevent the fall of persons or material.

2. When persons are employed on a roof where there is a danger of falling from a height exceeding that to be prescribed by national laws or regulations, suitable precautions shall be taken to prevent the fall of persons or material.

3. Suitable precautions shall be taken to prevent persons being struck by articles which might fall from scaffolds or other working-places.

Article 10.

1. Safe means of access shall be provided to all working-platforms and other working-places.
2. Every ladder shall be securely fixed, and of such length as to provide secure handhold and foothold at every position in which it is used.
3. Every place where work is carried on, and the means of approach thereto, shall be adequately lighted.
4. Adequate precautions shall be taken to prevent danger from electrical equipment.
5. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART III.—GENERAL RULES AS TO HOISTING-APPLIANCES.

Article 11.

1. Hoisting machines and tackle, including their attachments, anchorages, and supports, shall—
 - (a) Be of good mechanical construction, sound material, and adequate strength, and free from patent defect; and
 - (b) Be kept in good repair and in good working-order.
2. Every rope used in hoisting or lowering materials or as a means of suspension shall be of suitable quality and adequate strength and free from patent defect.

Article 12.

1. Hoisting machines and tackle shall be examined and adequately tested after erection on the site and before use, and be re-examined in position at intervals to be prescribed by national laws or regulations.
2. Every chain, ring, hook, shackle, swivel, and pulley-block used in hoisting or lowering materials or as a means of suspension shall be periodically examined.

Article 13.

1. Every crane-driver or hoisting-appliance operator shall be properly qualified.
2. No person under an age to be prescribed by national laws or regulations shall be in control of any hoisting-machine, including any scaffold winch, or give signals to the operator.

Article 14.

1. In the case of every hoisting-machine and of every chain, ring, hook, shackle, swivel, and pulley-block used in hoisting or lowering or as a means of suspension the safe working load shall be ascertained by adequate means.
2. Every hoisting-machine and all gear referred to in the preceding paragraph shall be plainly marked with the safe working load.
3. In the case of a hoisting-machine having a variable safe working load, each safe working load and the conditions under which it is applicable shall be clearly indicated.
4. No part of any hoisting-machine or of any gear referred to in paragraph 1 of this Article shall be loaded beyond the safe working load except for the purpose of testing.

Article 15.

1. Motors, gearing, transmissions, electric wiring, and other dangerous parts of hoisting-appliances shall be provided with efficient safeguards.
2. Hoisting-appliances shall be provided with such means as will reduce to a minimum the risk of the accidental descent of the load.
3. Adequate precautions shall be taken to reduce to a minimum the risk of any part of a suspended load becoming accidentally displaced.

PART IV.—GENERAL RULES AS TO SAFETY EQUIPMENT AND FIRST AID.

Article 16.

1. All necessary personal safety equipment shall be kept available for the use of the persons employed on the site, and be maintained in a condition suitable for immediate use.
2. The workers shall be required to use the equipment thus provided, and the employer shall take adequate steps to ensure proper use of the equipment by those concerned.

Article 17.

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use, and all necessary steps shall be taken for the prompt rescue of any person in danger.

Article 18.

Adequate provision shall be made for prompt first-aid treatment of all injuries likely to be sustained during the course of the work.

PART V.—FINAL PROVISIONS.

Article 19.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 20.

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

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Secretary-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 21.

As soon as the ratifications of two members of the International Labour Organization have been registered, 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 22.

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 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.

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 23.

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 24.

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 22 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 25.

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

APPENDIX 5.—RECOMMENDATION, MODEL SAFETY CODE.**TEXT OF RECOMMENDATION CONCERNING SAFETY PROVISIONS IN THE BUILDING INDUSTRY.**

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 Twenty-third Session on 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting-machinery which is the first item on the Agenda of the session, and

Having determined that these proposals shall take the form of a Draft International Convention accompanied by a Recommendation embodying a model code of safety regulations,

adopts, this twenty-third day of June, of the year one thousand nine hundred and thirty-seven, the following Recommendation, which may be cited as the Safety Provisions (Building) Recommendation, 1937—

Whereas it is desirable, with a view to intensifying the efforts being made by the members of the Organization to reduce the risk of accident in the building industry, to submit for their consideration model safety provisions, and to arrange for an exchange upon an international scale of the experience acquired in the application of these provisions : Whereas the Safety Provisions (Building) Convention, 1937, embodies a series of general principles which require to be supplemented by detailed safety regulations : Whereas it is therefore desirable that members of the Organization which ratify that Convention should have at their disposal a model code of safety regulations which have been proved by experience to be calculated to reduce the risk of accidents : And whereas it is also desirable that such a model code should be available for the guidance of any members which may be unable to ratify immediately the Safety Provisions (Building) Convention, 1937 :

The Conference recommends that—

1. Each member of the International Labour Organization should give the fullest effect possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the annexed model code.

2. Any members of the International Labour Organization which have not ratified the Safety Provisions (Building) Convention, 1937, should communicate every third year to the International Labour Office on a voluntary basis a report indicating the extent to which effect has been given to the model code.

(NOTE.—The text of the model code referred to in the foregoing Recommendation, which extends to some thirty pages, have been omitted from this report.)

