

R
A: a pl, N21
N21 —
14516

BULLETINS OF INDIAN INDUSTRIES & LABOUR

No. 4

THE
INTERNATIONAL LABOUR ORGANISATION
AND
THE WASHINGTON CONFERENCE

EDITED BY

A. G. CLOW,

I.C.S., Controller, Labour Bureau,
Government of India

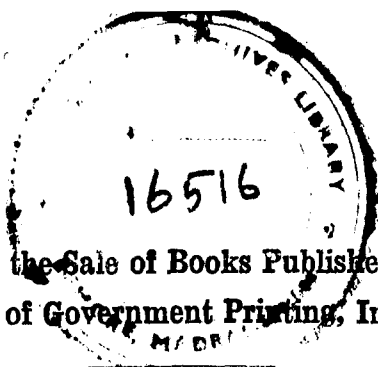


Published by order of the Government of India

—
CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1921

IX-H
234

X:9 R
P1, N21
N21



Agents for the Sale of Books Published by the
Superintendent of Government Printing, India, Calcutta.

IN EUROPE.

Constable & Co., 10, Orange Street, Leicester Square,
London, W.C.
Kegan Paul, Trübner & Co., 68-74, Carter
Lane, E.C., and 25, Museum Street, London,
W.C.
Bernard Quaritch, 11, Grafton Street, New Bond
Street, London, W.
P. S. King & Sons, 2 & 4, Great Smith Street, West-
minster, London, S.W.
H. S. King & Co., 65, Cornhill, E.C., and 9, Pall
Mall, London, W.
Grindlay & Co., 54, Parliament Street, London, S.W.

Luzac & Co., 46, Great Russell Street, London, W.C.
W. Thacker & Co., 2, Creed Lane, London, E.C.
T. Fisher Unwin, Ltd., 1, Adelphi Terrace, London,
W.C.
Wm. Wesley & Son, 28, Essex Street, Strand,
London.
B. H. Blackwell, 50 & 51, Broad Street, Oxford.
Deighton Bell & Co., Ltd., Cambridge.
Oliver and Boyd, Tweeddale Court, Edinburgh.
E. Ponsonby, Ltd., 116, Grafton Street, Dublin.
Ernest Leroux, 28, Rue Bonaparte, Paris.
Martinus Nijhoff, The Hague, Holland.

IN INDIA AND CEYLON.

Thacker, Spink & Co., Calcutta and Simla.
Newman & Co., Calcutta.
R. Cambay & Co., Calcutta.
S. K. Lahiri & Co., Calcutta.
B. Banerjee & Co., Calcutta.
The Indian School Supply Depot, 309, Bow Bazar
Street, Calcutta, and 226, Nawabpur, Dacca.
Butterworth & Co. (India), Ltd., Calcutta.
Rai M. C. Sarcar Bahadur & Sons, 99/2A, Harrison
Road, Calcutta.
The Weldon Library, 57, Park Street, West,
Calcutta.
Standard Literature Company, Ltd., Calcutta.
Lal Chand & Sons, Calcutta.
Association Press, Calcutta.
Higginbotham & Co., Madras.
V. Kalyanarama Iyer & Co., Madras.
G. A. Natesan & Co., Madras.
S. Murthy & Co., Madras.
Thompson & Co., Madras.
Temple & Co., Madras.
P. R. Rama Iyer & Co., Madras.
Vas & Co., Madras.
E. M. Gopalakrishna Kone, Madras.
Thacker & Co., Ltd., Bombay.
D. B. Taraporevala, Sons & Co., Bombay.
Mrs. Radhabai Atmaram Sagoon, Bombay.
Sunder Pandurang, Bombay.
Gopal Narayan & Co., Bombay.
Ram Chandra Govind & Son, Kalbadevi, Bombay.

Proprietor, New Kitabkhana, Poona.
The Standard Bookstall, Karachi.
Mangaldas Harkisandas, Surat.
Karsandas Narandas & Sons, Surat.
A. H. Wheeler & Co., Allahabad, Calcutta and
Bombay.
N. B. Mathur, Supt., Nazir Kanne Hind Press,
Allahabad.
Munshi Seeta Ram, Managing Proprietor, Indian
Army Book Depot, Jubbulpore.
Raj Sahib M. Gulab Singh & Sons, Mufti-Am Press,
Lahore and Allahabad.
Rama Krishna & Sons, Lahore.
Supt., American Baptist Mission Press, Rangoon.
Manager, the "Hitavada," Nagpur.
S. C. Talukdar, Proprietor, Students & Co., Cooch
Behar.
A. M. & J. Ferguson, Ceylon.
Manager, Educational Book Depôts, Nagpur and
Jubbulpore.*
Manager of the Imperial Book Depot, 63, Chandney
Chauk Street, Delhi.*
Manager, "The Agra Medical Hall and Co-operative
Association, Ltd." (Successors to A. John &
Co., Agra).
Supt., Basel Mission Book and Tract Depository,
Mangalore.*
P. Varadachary & Co., Madras.*
H. Liddell, Printer, etc., 7, South Road, Allahabad.*
Ram Dayal Agarwal, 184, Katra, Allahabad.*
D. C. Anand & Sons, Peshawar.*
Manager, Newal Kishore Press, Lucknow.*

* Agents for the sale of Legislative Department publications only.

CONTENTS.

	PAGE,
I.—Introduction	1
II.—Steps Leading to the Establishment of the International Labour Organisation	2
III.—Report of the Commission on International Labour Legislation	8
IV.—Resolutions adopted by the Commission on International Labour Legislation	19
V.—The Covenant of the League of Nations	20
VI.—Part XIII of the Peace Treaty	21
VII.—The Indian Delegation to Washington	37
VIII.—An Account of the Washington Conference	39
IX.—The Committee on the Application of the Forty-eight-hour Week Convention to Special Countries	72
X.—Draft Conventions adopted by the International Labour Con- ference at Washington	76
XI.—Recommendations adopted by the International Labour Con- ference at Washington	104
XII.—Standing Orders of the International Labour Conference	110
XIII.—The Permanent Labour Organisation of the League of Nations	119



BULLETINS
OF
INDIAN INDUSTRIES AND LABOUR.

No. 4.]

1921

[February.

THE INTERNATIONAL LABOUR ORGANISATION AND THE
WASHINGTON CONFERENCE.

I.—INTRODUCTION.

THIS bulletin is intended to give a brief account of the formation of the International Labour Organisation of the League of Nations and its activities up to and including the first meeting of the International Labour Conference at Washington. The following papers should make it clear that, in the fulfilment of its duties towards International Labour, the League is already functioning. The International Labour Organisation has begun to affect the life of the people in many countries and its influence on conditions in India and elsewhere appears likely to increase considerably in the near future. This short statement of its methods and objects will, it is hoped, stimulate public interest in a striking venture in international politics.

The Editor is indebted for the articles on pages 2 to 7 and 39 to 71 to the Hon'ble Sir A. R. Murray, C.B.E., President of the Bengal Chamber of Commerce.

LABOUR BUREAU ;
Delhi, 3rd January 1921.

II.—STEPS LEADING TO THE ESTABLISHMENT OF THE INTERNATIONAL LABOUR ORGANISATION.

The first attempt to secure international consideration of labour legislation dates back to the year 1881, when the Swiss Government endeavoured without success to enlist the sympathies of other Governments, but it was not until 1890 that fourteen out of fifteen European States—Russia alone declining—accepted another invitation from the Swiss Government for an international conference which was held at Berlin. The next international conferences were unofficial ones attended by private persons interested in labour legislation, who met in 1897 at Zurich and at Brussels and in 1900 at Paris, where the Association for Labour Legislation was formed and held its first meeting. This Association is an organisation having for its object "the legal protection of labour" and is now partially maintained by subsidies from twenty-two different countries. It held meetings at Basle in 1901, at Cologne in 1902 and at Basle in 1904 and was largely responsible for the Swiss Government in 1905 calling together at Berne an official International Conference which formulated conventions respecting the use of white phosphorus in the match industry and the employment of women in night work. These international conventions were formally signed at another official conference held in Berne in 1906. They form landmarks in international labour legislation and deserve more than passing notice for the reason that "the extension and application of the international conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches" formed item No. 5 of the agenda drawn up by the Peace Conference for the first meeting of the International Labour Organisation under the League of Nations held at Washington in 1919. These conventions will be referred to in detail when dealing with the draft conventions and recommendations of the Washington Conference.