APPENDIX 6.—RECOMMENDATION, INSPECTION.

TEXT OF RECOMMENDATION CONCERNING INSPECTION IN THE BUILDING INDUSTRY.

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 Twenty-third Session on 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to inspection in the building industry 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 twenty-third day of June, of the year one thousand nine hundred and thirty-seven, the following Recommendation, which may be cited as the Inspection (Building) Recommendation, 1937—

Whereas the Safety Provisions (Building) Convention, 1937, and the Safety Provisions (Building) Recommendation, 1937, contain provisions relating to labour inspection: Whereas the Conference adopted at its fifth session (1923) a Recommendation concerning labour inspection: Whereas it is nevertheless desirable that as regards the building industry the attention of members should be drawn to certain other provisions not included in the above-mentioned Convention and Recommendations:

The Conference recommends that each member of the International Labour Organization should take the following principles and rules into consideration as regards inspection in the building industry—

1. All work in connection with the construction, repair, alteration, maintenance, and demolition of buildings of all kinds should be subject to inspection.

2. The authority responsible for inspection (hereinafter called the inspection authority) should be a public body and should have all powers necessary to ensure that the laws and regulations in force are strictly applied.

3. Inspectors should have previous technical training and have passed examinations covering all suitable technical and administrative matters, which should ensure that they are competent to supervise effectively the enforcement of the safety regulations for the workers employed in the building industry.

4. In order to ensure effective collaboration between the inspection authority and the head of the undertaking, national laws or regulations should make the head of the undertaking responsible—

- (a) For providing for constant and adequate supervision of the work, so as to ensure compliance with the safety provisions in force;
- (b) For taking all other practicable steps necessary to prevent accidents, and in particular for not employing on work likely to involve risk of accidents any person whom he knows to be deaf, of defective vision, or liable to giddiness;
- (c) For informing the inspection authority, in conformity with the national laws or regulations, of the commencement of all building operations undertaken by him; and
- (d) For reporting to the competent authority, in accordance with the national laws or regulations, accidents occurring in the undertaking.

APPENDIX 7.—RECOMMENDATION, CO-OPERATION IN ACCIDENT PREVENTION.

TEXT OF RECOMMENDATION CONCERNING CO-OPERATION IN ACCIDENT-PREVENTION IN THE BUILDING INDUSTRY.

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 Twenty-third Session on 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to co-operation in accident-prevention in the building industry, 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 twenty-third day of June, of the year one thousand nine hundred and thirty-seven, the following Recommendation, which may be cited as the Co-operation in Accident Prevention (Building) Recommendation, 1937—

Whereas it is considered that in addition to the Safety Provisions (Building) Convention, 1937, the Safety Provisions (Building) Recommendation, 1937, the Inspection (Building) Recommendation, 1937, and the Prevention of Industrial Accidents Recommendation, 1929, it is desirable to make a specific recommendation concerning the prevention of accidents in the building industry by means of safety organizations:

The Conference recommends that each member of the International Labour Organization should take the following principles and rules into consideration in connection with accident prevention in the building industry—

1. There should be established safety organizations within the industry to secure the collaboration of all concerned in effecting a reduction in the number and severity of accidents, with particular regard to accident risks for which there are no statutory requirements.

2. In order to render this collaboration effective, there should be set up within each undertaking, where it is possible, a special safety organization including representatives of the employer and the persons employed.

3. It would also be desirable to have direct collaboration between the competent inspector, the employer, and the representatives of the persons employed in the undertaking in the form and within the limits fixed by the inspection authority.

4. Safety propaganda in the building industry would be more effective if there were constant co-operation between the inspection authority and all the organizations concerned ; safety organizations (joint or separate) of employers and workers ; trade-unions and employers' associations ; associations of architects or engineers ; standards associations, &c. ; accident-insurance institutions (public, semi-official, or private).

5. (1) Periodical meetings should be held by representatives of the organizations mentioned in the preceding paragraph and representatives of the inspection authority, together with representatives of any other public bodies concerned.

(2) The purpose of such meetings should be to examine jointly the methods that might be taken to improve accident prevention in the building industry.

6. The inspection authority should promote accident prevention by collaborating with all parties concerned in the necessary propaganda, which might take such forms as safety education by training courses, demonstrations, meetings, lectures, and films, the distribution of manuals, pamphlets, magazines, or publications reproducing or analysing accidents statistics ; and the distribution of posters and notices, which should, as far as possible, be illustrated.

APPENDIX 8.—RECOMMENDATION, VOCATIONAL EDUCATION.

TEXT OF RECOMMENDATION CONCERNING VOCATIONAL EDUCATION FOR THE BUILDING INDUSTRY.

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 Twenty-third Session on 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to vocational education for the building industry, 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 twenty-third day of June, of the year one thousand nine hundred and thirty-seven, the following Recommendation, which may be cited as the Vocational Education (Building) Recommendation, 1937—

The Conference,—

Recalling that at its twelfth session (1929) it adopted a Recommendation concerning the prevention of industrial accidents, one part of which deals with vocational education ;

Considering that, in view of the risk of accident, vocational education is of special importance in the case of the building industry ;

Recommends that technical and vocational school curricula relating to the building industry should include theoretical and practical instruction concerning—

- (a) The materials used for the construction of scaffolds, and the principles of erecting and maintaining scaffolds ;
- (b) The construction and maintenance of the hoisting-appliances used in the building industry ;
- (c) The organization and supervision of safety measures on building-sites ; and
- (d) The safety regulations for building-work.

APPENDIX 9.—RESOLUTION, HOISTING-APPLIANCES.

TEXT OF RESOLUTION CONCERNING RESPONSIBILITY OF MANUFACTURERS, ETC., OF HOISTING-APPLIANCES.

Whereas the Draft Convention and Recommendations on safety provisions for workers in the building industry with reference to scaffolding and hoisting-machinery do not provide for any obligations to be laid upon builders, dealers, and erectors of hoisting-appliances used in the building industry,

Whereas it is necessary to consider whether it is not desirable that the provisions of the Recommendation adopted by the twelfth session of the International Labour Conference in 1929 concerning responsibility for the protection of power-driven machinery should be reinforced by the adoption of an international Convention :

The Twenty-third Session of the International Labour Conference—

Requests the governing body of the International Labour Office to have the necessary investigations undertaken, and to place on the Agenda of one of the next sessions of the Conference the question of the responsibility of machine-builders, dealers, and erectors as regards safety devices.

APPENDIX 10.—PLANNING OF PUBLIC WORKS IN RELATION TO EMPLOYMENT.

RECOMMENDATION, INTERNATIONAL CO-OPERATION.

TEXT OF RECOMMENDATION CONCERNING INTERNATIONAL CO-OPERATION IN RESPECT OF PUBLIC WORKS.

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 Twenty-third Session on the 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to international co-operation in respect of public works, which is included in the third item on the Agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, adopts, this twenty-second day of June, of the year one thousand nine hundred and thirty-seven, the following Recommendation, which may be cited as the Public Works (International Co-operation) Recommendation, 1937—

Whereas the advance planning of public works is a useful method of preventing unemployment and counteracting economic fluctuations: And whereas action for this purpose can be effective only if it is based on adequate information and international co-operation:

The Conference recommends that—

1. Each member of the International Labour Organization should communicate annually to the International Labour Office, on the most suitable date, statistical and other information concerning public works undertaken or planned on its territory, including orders for plant, equipment, and supplies.

2. The information communicated by members in accordance with paragraph 1 should be supplied, as far as possible, in accordance with a uniform plan relating more particularly to the expenditure involved, the method of financing the works, and the number of workers engaged.

3. Each member should co-operate in the work of any international committee which may be set up by the governing body of the International Labour Office for the purpose, more particularly, of studying the information communicated in accordance with paragraph 1 and preparing the uniform plan referred to in paragraph 2.

4. Each member should carefully consider what action to take on the basis of any reports which the governing body of the International Labour Office may send it as a result of the discussions of the committee contemplated by paragraph 3.

APPENDIX 11.—RECOMMENDATION, NATIONAL PLANNING.

TEXT OF RECOMMENDATION CONCERNING THE NATIONAL PLANNING OF PUBLIC WORKS.

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 Twenty-third Session on the 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to the national planning of public works, which is included in the third item on the Agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-second day of June, of the year one thousand nine hundred and thirty-seven, the following recommendation, which may be cited as the Public Works (National Planning) Recommendation, 1937—

Whereas in the absence of advance planning expenditure on public works tends to increase in years of prosperity and to diminish in years of depression: Whereas fluctuations in the volume of employment of workers engaged on public works are thereby superimposed on the fluctuations in the volume of employment arising out of commercial demand, thus aggravating successively the shortage of certain classes of workers in periods of prosperity and the extent of unemployment in periods of depression: Whereas it is desirable to time public works in such a way as to reduce industrial fluctuations as far as possible: Whereas the uniform application of such a policy of timing to all public works involved the co-ordination of the administrative and financial methods applied by the various authorities: And whereas it is also desirable, if public works are to be fully effective as a remedy for unemployment, that measures should be adopted relating to the conditions of recruitment and employment of the workers engaged on the works:

The Conference recommends that each member should apply the following principles—

PART I.—TIMING OF PUBLIC WORKS.

1. (1) Appropriate measures should be adopted for the purpose of achieving a suitable timing of all works undertaken or financed by public authorities.

(2) This timing should involve an increase in the volume of such works in periods of depression, and for this purpose it is desirable to provide for the preparation in advance, during periods of prosperity, of works capable of being held in reserve or exceeding ordinary requirements, and which should be ready for execution as soon as the need is felt.

(3) Special attention should be paid to public works which stimulate heavy industries or public works which create a more direct demand for consumers' goods as changing economic conditions may require.

2. The policy of timing public works should apply to all such works (including works in colonies) undertaken by central authorities, regional or local authorities, public-utility undertakings, or any body or individual in receipt of subsidies or loans from a public authority.

3. There should be established a national co-ordinating body, the duties of which should be, more particularly—

- (a) To centralize information relating to the various kinds of public works ;
- (b) To ensure or encourage the preparation of works in advance ;
- (c) To give instructions or advice as to when works should be held in reserve and when works held in reserve should be undertaken, account being taken of fluctuations in the volume of unemployment, changes in the index of wholesale prices, changes in the rate of interest, and any changes in other indices which indicate an alteration in the economic situation.