The Association for Labour Legislation held its fourth congress at Geneva in 1906 and its next at Lucerne in 1908 when seventeen different states, including the United States of America and the Holy See, sent official delegates to participate in the deliberations

on various subjects, including the prohibition of night work for young persons, home work, insurance of foreign workmen, lead and other industrial poisoning, legal limitation of the workday, regulation of work by children and the execution of protective labour laws. It will be seen that the biennial conferences of the Association for Labour Legislation were increasing in importance and its congresses at Lugano in 1910 and at Zurich in 1912 led up to another official International Conference which was held at Berne in 1913. This Conference decided upon drafts of international agreements to prohibit night work for young persons under sixteen employed in industry, and to establish a maximum working day of ten hours for women and young persons. It was intended to hold another conference in September 1914 to prepare the formal conventions, but before then the great war had begun. Subsequent developments created a demand for an eight hours day in industrial undertakings, but the Berne Draft Convention of 1913, containing the proposals for an international convention on the prohibition of night work for young persons employed in industry, was submitted to the International Labour Conference at Washington and formed the basis of Draft Conventions regarding night work.

Hitherto organised labour had taken very little part in the proceedings of the International Association for Labour Legislation or of the official International Conferences, but the war had not lasted long before trade unions and other workers' organisations became important factors in the adjustment of labour conditions in the belligerent countries. In the early months of the war the demand for increased production was so great that not only men but also women, young persons and children worked for long periods and during hours that were not permissible under normal conditions. Night work and Sunday work became general and the safeguards provided by the Berne Convention of 1906 regarding night work, by national legislation and by trade union agreements for the protection of labour fell into abeyance, until ultimately it became necessary in Great Britain for the Government to enter into negotiations with representatives of organised labour respecting the conditions under which work was to be carried on and as to what classes of men should be exempted from military service in order to maintain a maximum production of munitions of war and other necessities. In this and other ways trade unions and associations of organised labour attained prominence and received

recognition which entitled their representatives to high places in the Councils of State. Similar influences were at work in other countries, and in 1916 and 1917 labour organisations held international conferences to formulate their own "peace demands" to be ready for discussion when the war ended. At a Conference at Berne in October 1917 there were present representatives of the national federations of labour of enemy as well as of neutral countries who were unanimously of the opinion that provision should be made in the Peace Treaty for the promotion and enforcement of international protective labour legislation.

In December 1917 a special Conference of British Labour voted a Memorandum on War Aims expressing views on post-war policy that had much in common with Mr. Lloyd George's and President Wilson's famous speeches made in January 1918, both of which contained the substance of the fourteen points on which peace negotiations were ultimately based. The United States Government had also been in negotiation with the American Federation of Labour respecting the provision of men and the conditions of labour in war industries and the President of the Federation, Mr. Samuel Gompers, was present at an inter-allied labour and socialist conference held at London in September 1918 to advocate the proposal that an international labour conference should be held in connection with the Peace Conference.

The armistice with Germany was signed in November 1918, and the Peace Conference opened at Paris on 18th January 1919. At the second plenary session held on 20th January the following was passed :—

That a Commission composed of two representatives apiece from the five Great Powers, and five representatives to be elected by the other powers represented at the Peace Conference be appointed to enquire into conditions of employment from the international aspect, and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such enquiry and consideration in co-operation with and under the direction of the League of Nations.

The early attention thus given to the question of international labour conditions is evidence of the importance attached by those present at the Conference to the solution of a problem which was becoming of increasing difficulty as time went on. At a meeting of the States concerned on 27th January it was agreed that Belgium,

Servia, Cuba for the South American group, Poland and the Czechoslovak Republic should each appoint one representative to the Commission, but the Servian delegates gave up their seat to Belgium who thus became entitled to two representatives along with each of the five Great Powers, viz :—the United States of America, the British Empire, France, Italy and Japan, and it was on this basis that the Commission was appointed by the Peace Conference on 31st January 1919, with Mr. Samuel Gompers as President and The Right Hon'ble G. N. Barnes, M.P., as one of the Vice-Presidents.

This Commission on International Labour Legislation held thirty-five meetings, and on 24th March 1919 prepared its report which was in two parts. The first was a draft convention based on a draft presented by the British Delegation, containing provisions for the establishment of a permanent organisation for international labour legislation. The second part took the form of a series of declarations of principles regarding labour which the Commission suggested should be included in the Treaty of Peace. A feature of the proposed draft convention, so far as India was concerned, was that while it provided that the British Dominions and India should have the same rights and obligations under the convention as if they were separate contracting parties, it was at the same time decided that the whole of the British Empire including the Dominions, Colonies and India could not have more than one seat on the proposed governing body of twenty-four members. This provision was not retained in the Treaty, but it is of interest to refer to its existence in the draft convention as originally proposed, for the reason that the constitution of the Governing Body of the International Labour Conference caused considerable discussion at Washington.

The Report of the Commission* on International Labour Legislation was submitted at the fourth plenary session of the Peace Conference on 11th April 1919 when Mr. Barnes explained the provisions of the proposed convention creating a permanent organisation for the promotion of the international regulation of labour conditions and proposed an amendment to the original draft which had special reference to India and other countries where labour conditions differed from those of Western countries. This amend-

* The Report is printed on pages 8 to 18.

ment which was agreed to (and appears in Article 405 of the Peace Treaty) is as follows :—

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 organisation 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.

With this amendment Lord Sinha accepted the convention on behalf of India, while the Maharaja of Bikanir made it clear that any legislation enacted for British India would not apply to the territories of Indian Ruling Princes which lay outside British India.

Sir Robert Borden moved a further amendment to the effect that it be arranged to have the Labour Conference conform to the Covenant of the League of Nations in the character of its membership, which was agreed to and the Peace Conference thereafter approved of the draft convention as amended.

The second part of the Report of the Commission on International Labour Legislation contained a series of nine resolutions, regarding methods and principles for regulating labour conditions which all industrial communities should endeavour to apply. Difficulties arose as to the wording of these clauses which were eventually re-drafted and approved by the Peace Conference at its fifth plenary session on the 19th April 1919 in the form in which they appear as general principles in Article 427 of the Treaty of Peace.*

It was originally intended that the Labour Convention should be contained in a separate document and it was drafted in that form but the Peace Conference ultimately decided that the labour provisions should be incorporated in the Treaty itself. The Convention, therefore, now appears in Part XIII of the Treaty as presented to the German Delegation on 7th May and as signed by it on the 28th June 1919. Section I of Part XIII deals with organisation of Labour and Section II with General Principles. In addition to the formal Labour section (Part XIII) of the Treaty, Part I which contains the Covenant of the League of Nations also deals with labour in article twenty-three as follows :—

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the League will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial

* See page 35.

and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations.

The Labour Convention as approved by the Peace Conference at its plenary sitting on the 11th April 1919 provided for the institution of an international organisation, to which all the members of the League of Nations would belong, and which consists of an International Labour Conference and an International Labour Office, as part of the machinery of the League of Nations. It further provided for the first meeting of the International Labour Conference being held at Washington in October 1919 and for the appointment of an International Organising Committee to assist the Government of the United States of America in making the necessary arrangements. At its sitting on 11th April 1919, the Peace Conference approved of the immediate appointment of the Organising Committee which, in terms of the Convention, consisted of representatives from the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland.

A. R. MURRAY.

III.—REPORT OF THE COMMISSION ON INTERNATIONAL LABOUR LEGISLATION.

The circumstances in which this Commission was appointed have been explained in the preceding article. The Report is valuable as explaining the form which the Peace Treaty eventually took, and as justifying the chief decisions embodied in it. A number of alterations were made in the draft articles prepared by the Commission but none of these affected their general character. The labour clauses which are now embodied in Article 427 of the Peace Treaty were modified considerably.

The numbering of the articles in the Report has been altered so as to conform with the final numbering of the clauses of the Peace Treaty.

Report of the Commission.

The Commission has held thirty-five meetings, and has drawn up its conclusions in two parts. The first is a draft convention containing provisions for the establishment of a permanent organisation for international labour legislation. This convention, which was based on a draft presented by the British Delegation, has been the subject of the most careful examination and discussion. The first part of this report may conveniently take the form of a commentary thereon. The second part of the Commission's conclusions is in the form of clauses containing declarations of principle in regard to a number of matters which are of vital importance to the labour world. At the opening sittings, the various Delegations agreed on the need for such declarations, which the Commission suggests should be included in the Treaty of Peace, in order that it may mark not only the close of the period which culminated in the world-war, but also the beginning of a better social order and the birth of a new civilisation.

PART I.—PERMANENT ORGANISATION.

Preamble.

The main idea underlying the scheme embodied in the Convention is that the constitution of the League of Nations will not pro-

vide a real solution of the troubles which have beset the world in the past, and will not even be able to eliminate the seeds of international strife, unless it provides a remedy for the industrial evils and injustices which mar the present state of society. In proposing, therefore, to establish a permanent organisation in order to adjust labour conditions by international action, the Commission felt that it was taking an indispensable step towards the achievement of the objects of the League of Nations and has given expression to this idea in the Preamble, which defines the objects and scope of the proposed organisation.

CHAPTER I.

Chapter I provides the machinery of the permanent organisation proposed. In the first place, it is stipulated (Article 387) that participation in this organisation shall be a condition of membership of the League of Nations, since every State Member of the League is morally bound to accept the principles set forth in the Preamble, if it has really at heart the promotion of the cause of justice and humanity.