PART II.—FINANCING OF PUBLIC WORKS.

4. Among the financial measures necessitated by the policy embodied in the present Recommendation, the following should receive special consideration—

- (a) The placing to reserve in periods of prosperity of the resources necessary for carrying out works prepared for periods of depression ;
- (b) The carrying forward of unexpended balances from one year to another ;
- (c) Restricted borrowing by public authorities in periods of prosperity, and accelerated repayment of loans previously contracted ;
- (d) The financing by loan in periods of depression of public works likely to stimulate economic recovery, and, generally speaking, the application of a monetary policy which will make possible the expansion of credit required at such a time for the speeding-up of the public works and which will ensure the lowest possible rate of interest on the loans.

5. The co-ordinating body provided for in paragraph 3 or a special body acting in co-operation with it should be entrusted with all or some of the following duties in connection with the financing of public works—

- (a) To advise the central authority on financial policy, and, if necessary, taxation policy, relating to public works ;
- (b) To assist in achieving proper co-ordination between the credit policy and market operations of the central bank, or corresponding institution, and the public-works policy of the Government ;
- (c) To co-ordinate the borrowing policy of the different public bodies referred to in paragraph 2 ; and
- (d) To take such measures as may be necessary to ensure that the policy of the central authority in respect of loans and subsidies is made effective.

PART III.—EMPLOYMENT OF CERTAIN CLASSES OF WORKERS.

6. In applying the policy of timing provided for in this Recommendation, consideration should be given to the possibility of including works which will give employment to special classes of workers, such as young workers, women, and non-manual workers.

PART IV.—CONDITIONS OF RECRUITMENT AND EMPLOYMENT.

7. The recruitment of workers for employment on public works should be effected for preference through the public employment exchanges.

8. Foreign workers authorized to reside in the country concerned should be accepted for employment on public works in the same conditions as nationals, subject to reciprocal treatment.

9. The rates of wages of workers on public works should be not less favourable than those commonly recognized by workers' organizations and employers for work of the same character in the district where the work is carried out ; where there are no such rates recognized or prevailing in the district, those recognized or prevailing in the nearest district in which the general industrial circumstances are similar should be adopted, subject to the condition that the rates should in any case be such as to ensure to the workers a reasonable standard of life as this is understood in their time and country.

APPENDIX 12.—RESOLUTION, INTERNATIONAL CO-OPERATION.

TEXT OF RESOLUTION CONCERNING INTERNATIONAL CO-OPERATION IN RESPECT OF PUBLIC WORKS.

Whereas the International Labour Conference has adopted a Recommendation on international co-operation concerning public works : And whereas it is desirable, in order to make such co-operation effective, to set up an international body for the purpose of ensuring the continuity of the co-operation and of determining the methods of applying it ;

1. The Conference invites the governing body of the International Labour Office to appoint, as soon as possible, and to convene without delay, an international Public Works Committee, the duties of which should be more particularly—

- (a) To prepare and periodically to revise the uniform plan referred to in paragraph 2 of the Recommendation on international co-operation concerning public works ;
- (b) To study every year the information gathered by the International Labour Office either as a result of the Recommendation referred to above or in any other way ;
- (c) To make reports on this subject to the governing body of the International Labour Office, with a view to their transmission to the members of the Organization ;
- (d) To undertake any other duties relating to public works which may be entrusted to it ;

2. Members which have declared themselves willing to give effect to the above-mentioned Recommendation should be invited to send representatives to the Committee.

The Committee should also include employers' and workers' representatives in equal numbers.

The governing body of the International Labour Office should invite representatives of the competent bodies of the League of Nations to participate in the work of the Committee, and might, in so far as it thinks fit, attach to the Committee representatives of international institutions or bodies concerned with this matter as well as national and international experts chosen for their special knowledge of the various aspects of the problem of public works.

APPENDIX 13.—MINIMUM AGE OF ADMISSION TO EMPLOYMENT.

DRAFT CONVENTION, INDUSTRIAL EMPLOYMENT.

TEXT OF DRAFT REVISED CONVENTION CONCERNING THE MINIMUM AGE FOR ADMISSION TO INDUSTRIAL EMPLOYMENT.

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 Twenty-third Session on the 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment adopted by the Conference at its First Session, which is the sixth item on the Agenda of the session, and

Considering that the proposals must take the form of a Draft International Convention, adopts, this twenty-second day of June, of the year one thousand nine hundred and thirty-seven, the following Draft Convention, which may be cited as the Minimum Age (Industry) Convention (Revised), 1937—

PART I.—GENERAL PROVISIONS.

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.

PART II.—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES.

Article 6.

1. The provisions of this Article shall be applicable in Japan in substitution for the provisions of Articles 2 and 5.

2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof: Provided that national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

3. Children under the age of sixteen years shall not be employed or work on dangerous or unhealthy work, as defined by national laws or regulations, in mines or factories.

Article 7.

1. The provisions of Articles 2, 4, and 5 shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under the age of twelve years shall not be employed or work in factories working with power and employing more than ten persons.