The organisation itself is divided into two parts: (1) The International Labour Conference; (2) The International Labour Office controlled by a Governing Body (Article 388).

1. International Labour Conference.

This Conference will meet at least annually and will consist of delegates nominated by each of the High Contracting Parties, two of whom will be directly appointed by the Governments, and the other two will be chosen in agreement with the industrial organisations representative of their employers and workpeople respectively (Article 389).

Each delegate will vote individually (Article 390). It was strongly felt by the Commission that if the Conference was really to be representative of all those concerned with industry and to command their confidence, the employers and workpeople must be allowed to express their views with complete frankness and freedom, and that a departure from the traditional procedure of voting by national units was, therefore, necessary. It was accordingly thought that the employers' and workpeople's delegates should be entitled to speak and vote independently of their Governments.

Some difference of opinion made itself felt on the Commission as to the relative numbers of the delegates representing the Governments, the employers and the workpeople respectively. The French, American, Italian and Cuban Delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one. In other words, the proposal amounted to giving the States a veto on the proceedings of the Conference which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start. This view was contested by the British, Belgian and other Delegations, who pointed out that as the Conference was not simply an assembly for the purpose of passing resolutions, but would draw up draft conventions which the States would have to present to their legislative authorities, it was essential that the Governments should have at least an equal voice. Otherwise, it might often happen that conventions adopted by a two-thirds majority of the Conference would be rejected by the legislatures of the various States, which would have the effect of rendering the proceedings of the Conference nugatory and would quickly destroy its influence and prestige. The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical result, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it. Moreover, it was likely, especially in the future, that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which under the Franco-American proposal would be practically impossible if the employers voted in a body against them.

The Commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

The Italian Delegation, which united with the French Delegation in urging the importance of securing representation for agricultural interests, were to some extent reconciled to the above decision by the consideration that, as the Governments would have two

delegates, it would be easier to secure such representation. It should also be observed that as different technical advisers may be appointed for each subject of discussion, agricultural advisers may be selected when necessary.

2. *International Labour Office (Articles 392 to 399).*

This Office will be established at the seat of the League of Nations, as part of its administrative organisation. It will be controlled by a Governing Body of 24 members, the composition of which is provided for in the Protocol to Article 393. Like the Conference, the Governing Body will consist of representatives of the Governments, employers and workpeople. It will include 12 representatives of the Governments, 8 of whom will be nominated by the States of chief industrial importance, and the remaining 12 will consist of six members nominated by the employers' delegates to the Conference, and six nominated by the workers' delegates. The objects and functions of the Office are sufficiently explained in the articles referred to.

CHAPTER II.

1. *Procedure (Articles 400 to 407).*

This portion of the Convention contains one article of vital importance, namely, Article 19, which treats of the obligations of the States concerned in regard to the adoption and ratification of draft conventions agreed upon by the International Conference.

The original draft proposed that any draft convention adopted by the Conference by a two-thirds majority must be ratified by every State participating, unless within one year the national legislature should have expressed its disapproval of the draft convention. This implied an obligation on every State to submit any draft convention approved by the Conference to its national legislature within one year, whether its own Government representatives had voted in favour of its adoption or not. This provision was inspired by the belief that, although the time had not yet come when anything in the nature of an international legislature whose decisions should be binding on the different States was possible, yet it was essential for the progress of international labour legislation to require the Governments to give their national legislatures the

opportunity of expressing their opinion on the measures favoured by a two-thirds majority of the Labour Conference.

The French and Italian Delegations, on the other hand, desired that States should be under an obligation to ratify conventions so adopted, whether their legislative authorities approved them or not, subject to a right of appeal to the Executive Council of the League of Nations. The Council might invite the Conference to reconsider its decision, and in the event of its being reaffirmed there would be no further right of appeal.

Other Delegations, though not unsympathetic to the hope expressed in the first resolution* printed at the end of the draft convention, that in course of time the Labour Conference might, through the growth of the spirit of internationality, acquire the powers of a truly legislative international assembly, felt that the time for such a development was not yet ripe. If an attempt were made at this stage to deprive States of a large measure of their sovereignty in regard to labour legislation, the result would be that a considerable number of States would either refuse to accept the present convention altogether, or, if they accepted it, would subsequently denounce it, and might even prefer to resign their membership of the League of Nations rather than jeopardise their national economic position by being obliged to carry out the decisions of the International Labour Conference. The majority of the Commission therefore decided in favour of making ratification of a convention subject to the approval of the national legislatures or other competent authorities.

The American Delegation, however, found themselves unable to accept the obligations implied in the British draft on account of the limitations imposed on the central executive and legislative powers by the constitution of certain federal States, and notably of the United States themselves. They pointed out that the Federal Government could not accept the obligation to ratify conventions dealing with matters within the competence of the forty-eight States of the Union, with which the power of Labour legislation for the most part rested. Further, the Federal Government could not guarantee that the constituent States, even if they passed the necessary legislation to give effect to a convention, would put it

* See page 19,

into effective operation, nor could it provide against the possibility of such legislation being declared unconstitutional by the Supreme Judicial Authorities. The Government could not therefore engage to do something which was not within their power to perform, and the non-performance of which would render them liable to complaint.

The Commission felt that they were here faced by a serious dilemma, which threatened to make the establishment of any real system of international labour legislation impossible. On the one hand, its range and effectiveness would be almost fatally limited if a country of such industrial importance as the United States did not participate. On the other hand, if the scheme were so weakened as to impose no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labour Conference, it was clear that its work would tend to be confined to the mere passage of resolutions instead of resulting in the promotion of social reforms with the sanction of law behind them.

The Commission spent a considerable amount of time in attempting to devise a way out of this dilemma, and is glad to be able to record that it ultimately succeeded in doing so. Article 405 as now drafted represents a solution found by a Sub-Commission consisting of representatives of the American, British and Belgian Delegations specially appointed to consider the question. It provides that the decisions of the Labour Conference may take the form either of recommendations or of draft conventions. Either must be deposited with the Secretary-General of the League of Nations and each State undertakes to bring it within one year before its competent authorities for the enactment of legislation or other action. If no legislation or other action to make a recommendation effective follows, or if a draft convention fails to obtain the consent of the competent authorities concerned, no further obligation will rest on the State in question. In the case of a Federal State, however, whose power to enter into conventions on labour matters is subject to limitations, its Government may treat a draft convention to which such limitations apply as a recommendation only.

The Commission felt that there might in any event be instances in which the form of a recommendation affirming a principle would

be more suitable than that of a draft convention, which must necessarily provide for the detailed application of principles in a form which would be generally applicable by every State concerned. Subjects will probably come before the Conference which, owing to their complexity and the wide differences in the circumstances of different countries, will be incapable of being reduced to any universal and uniform mode of application. In such cases a convention might prove impossible, but a recommendation of principles in more or less detail which left the individual States freedom to apply them in the manner best suited to their conditions would undoubtedly have considerable value.

The exception in the case of Federal States is of greater importance. It places the United States and States which are in a similar position under a less degree of obligation than other States in regard to draft conventions. But it will be observed that the exception extends only to those Federal States which are subject to limitations in respect of their treaty-making powers on labour matters, and further that it only extends in so far as those limitations apply in any particular case. It will not apply in the case of a convention to which the limitations do not apply, or after any such limitations as may at present exist have been removed. Though reluctant to contemplate an arrangement under which all States would not be under identical obligations, the Commission felt that it was impossible not to recognize the constitutional difficulties which undoubtedly existed in the case of certain Federal States, and therefore proposed the above solution as the best possible in the circumstances.

Attention should be drawn to the protocol* to Article 405. The fear was expressed that the article might be interpreted as implying that a State would be required to diminish the protection already afforded to the workers by its legislation as a result of the adoption of a recommendation or draft convention by the Conference; and in consequence, the protocol was added in order to make it quite clear that such an interpretation was inadmissible.

It should be added that the Japanese Delegation abstained from voting on Article 405 as they had not yet received instructions from their Government in the matter. The Italian Delegation also abstained on the ground of the inadequacy of the powers given to the Conference.

* Now embodied in the article itself.

2. Enforcement (Articles 408 to 420).

These articles provide machinery whereby a State which fails to carry out its obligations arising under Article 405 or which fails to enforce a convention which it has ratified, may be made subject to economic measures. This machinery is briefly as follows:—

An industrial association of employers and workpeople may make representations to the International Labour Office which the Governing Body may at its discretion communicate to the State complained of for its observations (Article 409). If no satisfactory reply is received, the Governing Body may publish the correspondence (Article 410) which in most cases will probably create sufficient pressure by public opinion to cause the complaint to be remedied.

The Governing Body also has the power, either on its own motion or on receipt of a complaint from a Government or from a delegate to the Conference, to apply to the Secretary-General of the League of Nations to nominate a commission of enquiry. For the purpose of such enquiries, each High Contracting Party undertakes to nominate one employer, one workman and one person of independent standing, and each commission shall consist of one person drawn from each of these three categories (Articles 411 and 412). The Commission will report on the facts, recommend the steps which should be taken to meet the complaint, and indicate the economic measures, if any, which it considers would be appropriate in the event of the condition complained of not being remedied (Article 414).

Appeal may be made to the Permanent Court of International Justice of the League of Nations, which shall have power to review the findings of the Commission (Articles 415 to 418). If the defaulting State fails to carry out the recommendations of the Commission or the Permanent Court, as the case may be, within the specified time, it will then be open to the other States to take the economic measures indicated against it (Article 419).

It will be seen that the above procedure has been carefully devised in order to avoid the imposition of penalties, except in the last resort, when a State has flagrantly and persistently refused to carry out its obligations under a convention. It can hardly be doubted that it will seldom, if ever, be necessary to bring these powers into operation, but the Commission consider that the fact

of their existence is nevertheless a matter of almost vital importance to the success of the scheme.

The representatives of the working classes in some countries have pressed their delegates to urge more drastic provisions in regard to penalties. The Commission, while taking the view that it will in the long run be preferable as well as more effective to rely on the pressure of international public opinion rather than on economic measures, nevertheless considers it necessary to retain the possibility of the latter in the background. If all form of sanction were removed, the effectiveness of the scheme, and what is almost equally important, the belief in its effectiveness would be in a great measure destroyed.

CHAPTER III.

General.

This chapter does not call for much comment, but attention should perhaps be drawn to the provisions of Article 421 which provide that the *British Dominions and India, and any colonies or possessions of any State which may hereafter be recognised as fully self-governing by the Executive Council of the League of Nations, shall have the same rights and obligations under the convention as if they were separate High Contracting Parties. It seemed evident to the Commission that Colonies which were fully self-governing, not only as regards labour legislation but generally, must be regarded as separate entities for the purposes of the Labour Conference, but it was decided that a State and its self-governing colonies should not have more than one seat in the Governing Body.† In the case of colonies which are not fully self-governing, the mother country undertakes the obligation to apply labour conventions to them, unless local conditions render it impossible to apply them either wholly or in part.

CHAPTER IV.

Transitory Provisions.

This chapter provides, *inter alia*, for the holding of the first Conference in October 1919.

* The revised wording of Article I makes special provision as regards the Dominions unnecessary.

† This provision has not been retained in the Treaty.

The Commission felt it was essential that the Conference should meet at the earliest possible moment, but that, if it was to do its work effectively some time must be allowed for the collection of information and for the different countries to prepare their views on the various subjects for discussion. The Conference could, therefore, hardly meet earlier than October. In the schedule* to Article 424, it is proposed that the arrangements for this Conference should be made by an international committee consisting of representatives of the States named, with power to invite other States to send representatives, if necessary. It is suggested that the United States Government might be willing to convene the Conference at Washington, and the Commission much hopes that they will be willing to undertake this task. It is also suggested that the Peace Conference should approve the agenda set out in the same schedule.

The Italian Delegation proposed that all Nations should be admitted to the Conference immediately after the signature of the Peace Treaty but the Commission confined itself to passing the second resolution† attached to the draft convention.

In conclusion, it should be remarked that after a long discussion on the question of adopting certain measures in the interest of seamen, the Commission thought that "the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen," at which the delegates and technical advisers could accordingly be chosen from the shipping community. (See resolution‡ attached to the Convention.)

PART II.—LABOUR CLAUSES.

The Commission were unanimous in thinking that their work would not be complete if it were simply confined to setting up a permanent machinery for International Labour Legislation. It was not within their competence or within their terms of reference to deal with specific questions relating to industrial conditions and to work them out with the detail necessary for the framing of proposals which could be accepted in a binding form. So impressed were they, however, with the urgent need for recognising explicitly

* Now the Annex; see page 34.

† See page 19.

‡ See page 19.

certain fundamental principles as necessary to social progress, that they decided to submit a series of declarations for insertion in the Peace Treaty. They did not feel called upon, however, to draw up a Charter containing all the reforms which may be hoped for in a more or less distant future, but confined themselves to principles, the realisation of which may be contemplated in the near future.

It will be seen that the High Contracting Parties are not asked to give immediate effect to them, but only to endorse them generally. It will be the duty of the International Labour Conference to examine them thoroughly and to put them in the form of recommendations or draft conventions elaborated with the detail necessary for their practical application.

Proposals were placed before the Commission by the Italian, French, American, Belgian and British Delegations as to the declarations which should be made. The Commission decided that no declaration should be submitted to the Peace Conference, unless it were adopted by a two-thirds majority, and it now has the honour of submitting nine declarations, all of which obtained such a majority and some of which were adopted unanimously.

It should be added, in conclusion, that a majority, but not a two-thirds majority, was obtained for a proposal couched in very general terms which suggested the application to agriculture of the general principles of labour legislation, and which arose out of an Italian proposal in regard to the limitation of the hours of work in agriculture. The delegates who voted against this proposal were, as they explained, by no means hostile to its general idea, but they thought that a proposal in such wide terms was not suitable for inclusion among the declarations to be put forward.

SAMUEL GOMPERS,
President.

ARTHUR FONTAINE,
General Secretary.

HAROLD BUTLER,
Assistant General Secretary.

Paris, March 24th, 1919.

IV.—RESOLUTIONS ADOPTED BY THE COMMISSION ON INTERNATIONAL LABOUR LEGISLATION.

Resolution proposed by the Belgian, French and Italian Delegations.

The Commission expresses the hope that, as soon as it may be possible, an agreement will be arrived at between the High Contracting Parties with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

Resolution proposed by the Belgian, French and Italian Delegations.

The Commission, being of opinion that an international code of Labour legislation which will be really effective cannot be secured without the co-operation of all industrial countries, expresses the wish that pending the signature of the Treaty of Peace, which will permit all such countries to be approached, the Peace Conference will communicate the present draft Convention to the neutral powers for their information before finally adopting it.

Resolution proposed by the French Delegation.

The Commission considers that the very special question concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen.

[The special meeting was held at Genoa in May 1920.]

V.—THE COVENANT OF THE LEAGUE OF NATIONS.

This is embodied in Part I of the Peace Treaty. Article 23 which relates to Labour is as follows:—

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League—

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914—1918 shall be borne in mind;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

VI.—PART XIII OF THE PEACE TREATY.

Labour.

SECTION I.

ORGANISATION OF LABOUR.

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries:

The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following:—

CHAPTER I.

ORGANISATION.

Article 387.

A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

Article 388.

The permanent organisation shall consist of —

- (1) a General Conference of Representatives of the Members and
- (2) an International Labour Office controlled by the Governing Body described in Article 393.

Article 389.

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the

votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Article 390.

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 389 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

Article 391.

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

Article 392.

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

Article 393.

The International Labour Office shall be under the control of a Governing Body consisting of twenty-four persons appointed in accordance with the following provisions:—

The Governing Body of the International Labour Office shall be constituted as follows:—

Twelve persons representing the Governments;

Six persons elected by the Delegates to the Conference representing the employers;

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments, eight shall be nominated by the Members which are of the chief industrial

importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any questions as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure, and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

Article 394.

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

Article 395.

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

Article 396.

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

Article 397.

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

Article 398.

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

Article 399.

Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

CHAPTER II.

PROCEDURE.

Article 400.

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognized for the purpose of Article 389.

Article 401.

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

Article 402.

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Article 403.

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present,

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

Article 404.

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

Article 405.

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals shall take the form: (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

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 organisation 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.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft con-

vention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle:

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

Article 406.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

Article 407.

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

Article 408.

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

Article 409.

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

Article 410.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 411.

Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 409.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 410 or 411 is being considered by the Governing Body, the Government in question shall, if not, already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Article 412.

The Commission of Enquiry shall be constituted in accordance with the following provisions:

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

Article 413.

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

Article 414.

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact, relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

Article 415.

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

Article 416.

In the event of any Member failing to take the action required by Article 405, with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

Article 417.

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 415 or Article 416 shall be final.

Article 418.

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

Article 419.

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

Article 420.

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 412, 413, 414, 415, 417 and 418 shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

CHAPTER III.

GENERAL.

Article 421.

The Members engaged to apply conventions which they have ratified in accordance with the provisions of this Part of the present

Treaty to their colonies, protectorates and possessions which are not fully self-governing :—

- (1) Except where owing to the local conditions the convention is inapplicable, or,
- (2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 422.

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

Article 423.

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

CHAPTER IV.

TRANSITORY PROVISIONS.

Article 424.

The first meeting of the Conference shall take place in October 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article 425.

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

Article 426.

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

ANNEX.

FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919.

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organising Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland.

The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda :

- (1) Application of principle of the 8-hours day or of the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment :
 - (a) Before and after child-birth, including the question of maternity benefit ;

- (b) During the night ;
- (c) In unhealthy processes.
- (4) Employment of children :
 - (a) Minimum age of employment ;
 - (b) During the night ;
 - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II.