3. Children under the age of thirteen years shall not be employed or work in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays, or wharves, but excluding transport by hand.

4. Children under the age of fifteen years shall not be employed or work—

- (a) In mines, quarries, and other works for the extraction of minerals from the earth.
- (b) In occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.

5. Unless they have been medically certified as fit for such work—

- (a) Persons who have attained the age of twelve years but are under the age of seventeen years shall not be permitted to work in factories working with power and employing more than ten persons;
- (b) Persons who have attained the age of fifteen years but are under the age of seventeen years shall not be permitted to work in mines.

Article 8.

1. The provisions of this Article shall be applicable in China in substitution for the provisions of Articles 2, 4, and 5.

2. Children under the age of twelve years shall not be employed or work in any factory using machines driven by motor power and regularly employing thirty persons or more.

3. Children under the age of fifteen years shall not be employed or work—

- (a) In mines regularly employing fifty persons or more; or
- (b) On dangerous or unhealthy work, as defined by national laws or regulations, in any factory using machines driven by motor power and regularly employing thirty persons or more.

4. Every employer in any undertaking to which this Article applies shall keep a register of all persons under the age of sixteen employed by him, together with such evidence of their age as may be required by the competent authority.

Article 9.

1. The International Labour Conference may, at any session at which the matter is included in its Agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding Articles of Part II of this Convention.

2. Any such draft amendment shall state the member or members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted by the member or members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Secretary-General of the League of Nations for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the member or members to which it applies.

PART III.—FINAL PROVISIONS.

Article 10.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations 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 Secretary-General.

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

As soon as the ratifications of two members of the International Labour Organization have been registered, 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 13.

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 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.

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

APPENDIX 14.—DRAFT CONVENTION, NON-INDUSTRIAL EMPLOYMENT.

TEXT OF DRAFT REVISED CONVENTION CONCERNING THE MINIMUM AGE FOR ADMISSION TO NON-INDUSTRIAL EMPLOYMENT.

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 Twenty-third Session on the 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning the age of admission of children to non-industrial employment adopted by the Conference at its Sixteenth Session, which is the seventh item on the Agenda of the session, and

Considering that the proposals must take the form of a Draft International Convention,

adopts, this twenty-second day of June, of the year one thousand nine hundred and thirty-seven, the following Draft Convention, which may be cited as the Minimum Age (Non-industrial) Employment Convention (Revised), 1937 :—

Article 1.

1. This Convention applies to any employment not dealt with in the Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921), the Minimum Age (Sea) Convention (Revised), 1936, or the Minimum Age (Industry) Convention (Revised), 1937.

2. The competent authority in each country shall, after consultation with the principal organizations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

3. This Convention does not apply to—

- (a) Employment in sea-fishing ;
- (b) Work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved, and supervised by public authority.

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

- (a) Employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial, or dangerous within the meaning of Articles 3 or 5 of this Convention ;
- (b) Domestic work in the family performed by members of that family.

Article 2.

Children under fifteen years of age, or children over fifteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

Article 3.

1. Children over thirteen years of age may, outside the hours fixed for school attendance, be employed on light work which—

- (a) Is not harmful to their health or normal development ; and
- (b) Is not such as to prejudice their attendance at school or capacity to benefit from the instruction there given.

2. No child under fourteen years of age shall—

- (a) Be employed on light work for more than two hours per day, whether that day be a school day or a holiday ; or
- (b) Spend at school and on light work a total number of hours exceeding seven per day.

3. National laws or regulations shall prescribe the number of hours per day during which children over fourteen years of age may be employed on light work.

4. Light work shall be prohibited—

- (a) On Sundays and legal public holidays ; and
- (b) During the night.

5. For the purpose of the preceding paragraph the term “ night ” means—

- (a) In the case of children under fourteen years of age, a period of at least twelve consecutive hours comprising the interval between eight p.m. and eight a.m. ;
- (b) In the case of children over fourteen years of age, a period which shall be prescribed by national laws or regulations but the duration of which shall not, except in the case of tropical countries where a compensatory rest is accorded during the day, be less than twelve hours.

6. After the principal organizations of employers and workers concerned have been consulted, national laws or regulations shall—

- (a) Specify what forms of employment may be considered to be light work for the purpose of this Article ; and
- (b) Prescribe the preliminary conditions to be complied with as safeguards before children may be employed on light work.

7. Subject to the provisions of subparagraph (a) of paragraph 1 above—

- (a) National laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday-time of children referred to in Article 2 who are over fourteen years of age ;
- (b) In countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

Article 4.

1. In the interests of art, science, or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention, in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

2. Provided that—

- (a) No such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows, or cabarets ;
- (b) Strict safeguards shall be prescribed for the health, physical development, and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education ; and
- (c) Children to whom permits are granted in accordance with this Article shall not be employed after midnight.

Article 5.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health, or morals of the persons employed in it.

Article 6.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops, or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

Article 7.

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

- (a) Provide for an adequate system of public inspection and supervision ;
- (b) Require every employer to keep a register of the names and dates of birth of all persons under the age of eighteen years employed by him in any employment to which this Convention applies other than an employment to which Article 6 applies ;
- (c) Provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6 ; and
- (d) Provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

Article 8.

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, including—

- (a) A list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3 ;
- (b) A list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2 ; and
- (c) Full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

Article 9.

1. The provisions of Articles 2, 3, 4, 5, 6, and 7 of this Convention shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under thirteen years of age shall not be employed—

- (a) In shops, offices, hotels, or restaurants ;
- (b) In places of public entertainment ; or
- (c) In any other non-industrial occupations to which the provisions of this paragraph may be extended by the competent authority.

3. In the interest of art, science, or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of the preceding paragraph in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

4. Persons under seventeen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organization of employers and workers concerned, may declare to involve danger to life, health, or morals.

5. The International Labour Conference may, at any session at which the matter is included in its Agenda, adopt by a two-thirds majority draft amendments to the preceding paragraphs of this Article.

6. Any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

7. India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Secretary-General of the League of Nations for registration.

8. Any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

Article 10.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations 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 Secretary-General.

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

As soon as the ratification of two members of the International Labour Organization have been registered, 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 13.

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 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.

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

APPENDIX 15.—RECOMMENDATION, INDUSTRIAL EMPLOYMENT.

TEXT OF RECOMMENDATION CONCERNING THE MINIMUM AGE FOR ADMISSION TO INDUSTRIAL EMPLOYMENT IN FAMILY 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 Twenty-third Session on the 3rd June, 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment, which is the sixth item on the Agenda of the session, and

Having adopted a Draft Convention revising the said Convention and having decided to supplement the revised Convention by a Recommendation,

adopts, this twenty-second day of June, of the year one thousand nine hundred and thirty-seven, the following Recommendation, which may be cited as the Minimum Age (Family Undertakings) Recommendation, 1937—

Whereas the Minimum Age (Industry) Convention (Revised), 1937, while restricting the scope of the exception for family undertakings contained in the 1919 Convention, still permits such undertakings to be excluded from its scope 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; and

Whereas it is reasonable to hope that it will be possible to suppress this exception completely in the not-distant future;

The Conference recommends that the members of the organization should make every effort to apply their legislation relating to the minimum age of admission to all industrial undertakings, including family undertakings.

APPENDIX 16.—RESOLUTION, EMPLOYMENT OUTSIDE SCHOOL HOURS.

TEXT OF RESOLUTION CONCERNING ANNUAL RETURNS AS TO EMPLOYMENT OUTSIDE SCHOOL HOURS.

Whereas the Conference in 1935 adopted a Recommendation concerning unemployment among young persons, paragraph 47 of which is as follows:—

“Until such time as the recommendation made in paragraph 1 is fully applied in the various countries, annual returns should be compiled showing the number of children still under the school-leaving age who during the year have been engaged in employment out of school hours. Such returns should be classified by sex, age group, and occupation, and should give details of the days of the week and the seasons during which such employment was carried on, and the number and incidence of the hours of employment.”

The Conference invites the governing body of the International Labour Office to request the Governments to furnish such returns to the International Labour Office in order that they may be published in one of the Office's publications.

APPENDIX 17.—RESOLUTIONS ON VARIOUS SUBJECTS.

TEXT OF SEVEN RESOLUTIONS ADOPTED AT THE TWENTY-THIRD INTERNATIONAL LABOUR CONFERENCE, GENEVA, JUNE, 1937.

1. MAINTENANCE OF INSURANCE RIGHTS OF MIGRANT WORKERS.

1. Whereas it is more than ever essential, when a resumption of migratory movements may be expected, to secure to persons insured or pensioned under social-insurance schemes who have to change their country or residence, and likewise to their families, the maintenance of their rights, in course of acquisition or acquired, under such schemes, especially schemes of invalidity, old-age, and widows' and orphans' insurance;

2. Whereas the bilateral treaties which have been entered into during the last ten years in regard to social insurance and which provide, as between the insurance schemes of the contracting countries, for the maintenance of pension rights are intended to protect the vital interests of migrant insured persons and their families;

3. Whereas the effect of the Draft Convention adopted by the 1935 session of the International Labour Conference concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age, and widows' and orphans' insurance will be to promote the general and early acceptance of those methods upon which the bilateral treaties are based, and to secure international recognition of the rights of migrant insured or pensioned persons;

4. Whereas it is moreover urgent, with a view to facilitating and expediting the putting into operation of the international scheme for the maintenance of rights under invalidity, old-age, and widows' and orphans' insurance, that a systematic collection and study should be made of the legal, technical, and administrative rules laid down in the bilateral treaties and of the experience gained in their application,

The Conference requests the governing body to instruct the International Labour Office to prepare with the help of expert advice, a collection of the international treaties and the texts of laws and regulations whose object is to provide for the protection of migrant persons insured or pensioned under social-insurance schemes which would contribute to the general adoption of the principle of the maintenance of rights under invalidity, old-age, and widows' and orphans' insurance.