GENERAL PRINCIPLES.

Article 427.

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance :

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are Members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

VII.—THE INDIAN DELEGATION TO WASHINGTON.

The Government of India was informed on 21st May 1919 that the first meeting of the International Labour Conference would commence at Washington in October of that year. By Article 389 of the Peace Treaty all delegates are nominated by the Governments of their respective countries. In nominating the employers' and workers' delegates and advisers, the Governments have to 'act "in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or work people, as the case may be, in their respective countries." Most of the leading employers of labour in India belonged to organisations of some kind, but there was no federation formed. The great majority of the workpeople belonged to no organisation whatever and such organisations as existed had little cohesion and were not federated in any way. There was no organisation that could be described as representative of the workpeople of India and the leading employers' organisations were representative only of particular districts or provinces. The Government of India nominated Mr. Joshi of Bombay as delegate for the workpeople with Mr. Wadia of Madras as adviser and asked the Bengal Chamber of Commerce to suggest a nomination for employers. On their recommendation Mr. Murray, Chairman of the Indian Jute Mills Association, was nominated. Three of the leading provinces of India were thus represented in the non-Government part of the delegation.

The complete delegation from India was as follows:—

I.—Government Delegates :

MR. L. J. KERSHAW, C.S.I., C.I.E., Secretary, Revenue and Statistics Department, India Office, London.

MR. A. C. CHATTERJEE, C.I.E., I.C.S., Chief Secretary to the Government of the United Provinces.

Adviser :

MR. J. D. F. ENGEL, Chief Inspector of Factories, Bombay Presidency.

II.—Employers' Delegate :

Mr. A. R. MURRAY, C.B.E., Chairman of the Indian Jute Mills Association.

III.—Workers' Delegate :

Mr. N. M. JOSHI, Secretary, Social Service League, Bombay.

Adviser :

Mr. B. P. WADIA, President, Madras Labour Union.

They arrived at Washington on 27th October 1919.

VIII.—AN ACCOUNT OF THE WASHINGTON CONFERENCE.

When we reached Washington the United States Senate was still discussing the terms of the Peace Treaty and the atmosphere in the capital was by no means conducive to calm and ordered deliberations of the particular subjects specified for consideration in the labour section of the Peace Treaty. It will be remembered that the Treaty specially provided for the first meeting of the Annual Labour Conference being held at Washington and the Government of the United States of America was requested to convene the Conference. In this connection it is interesting to note the terms of the Joint Resolution passed by Congress on 2nd August, *viz.*:—

Resolved, etc.—That the President of the United States be, and he hereby is, authorised to convene and to make arrangements for the organisation of a general International Labour Conference, to be held in Washington D. C.; Provided, however, that nothing herein shall be held to authorise the President to appoint any delegates to represent the United States of America at such Conference or to authorise the United States of America to participate therein unless and until the Senate shall have ratified the provisions of the proposed Treaty of Peace with Germany with reference to a general International Labour Conference.

President Wilson's invitation, cabled on 11th August 1919 to thirty-four countries, may also be quoted as follows:—

The President of the United States, in accordance with the provisions of Part XIII of the Treaty of Peace between the Allied and Associated Powers and Germany signed at Versailles on June 28th, 1919, and under authority vested in him by Congress, hereby convenes the first meeting of the Annual Labour Conference therein decided to assemble in Washington, at noon on the 29th day of October, 1919. The Government of the United States extends to each nation which is or which, prior to the said meeting, shall become, a member of the International Labour Organisation as defined in Article 387, an invitation to send its delegates and other representatives to Washington for the purpose of attending such Conference.

During the whole of the time the Conference was in session, President Wilson was ill and confined to bed. The delegates were welcomed by the Secretary of Labour, Mr. W. B. Wilson, who was appointed President of the Conference and was present at nearly all its plenary sittings in the hall of the Pan-American Union. On the 7th November the Vice-President of the United States visited the Conference and addressed the delegates who, along with their advisers and friends, the following day on the invitation of Secretary

of the Navy, Mr. Daniels, sailed up the Potomac on board the President's steam yacht, the *Mayflower*, and visited Mount Vernon, the home and burial place of George Washington. On the evening of the 11th November, too, the delegates had the honour of being invited to a reception given by the Vice-President of the United States and Mrs. Marshall to Washington society in the Congressional Library on the occasion of the visit of the Prince of Wales to the capital. Rooms in the new Navy Department Building were set aside as Committee rooms and offices for delegates and staff who were also invited to make use of the Library of the U. S. Department of Labour Statistics, but apart from these courtesies there was little official or public notice taken of the International Labour Conference in Washington, and even the press devoted very little attention to its proceedings. This apparent lack of interest on the part of the United States Government and people is not easy to explain. The Senate was busy discussing proposed reservations during the greater part of our stay in Washington and ultimately adjourned without ratifying the Treaty of Peace. No delegates from the United States Government or employers were nominated to the Conference and Mr. Samuel Gompers, the President of the American Federation of Labour, was present at only one of the plenary sittings. At the same time we had reason to believe that the proceedings of the Conference were closely followed in many quarters and that there was a good deal of concern as to the results of our deliberations and their effect on the labour situation in America. Strained relations exist between Capital and Labour in many parts of the United States, and the Government has been finding it difficult to bring together conflicting interests for an amicable adjustment of differences. On 6th October 1919, President Wilson had convened an Industrial Conference of leading representatives of employers, employees and the public "for the purpose of consulting together on the great and vital questions affecting our (*i.e.*, United States) industrial life and their consequent effect upon all our people." At this Industrial Conference, which was also held at Washington, the Labour group endeavoured to pass a resolution calling for arbitration, by a Committee of the Conference, of the strike in the steel industry which had begun before we reached America and was still on when we left, but they were voted down by the Public group and the Employers' group on the ground that this particular issue was not germane to the purposes of the Conference. The

Labour group then introduced a resolution on collective bargaining, the essence of which was the right of wage-earners to organise in trade and labour unions only and to be represented by representatives of their own choosing in negotiations with employers. Both the Public and the Employers' groups took exception to the workers' right to organise being limited to trade and labour unions only. They were of opinion that workers should be permitted to join shop councils or other associations in individual establishments by means of which an employer could bargain collectively with his own workers. What the employers' group did object to was an employer being forced to bargain collectively with his employees through an agent of labour unions who is not one of his employees, is not really chosen by them but by the labour union and usually is not familiar with the circumstances of the issue and generally has primary interests other than those of the employees. Unable to carry a resolution on collective bargaining acceptable to them, the labour group, under Mr. Gompers' leadership, withdrew from the Conference, which broke up the week before we arrived in Washington, without having put through constructive work of any description. This failure on the part of representatives of three groups in one country to arrive at a common understanding as to labour conditions in their own country only, did not augur well for a conference of similar representatives of about forty different States from all the corners of the earth, and the American public would not have been surprised had the negotiations in the International Labour Conference been also barren of results. There was, however, this material difference between the two Conferences. No agenda had been prepared for the Industrial Conference, which therefore had no definite programme of work or method of procedure before it and broke down after consideration of two resolutions unduly pressed forward by the Labour group, one of which was an issue not really germane to the purposes of the Conference, and the other of which was a particular subject prematurely put up for discussion before general principles were agreed upon. The International Labour Conference, on the other hand, sat down to discuss a carefully prepared agenda of important subjects all capable of independent discussion by delegates who had travelled thousands of miles to attend the meetings and were anxious to have some tangible results to show for their labours. Through the failure of the Industrial Conference, too, each of the groups learned anew the lesson that

it is not by extreme measures, but by patient negotiations and mutual concessions, that a common understanding can be arrived at.

On the first day of the Conference, 29th October 1919, Mr. Arthur Fontaine (France), Chairman of the Organising Committee, submitted a report summing up the labours of that Committee from the date of its first meeting at Paris on 14th April 1919. The Committee had sat in London from 6th to 9th May and on 10th idem had issued a circular and questionnaire to the Governments of the various countries with a view to ascertaining all the information available regarding the protective labour legislation proposed for discussion at the International Labour Conference at Washington. (The agenda for the Washington Conference had been published* as an annex to the Labour Section of the Peace Treaty). Further meetings were held in Paris on 28th and 29th June and in London on 31st July and 5th August, after which on 20th August the Organising Committee summed up its work and its proposals in a circular addressed to all the Governments and through them to all the delegates already appointed. This circular contained information and referred to matters of importance to delegates, but I received no copy and did not know of its existence until Mr. Fontaine read an extract from it when submitting the Committee's report on 29th October. Nor did I know that the Organising Committee had drawn up a suggested programme of the proceedings at the Conference at Washington, copies of which they had asked the Governments to communicate to each of their delegates. Of course the circumstances of the first Conference were altogether exceptional, but no doubt the Indian Government in future will make a point of seeing that delegates from India are put in possession of all the circulars and information to which they are entitled so that they may be placed at as little disadvantage as possible when attending meetings of the International Labour Conference.†

In the discussion on the Organising Committee's report an interesting sidelight was thrown on the Constitution of the Conference by the request of a Government delegate from Ecuador that a Spanish translation should be made of the report, on the ground that there were present twenty-five persons belonging to and representing eighteen Spanish speaking nations. As a matter of fact, not only

* See page 34.