2. PROTECTION OF INDIGENOUS WORKERS.

The Twenty-third Session of the International Labour Conference—

Notes with satisfaction that the governing body of the International Labour Office has afforded the Conference an opportunity of continuing its work for the protection of Native labour by placing the question of “the regulation of contracts of employment of indigenous workers” on the Agenda of the Twenty-fourth Session;

But considering that, even after the adoption of a Draft Convention concerning the contracts of employment of indigenous workers, there will remain a number of special problems of the life and labour of these workers which should be dealt with by international regulations,

requests the governing body to instruct the International Labour Office to study, in consultation with the Committee of Experts on Native Labour, those special problems that may appear suitable for international regulation, and in particular the problems of wages (methods and periodicity of payment, advances, deferred pay, remittances to dependants, truck system, legal protection), housing (compounds, accommodation for families, provision of gardens for cultivation of foodstuffs), rations, and the protection of the health of the workers, with a view to the placing of an item dealing with these problems on the Agenda of a future session of the Conference.

3. RIGHTS OF WOMEN WORKERS.

Whereas, in view of the social and political changes of recent years, and the fact that women workers have suffered from special forms of exploitation and discrimination in the past, there is need to re-examine their general position; and

Whereas it is for the best interests of society that, in addition to full political and civil rights and full opportunity for education, women should have full opportunity to work and should receive remuneration without discrimination because of sex, and be protected by legislative safeguards against physically harmful conditions of employment and economic exploitation, including the safeguarding of motherhood; and

Whereas it is necessary that women as well as men should be guaranteed freedom of association by Governments and should be protected by social and labour legislation which world experience has shown to be effective in abolishing special exploitation of women workers: Therefore be it

Resolved that the Twenty-third Session of the International Labour Conference, while recognizing that some of these principles lie within the competence of other international bodies, believes them to be of the greatest importance to workers in general and especially to women workers; and therefore requests the governing body to draw them to the attention of all Governments, with a view to their establishment in law and in custom by legislative and administrative action.

4. APPLICATION OF LABOUR LAWS IN FOREIGN SETTLEMENTS IN CHINA.

Whereas the International Labour Conference at its First Session in 1919 dealt with the difficulties with which China was faced owing to the existence within its territory of industrial undertakings enjoying extra-territoriality;

Whereas even then the Commission on Special Countries reached the unanimous conclusion that a satisfactory solution ought to be found, in the interests both of the Chinese Government and of the workers, who are unquestionably the persons most closely concerned:

Whereas in its report that Commission made the following suggestions—

In view of the special difficulties which the Chinese Government may experience from the existence, within the area of China, of foreign settlements and leased territories, the commission suggests that the Conference should make the necessary representations to the Governments concerned (that is, to those Governments which at present exercise jurisdiction in these settlements and territories under treaties and engagements with China) to enforce in their territories within China the same restrictions as the Chinese Government has accepted; or, in the alternative, to decree that labour legislation adopted by the Government of China shall be enforced by that Government within these foreign settlements and territories where extra-territorial jurisdiction exists at present.

Whereas the report was adopted by the Conference;

Whereas since that time the International Labour Office has never ceased to interest itself in the question in an attempt to reach a satisfactory solution:

Whereas unfortunately its efforts have proved fruitless;

Whereas actually the position has to some extent grown worse, as was shown by the declarations and statements made by the Chinese delegates at the Technical Tripartite Conference on the textile industry, held at Washington from the 2nd to the 17th April, 1937;

Whereas it is desirable that the International Labour Organization should continue its efforts, with a view to finding a remedy for a state of affairs which was denounced in 1919 by the First Session of the International Labour Conference;

Whereas it is essential and indispensable that a State should possess complete administrative integrity as regards labour questions, in order to enable it to fulfil its obligations as a member of the International Labour Organization;

Whereas it is impossible for a State to apply its labour legislation satisfactorily within its territory if the industrial and commercial undertakings in the country which are managed by certain foreigners are not subject to the application of such legislation by the State, whilst other industrial and commercial undertakings are subject thereto;

Whereas the industrial and commercial undertakings in the country managed by certain foreigners, who are not subject either as regards themselves or their undertakings to the application of labour legislation, nevertheless employ large numbers of the nationals of the country in question, whom they thus deprive of the legitimate protection of the national legislation applied by their own Government;

The Conference, considering that the International Labour Office should renew its efforts to bring about a settlement which would ensure that working-conditions should be regulated on similar lines

in the International Settlement and in the rest of China, in order that factories on Chinese territory and within the Settlement should not derive an unfair competitive advantage by availing themselves of the absence of labour standards ;

Requests the governing body to re-examine the question, and to consider the adoption of any steps or procedure which might lead to an effective solution of this urgent problem by direct agreement between the various authorities concerned or, failing such an agreement by an international Convention, with a view to ensuring the application of a uniform system of protection for the workers in all undertakings situated on Chinese territory, irrespective of whether they are or are not situated in the foreign settlements or whether they do or do not enjoy extraterritoriality.

5. OBLIGATION OF STATES TO SUBMIT CONVENTIONS AND RECOMMENDATIONS FOR DECISION OF COMPETENT NATIONAL AUTHORITY.

Whereas paragraph 5 of Article 19 of the Constitution lays strict obligations on the members of the organization ;

Whereas there are nevertheless doubts as to the fulfilment of those obligations by certain members ;

The Conference invites the governing body to examine the methods by which the fulfilment of those obligations by all the members may be secured.

6. RELATIONSHIP OF BURMA TO INTERNATIONAL LABOUR ORGANIZATION.

Whereas Burma, which has hitherto enjoyed full membership of the International Labour Organization as part of India, ceased to be a part of India on the 1st April, 1937 ;

Whereas the Government delegate of the United Kingdom has indicated the steps which the Governments of the United Kingdom and of Burma propose to take to ensure the continuation of effective Burmese collaboration with the organization ;

The Conference—

- (a) Expresses its cordial appreciation of the statement* made by the Government delegate of the United Kingdom on behalf of the Government of Burma that Burma recognizes that the International Labour Conventions ratified by India while Burma was part of India remain binding upon Burma, and that Burma proposes to submit her annual report thereon through the Government of the United Kingdom ; and
- (b) Invites the governing body to consider whether it is desirable that there should be included in future Conventions some provision permitting accession thereto by fully self-governing colonies, protectorates, and possessions which are not separate members of the organization.

* The statement referred to is as follows :—

1. Burma, as part of India, has up to date participated in such International Labour Conventions as India has ratified up to the 1st April, 1937.
2. As from the 1st April, 1937, as a result of the operation of the Government of India Act, Burma became separated from India. Henceforth, as the position of Burma in relation to International Labour Conventions is that Burma is an overseas territory of His Majesty with a status similar to that of Southern Rhodesia, she is, within the meaning of Article 421 of the Treaty of Versailles, fully self-governing.
3. Although it is agreed that Burma is bound to continue to observe and apply all the International Labour Conventions in which she previously participated as part of India, nevertheless her participation therein must henceforth be separated from that of India.
4. It is accordingly notified that—(a) Burma will continue to observe the International Labour Conventions referred to in paragraph 1 above in accordance with their provisions ; and (b) His Majesty's Government in the United Kingdom have the right to give notice of the termination of the application of any of those Conventions to Burma separately, in accordance with the provisions of the Articles in such Conventions providing for termination.
5. As regards the participation of Burma in the future activities of the International Labour Organization, the Government of Burma and His Majesty's Government in the United Kingdom have agreed that such participation should be secured through the medium of His Majesty's Government in the United Kingdom, which will be empowered to accept on behalf of and with the consent of the Government of Burma the obligations of future International Labour Conventions.

7. PROPOSED ASIATIC TRIPARTITE CONFERENCE.

Whereas it is urgently necessary, both in the interest of the workers directly concerned and as a contribution to the economic prosperity of the world as a whole, to promote far-reaching improvements in conditions of life and labour in Asiatic countries ; and

Whereas the urgency of such action has once again been emphasized by the resolution adopted by the Asiatic Labour Congress held in Tokyo in May, 1937, urging that the attention of the International Labour Conference be drawn once more to the importance of establishing a Tripartite Asiatic Committee to promote this end.

The Conference—

- (1) Notes with satisfaction that the resolution adopted in 1936 for the convocation of an Advisory Tripartite Labour Conference of Asiatic Countries and for the establishment of an Asiatic Committee has been examined by the governing body, and that efforts are being made to give effect to this resolution;
- (2) Notes that the resolution adopted by the Asiatic Labour Congress is further evidence of the widespread approval which the proposal to establish a Tripartite Asiatic Committee has obtained, urges the governing body to redouble its efforts for the realization of this object, and is confident that the members concerned will give the governing body full support.

**APPENDIX 18.—GOVERNING BODY OF INTERNATIONAL LABOUR OFFICE FOR 1937-40,
AS APPOINTED BY THE TWENTY-THIRD INTERNATIONAL LABOUR CONFERENCE,
GENEVA, JUNE, 1937.**

1. GOVERNMENT MEMBERS.

The Governments which will each appoint one Government member are as follows :—

- | | | |
|-------------------|-------------|-------------------------------|
| 1. Brazil. | 7. India. | 13. Spain. |
| 2. Canada. | 8. Italy. | 14. United States of America. |
| 3. Chile. | 9. Japan. | 15. Union Soviet Socialist |
| 4. China. | 10. Mexico. | Republics. |
| 5. France. | 11. Norway. | 16. Yugoslavia. |
| 6. Great Britain. | 12. Poland. | |

2. EMPLOYERS' MEMBERS ELECTED BY EMPLOYERS' GROUP.

- | | |
|---------------------------------------|---|
| 1. Mr. Oersted (Denmark). | 5. Mr. Olivetti (Italy). |
| 2. Mr. Lambert-Ribot (France). | 6. Mr. Gemmill (South Africa). |
| 3. Mr. Forbes Watson (Great Britain). | 7. Mr. Harriman (United States of America). |
| 4. Mr. Erulkar (India). | 8. Mr. Curcin (Yugoslavia). |

3. WORKERS' MEMBERS ELECTED BY WORKERS' GROUP.

- | | |
|------------------------------------|---|
| 1. Mr. Mertens (Belgium). | 5. Mr. Yonekubo (Japan). |
| 2. Mr. Jouhaux (France). | 6. Mr. Caballero (Spain). |
| 3. Mr. Hallsworth (Great Britain). | 7. Mr. Andersson (Sweden). |
| 4. Mr. Joshi (India). | 8. Mr. Watt (United States of America). |

The Honourable the Minister of Labour, Wellington.

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