† These circulars did not reach India till after the delegation had sailed,

the report but also all the proceedings of the Conference were translated into Spanish, but a request by a Government delegate from Spain that Spanish should be one of the official languages of the Conference along with French and English was withdrawn on the understanding that it might be raised later before the Committee on Standing Orders. It should be explained that speeches in English had to be summarised in French and *vice versa* throughout the proceedings and when delegates from Spain, Italy, the Netherlands and other countries spoke in their own languages, the translation of their speeches into both English and French took up a good deal of the time of the Conference. It is not to be wondered at, therefore, that the Committee on Standing Orders came to the conclusion that the introduction of a third official language was impossible.

In the course of the first day's proceedings a resolution was unanimously adopted inviting the United States' Employers' and Workers' Organisations to send delegates to the Conference. So far as I am aware no reply was received from the Employers, but on the 31st October a letter was received intimating that Mr. Samuel Gompers had been nominated to represent the American Federation of Labour at the Conference. He, however, attended only one plenary sitting on the 5th November when the 8 hours day was under discussion.

It may be advisable to give here details as to the various countries represented at the Conference. The 32 original members of the League of Nations signatories of the Treaty of Peace were entitled to send delegates as also were the 13 States invited to accede to the Covenant. The names of these 45 states will be found in the Annex to the Covenant of the League of Nations which forms Part I of the Treaty of Peace. In addition to these states, Germany and Austria were admitted to membership of the International Labour Organisation at the plenary sittings of the Conference on 30th October, in anticipation of their admission to the League of Nations, and in view of their expressed willingness to co-operate in the work of the Labour Organisation, the only dissentient vote being that of Mr. Louis Guerin, the Employers' Delegate from France, who when the resolution was carried—for 71, against 1—abstention 1, remarked "It is splendid to be alone." Mr. Jules Carlier, the Employers' delegate from Belgium, abstained from voting. He explained that

the Belgian employers did not wish to vote against Germany's admission for economic reasons but neither did they wish to vote for the motion, because Germany had cynically violated all her engagements towards Belgium's entire industry. On the 4th November a telegram of the previous day's date was received from the General Federation of German Trade Unions, the Federation of Christian Trade Unions of Germany and the Federation of German Trade Unions, saying the German workers welcomed admission to the Conference and advising that as soon as passages were available the German representatives would be glad to co-operate in the important work of the Conference in the interests of the workers of all countries. On 17th November the Conference was advised of the receipt of a telegram from Berlin saying the German delegates and advisers were to sail on the 18th from Gothenburg and that the German Government hoped they would arrive in time, to which a reply was sent that they could not arrive in time as the Conference would likely end on 29th November. On the 18th another telegram was received from Berlin to the effect that in the circumstances the journey of the German delegates had unhappily to be abandoned. On the 13th a telegram was received from the Austrian delegation at Paris saying it would not be possible, for known reasons, for the Austrian Government to send representatives but they and the Commission of the Austrian Trade Union sent best wishes for the final success of the Conference.

On 12th November the Conference passed a resolution to the effect that having received no official application for admission to the Conference from the Governments of Luxemburg, San Domingo and Mexico it could make no recommendation as to their admission. At its meeting on 24th November, however, the Conference was advised of the receipt of a message from the Minister of State of Luxemburg asking that Luxemburg should be admitted to the Conference and this State was therefore admitted on the same terms as Finland, though too late of course to be represented at Washington. The question of admitting Finland took up two full sessions of the Conference on 12th and 13th November, but ultimately it was unanimously decided to invite that State's delegates who were actually in Washington to take part in the Conference.

In the Provisional List of the Members of the Delegations present at Washington, San Domingo is shown as represented by a Workers'

delegate, who, however, had no standing as his State had not applied for admittance to membership of the Conference. Bolivia is also in the list with a Government delegate but so far as I am aware he never put in an attendance. In view of discussions which took place regarding the constitution of the Governing Body and representation of Continents the following abstract is of interest :—

I. Original members of the League of Nations (32) :—

EUROPE.	AMERICA.	ASIA.	AFRICA.	AUSTRALASIA.
Belgium	United States	India	South Africa	Australia.
France	Bolivia	China	Liberia	New Zealand.
Great Britain	Brazil	Hedjaz		
Greece	Canada	Japan		
Italy	Cuba	Siam		
Poland	Ecuador			
Portugal	Guatemala			
Roumania	Haiti			
Serb-Croat-Slovene	Honduras			
Czecho-Slovakia	Nicaragua			
	Panama			
	Peru			
	Uruguay			

II. States invited to accede to the Covenant (13) :—

EUROPE.	AMERICA.	ASIA.
Denmark	Argentina	Persia
Netherlands	Chili	
Norway	Colombia	
Spain	Paraguay	
Sweden	Salvador	
Switzerland	Venezuela	

III. Other states admitted to Conference (4) :—

EUROPE.
Germany, Austria, Finland and Luxemburg.

IV. States not admitted to Conference (2) :—

AMERICA.

Mexico and San Domingo.

TOTAL OF ABOVE STATES.	EUROPE. 20	AMERICA. 21	ASIA. 6	AFRICA. 2	AUSTRALASIA. 2	TOTAL. 51		
<i>Absent from Conference.</i>								
Germany	}	5	1	1	2	}		
Austria								
Luxemburg								
Bolivia	}						}	
Mexico								
San Domingo								
United States								
Honduras	}							
Hedjaz								
Liberia								
Australia	}							}
New Zealand								
<i>Represented at Conference</i>	17	16	5	1	...	39		

Each State is entitled to send to the International Labour Conference four representatives, of whom two shall be Government delegates, the other two delegates representing respectively the employers and the workpeople. For various reasons many of the States were not fully represented and an abstract of the official list of delegates shows 72 representatives of Governments, 25 of Employers and 24 of Workers, making altogether 121 delegates present at the Conference at Washington. Fifteen States were represented by Government delegates only. Each delegate might be accompanied by advisers not exceeding two in number for each item on the agenda. The Delegates' Official Guide gives the names of 290 delegates and advisers recognized by the Conference, many of the delegations being of considerable size. Canada, for instance, came 30 strong, Belgium and Japan each with 23 and Great Britain with 21 delegates and advisers. Indeed, a feature of the Conference and of the Committee meetings was the number of Japanese present either as delegates, advisers, secretaries or interpreters, while editors and correspondents of Japanese newspapers were constantly in evidence. About half the total number of delegates and advisers

officially recognized were representing Governments, Employers being content with about 60 and Workers with about 80 representatives.

The credentials of delegates and their advisers were subject to scrutiny by the Conference, which might refuse to admit any person not properly nominated. No questions arose regarding Government delegates, but exception was taken to certain non-Government delegates, and one of the first things the Conference did was to nominate a Credentials Committee consisting of one representative from each of the three groups. Protests were laid before this Committee in regard to the constitution of the Delegations of France, South Africa, Japan, Cuba, Argentine and Guatemala. All these protests were made by, or on behalf of, Labour organisations in the countries named, which took exception to the nomination of the workers' delegates representing these countries. Under the Peace Treaty, non-Government delegates have to be chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or work-people, as the case may be, in their respective countries; and the objections to the workers' delegates were based on this provision of the Peace Treaty. The Credentials Committee, after careful enquiry, recommended that no action should be taken on the objections referred to them, and the workers' delegates from the countries mentioned were allowed to retain their seats in the Conference. At the same time the reports of the Organising Committee and the relative discussions in the Conference provide interesting reading and all go to indicate that, in the near future, the tendency will be to scrutinise strictly the credentials of non-Government delegates. In countries where organised labour does not exist, the responsibility of the selection of the labour delegate rests entirely with the Government.

On the third day of the Conference, Secretary of Labour Mr. Wilson was appointed President. Vice-Presidents were appointed from each of the three groups in the persons of the Right Honourable G. N. Barnes, M.P., one of the Government delegates from Great Britain, Mr. Jules Carlier, Employers' delegate from Belgium, and Mr. Leon Jouhaux, Workers' delegate from France. Mr. H. B. Butler from the office of the British Ministry of Labour, who had been acting as Secretary to the Organising Committee, was appointed Secretary-General to the Conference. After the appointment of these officers the Conference proceeded to set up the Committees

necessary for the conduct of work. These included a Commission of Selection composed of twelve Government delegates, six Employers' delegates, and six Workers' delegates, a Committee on Standing Orders, and a Committee on Admissions. Mr. Joshi took the place of Mr. Gompers on the last named Committee, while Mr. Kershaw was a member of the Committee which considered the draft Standing Orders and reported thereon to the Conference.

It was the fifth day of the Conference before the delegates settled down to consideration of the items of the agenda specified in the Peace Treaty. The first and most important item, namely, the application of the principle of the 8-hour day or of the 48-hour week, was introduced by Mr. Barnes who submitted the following resolution:—

“That the Draft Convention [of the 48-hour week] prepared by the Organising Committee be adopted by the Conference as the basis for discussion, but that the question of its application to the tropical and other countries referred to in the third paragraph of Article 405 of the treaty be referred in the first instance for consideration by a special committee which shall report to the Conference.”

This was seconded by one of the Italian Government delegates, and caused a discussion extending over two full sessions of the Conference. On the second day of the debate Mr. Gompers was present and proposed that the whole subject be referred to a special Commission. Mr. Kershaw, on behalf of the Indian delegation, objected to this proposal on the ground that the case of the Eastern countries required a special committee for the consideration of their particular problems. Ultimately Mr. Barnes' motion was carried with the omission of the words “of the 48-hour week” shown in brackets above. These words were eliminated on the suggestion of one of the French Government delegates in order to meet the wishes chiefly of workers' delegates who took exception to the mention of the 48-hour week without a reference to the 8-hour day.

The general discussion on the question of the 8-hour day or 48-hour week continued until the ninth day of the Conference when, by a vote of 66 in favour and none against, the following resolution was carried:—

“Resolved that the Draft Convention and the proposed amendments submitted by the employers, employees and

Governments be referred to a commission to be appointed for consideration and report.”

On the same day the Committee of Selection proposed that the Committee to examine the conditions in tropical countries should consist of three representatives from each of India, Japan, South Africa and tropical America; one representative from each of China, Persia and Siam, together with one Government delegate from each of Great Britain, Italy and Switzerland, one Employers' delegate from each of Great Britain, France and Poland, and one Workers' delegate from each of Great Britain, Italy and the Netherlands. The Constitution of this Committee of 24 members was unanimously approved of by the Conference. It held its first meeting the following day, 11th November, and sat continuously until the 24th November. The main Committee on Hours of Work consisted of fifteen members, five delegates from each of the groups. The results of the deliberations of both Committees, as adopted by the Conference, are incorporated in the Draft Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.

On the fifth day of the Conference, Committees were appointed to consider the following items in the agenda, namely:—

- (1) The question of preventing or providing against unemployment.
- (2) The question of the employment of women and children in unhealthy processes.
- (3) The question of the employment of women (a) before and after childbirth, (b) during the night; and
- (4) The question of (a) the minimum age of the employment of children, (b) the employment of children during the night.

While some of the questions referred to these Committees were of greater interest than others to India it was desirable that India should be represented on all the Committees. Mr. Kershaw was already acting on the Committee on Standing Orders, and Mr. Joshi (for Mr. Gompers) on the Committee on applications for admission to the Conference. Both they and myself had put down our names for the Committee on special countries, the proceedings of which we knew would occupy a good deal of time. All the same it was desirable that India should be represented on the other committees

but owing to the small size of the Indian Delegation this could not be arranged. India, therefore, had no representatives either on the Committee on unemployment or on the Committee on unhealthy processes. Mr. Kershaw and Mr. Joshi acted on the Committee on the employment of women, and Mr. Joshi and myself on the Committee on employment of children. Mr. Chatterjee acted in conjunction with Mr. Kershaw on the various Committees on which India was represented by a Government delegate, while Mr. Joshi had Mr. Wadia to officiate for him. The Employers' delegate from India had no advisers and the scope of his activities was limited accordingly. In addition to Committee meetings there were also daily meetings of the Employers' group at which matters of interest to employers were discussed in detail. In the circumstances it was impossible for me, acting alone, to find time to attend to various meetings and matters deserving the attention of the Employers' delegate. I had therefore to depend to a considerable extent on fellow delegates or their advisers for information as to what was passing in the several Committees of which I was not a member. This was an unsatisfactory position to be in, and no doubt care will be taken to obviate this disadvantage at future conferences.

Six draft Conventions and six Recommendations were adopted by the Conference as the result of the deliberations of the various committees and of the discussions on their reports in the plenary sittings of the Conference. In order to arrive at a proper understanding of the decisions reached in the Conference regarding India, it is necessary to refer in detail to the proceedings leading up to the adoption of the several drafts.

Draft Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week. [See page 76.]

At an early stage of the Conference we had expressions of opinion from delegates belonging to each of the groups which showed clearly the attitude of western nations towards India and other eastern countries. In discussing the question of the 8 hour day and the 48 hour week on the sixth day of the Conference, one of the Italian Government delegates remarked: "What is the purpose of this Conference? Its purpose is to come to international understandings so that it may be impossible for some country, by not adhering to

regulations of labour accepted in other countries, to exercise an unfair competition and react unfairly on those countries which have a labour legislation." On the same day, the Employers' group put forward as an alternative to, or for consideration along with, the draft convention prepared by the Organising Committee, proposals which included the following:—

"As regards the general exceptions granted on account of climatic conditions, incomplete development of industrial organisation or other special circumstances affecting the efficiency of the workers, as indicated in Article 405 of the Treaty of Versailles, such an exception may not be claimed in any legislation with reference to export industries."

On the eighth day of the Conference the Workers' group put forward an alternative draft Convention, Article 9 of which reads as follows:—

"In those countries in which climatic conditions render the

- industrial efficiency of the workers substantially different, the following modifications of the provisions of this Convention may take effect.

And it was explained by the spokesmen of the Workers' delegates that "we have deliberately excluded the words 'the imperfect development of industrial organisation.' Of course we consider that dangerous, because we consider that no one can determine properly what they mean and because in any case we are opposed to anything being done except in countries where obviously the physical circumstances are such as to make it necessary to have a deviation."

The following day the Japanese Employers' delegate rose to a point of order in the Conference and pointed out that the amendment of the Workers' group could not be accepted in that it was contrary to Article 405 of the Peace Treaty which was mandatory and not optional in character. From the appendices attached to the report of the Commission on Hours of Work, published in the Provisional Record of the 15th day, it appears that the Workers' amendments were brought up for discussion in the Commission, but the Employers' group revised their original proposals and reserved their amendment to Article 9 of the Organising Committee's Draft

Convention until the publication of the proposals of the Tropical Committee.

I have referred to the foregoing incidents of the Conference in order to indicate the spirit in which delegates from other countries approached consideration of the application of the principle of the 8-hour day and 48-hour week to the special countries, as specified in Article 405 of the Peace Treaty. At the same time, I have pleasure in putting on record an appreciation of the open-minded manner in which delegates from other countries listened to the arguments and weighed the evidence put before them in the Committee appointed to consider the case of the special countries. This Committee was fortunate in having as its Chairman Mr. Barnes, whose long experience and intimate knowledge of labour questions were invaluable when it came to considering the application of western methods to eastern conditions. All the delegates of the special countries submitted to the Committee statements of their views on the question of working hours which were supplemented by the oral evidence. Copies of the written statements put in by the delegates from India of Government, Employers and Workers respectively have already been sent out to India, and the contents need not be referred to here. A good deal of the time of the Committee was taken up in discussing the case of Japan. The Workers' delegate from that country pressed the view that no case could be made out for exceptional treatment of Japan in connection with the 8-hour day. He moved that Japan be excluded from the list of countries to which special concessions should be granted, but this proposal was defeated in Committee by nine votes to three. It was unanimously agreed that India, Persia, Siam and China were entitled to special treatment. The extent of this special treatment caused considerable discussion, but eventually the Committee agreed upon recommendations which are incorporated in two reports published in the Provisional records of the 16th and 17th days of the Conference. The second of these reports dealt with Greece and Roumania only. In the latter country a delay of three years was granted in the application of the 8-hour day Convention for special reasons in connection with the demobilisation of the army and the removal of machinery from occupied territory. Delays of two years and three years respectively were granted in the case of certain industries in Greece for several reasons applicable chiefly to new areas of territory brought under the jurisdiction of the Greek Govern-

ment where it would take some time to organise not only industry but efficient administrative services. The first report covered all the other countries for which special treatment was required and will well repay perusal.* As regards Tropical American countries all the delegates desired was an expression of opinion as to when agriculture ended and industry began in sugar plantations, etc. The Committee were of the opinion that the solution of this difficulty was entirely within the jurisdiction of the competent national authority whose duty it was, under the terms of the main Convention, to define the line of division which separates industry from commerce and agriculture.

The Committee recommended that no modifications of the Convention as regards South Africa should be made until the Government of that country should lay before next Conference a statement of the modifications (if any) which it thought desirable to suggest in connection with industries such as coal mining and sugar refining.

Article II of the Draft Convention as adopted by the Conference reads as follows:—

“The provisions of this Convention shall not apply to China, Persia and Siam, but provisions limiting the hours of work in these countries shall be considered at a future meeting of the General Conference.”

The Government of each of these countries is to be asked to accept the principle of the protection of labour by factory legislation, and to submit proposals to next Conference.

The modifications in the application of the Convention to Japan are set forth in Article 9 of the Draft Convention adopted by the Conference and include:—

- (a) Permission to work up to 60 hours per week in the raw silk industry, and up to 57 hours per week in other industries except mines, where miners engaged in underground work may work up to 48 hours only in the week.
- (b) Permission to treat persons of 15 years of age as full time workers until July 1925, when the age shall be raised to 16.

* See page 72.

- (c) The alteration in the number of persons employed in a place to make it liable to factory legislation from 15 or more (as at present) to 10 or more, instead of as under the main Convention where the employment of only one person brings a place within the scope of factory legislation.
- (d) Permission to delay the application of the Convention until 1st July 1922 instead of 1st July 1921.

It was only after a spirited debate and in the face of a minority report from the Japanese Workers' delegate, that the Committee's Report suggesting the above modifications for Japan was carried in the General Conference. On behalf of the Workers' group a motion was brought forward to the effect that the industrial condition of Japan was such as to justify the applications of the 8-hour day and the 48-hour week to all its industries within two years. This motion was proposed by one of the Vice-Presidents of the Conference, Mr. Jouhaux, the Workers' delegate from France, who is the Secretary-General of the leading Confederation of Labour in that country and also First Vice-President of the International Federation of Trade Unions. It was seconded by the Workers' delegate from the Netherlands, Mr. Oudegeest, who is also Secretary of the International Federation of Trade Unions. At one stage of the proceedings it looked as if the influence of the labour leaders would prevail, but a telling speech from Mr. Barnes, who emphasised the necessity for treating the understanding arrived at in Committee as of the nature of bargains or treaties, turned the scale against the labour leaders' motion which was defeated by a vote of 45 to 42; and ultimately the Committee's report regarding Japan was adopted, the vote being 56 for and 5 against.

The recommendations of the Committee as regards India are incorporated in Article 10 of the Draft Convention adopted by the Conference which reads as follows:—

"In British India the principle of a sixty hour week shall be adopted for all workers in the industries at present covered by the Factory Acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this

Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference."

Under the existing Indian factory laws, adult males may work twelve hours per day in Indian textile industries, women 11 hours, and children (between the ages of 9 and 14) 6 hours. If the Draft Convention is ratified by the Indian Legislature, the effect of the foregoing article will be to limit the hours of work in Indian industries to 60 per week for both men and women. It will be observed that Article 10 applies to mines as well as other industries. The limitation of hours of work of adults in mines, will, if adopted, form a new departure in Indian mining legislation, and this question will require careful consideration by those interested. Indeed the Committee recommended that the Government of India should be asked to consider the possibility of limiting the hours of underground work in mines to 54 in the week. They also recommended that the Government of India should be asked to consider the possibility of adopting a modified definition of "Factory," which would reduce the number of workers required to bring a factory under the scope of the Act. Under the existing Indian factory laws, this number is fixed at 50, although in certain cases it may be, and has been, reduced to 20.

Mr. Joshi, the Workers' delegate from India, gave notice of a motion to add to the proposed Convention concerning India.

- (1) The word "Factory" in the Convention to be applied to India should mean "any industry worked with steam, water or any other mechanical power or electrical power and employing not less than ten persons."
- (2) The hours of work for women employed in factories shall not exceed 54 a week.
- (3) Children under 14 shall not be employed for more than 30 hours a week.

These particular proposals had all been fully discussed in Committee and were brought up in the General Conference by Mr. Joshi in the hope that he might be successful in getting them adopted there. On the second last day of the Conference, however, Mr. Joshi withdrew his proposed amendment in order to save time and contented himself by putting in a written statement which

appears in the Provisional Record of the 20th day of the Conference. He closes that statement by saying that he postpones consideration of the questions mentioned in his amendment to the next year's meeting of the Conference in the strong hope that they will then receive very sympathetic consideration. The Committee's Report regarding India and the other countries, except Japan, was adopted by the Conference by a vote of 67 to 1, the dissenting vote being that of the Workers' delegate from Belgium, Mr. Mertens, who is one of the Vice-Presidents of the International Federation of Trade Unions.

In addition to the Draft Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, two resolutions were passed by the main Committee on the Hours of Work. One had reference to work of re-construction in devastated areas, which it was agreed justified special consideration. The other was in the following terms:—

The provisions of this convention shall not interfere with any better conditions already in operation, or agreed upon, for all or part of the workers of any country, neither shall they interfere with any negotiations now proceeding in which the workers are asking for better conditions than the convention provides.

Both resolutions were adopted unanimously at the plenary sitting of the Conference on 25th November. Another resolution of importance was proposed by the Workers' delegates from France and Italy and was ultimately carried unanimously on the second last day of the Conference in the following form:—

The Conference hopes that in no case should the wages of workmen be reduced simply by reason of the introduction of the 8-hour day, and the 48-hour week, in order that the conditions which exist in certain industries and which the present convention allows to continue may not be aggravated by the imposition of lower wages on the workers.

Draft Convention concerning unemployment. [See page 85.]

Recommendation concerning unemployment. [See page 104.]

Recommendation concerning reciprocity of treatment of foreign workers. [See page 107.]

On 3rd November the Conference referred to a Commission of 30 members, the consideration of the second question on the Agenda viz.:—"Preventing or providing against unemployment." The Indian delegation was not represented on this Commission. In the course of its deliberations, various questions of considerable magnitude and complexity arose and had to be investigated, and the Report of the Commission which was published in the Provisional Record of the 15th day of the Conference is of great interest although, at the moment, it has little direct bearing on the question of employment or unemployment in India. The report is in six chapters dealing respectively with the questions of:—

- (1) The collection and publication of information.
- (2) Employment.
- (3) Insurance against unemployment.
- (4) The distribution of public works.
- (5) Protection for unemployed foreign workers.
- (6) Reciprocity in the treatment of foreign workers.

The debate on the Report extended over three full sessions of the Conference, and gave delegates opportunities of bringing forward proposals of a somewhat original nature. In this connection particular reference might be made to the discussions relating to the Minority Report on a motion offered by the Italian Workers' delegate in the following terms:—

Considering that the question of unemployment is closely related to that of the distribution of raw materials and the means of maritime transport and freight rates, considering further that the question can only be effectively dealt with by the Council of the League of Nations, it is recommended that the Council should undertake to examine and solve the problem.

It was only natural that this motion should receive considerable support from countries which are short of raw materials, but the closeness of the voting came as a surprise, the actual figures being 40 in favour of and 43 against the motion, which was therefore lost.

Eventually the proposals of the Committee were adopted by the Conference and incorporated in the Draft Convention and the Draft Recommendation concerning unemployment, copies of which are given at pages 85 and 104. It will be seen that the Draft Convention

provides for periodical statistical information concerning unemployment, a system of free public employment agencies, and reciprocity of insurance benefits to the workers of different countries. The Recommendation concerning unemployment covers the prohibition of employment agencies for profit, the recruiting of workers by mutual agreement between countries, unemployment insurance, and the co-ordination of work undertaken under public authority, with a view to reserving such work, as far as practicable, for periods of unemployment and for districts most affected by it. The General Conference also adopted another Recommendation covering reciprocity of treatment of foreign workers as regards the benefit of laws and regulations for the protection of workers and the right of lawful organization enjoyed by them.

In addition to the foregoing Draft Convention and Recommendations, the Conference passed three Resolutions referring to unemployment. The first of these invites the Governing Body to form an International Commission empowered to formulate recommendations as to the best methods to be adopted in each State for collecting and publishing information regarding unemployment. The second Resolution provides for the establishment of a special section of the International Labour Office which will be charged with the consideration of all questions concerning the migration of all workers and the situation of foreign wage earners. The third Resolution provides for the appointment by the Governing Body of an International Commission to consider, and report to the next Conference, what measures can be adopted to regulate the migration of workers out of their own States, and to protect the interests of wage earners residing in a State other than their own; the representation of States in the European countries on this Commission being limited to one half of the total membership of the Commission. This last clause regarding representation was inserted in the Resolution at the instance of the Employers' delegate from South Africa, who voiced a general feeling of dissatisfaction regarding the constitution of the governing body with whom rested the appointment of the International Commission.

Draft Convention concerning the employment of women before and after childbirth. [See page 88.]

On 4th November the Conference appointed a Committee of 21 to consider the employment of women (a) before and after

childbirth, including the question of maternity benefit; (b) during the night, with special reference to the Report of the Organising Committee on this subject and the recommendations made on the report. Mr. Kershaw and Mr. Joshi represented India on this Committee, which included six ladies. Other women advisers not actually nominated had the right to be present at meetings of this Committee in their capacity as advisers. One of the advisers to the Government delegates from Great Britain, Miss Constance Smith, Senior Lady Inspector of Factories, was elected Chairman of the Committee and presented its Report to the Conference on 28th November. A good deal of discussion ensued before the terms of the Draft Convention concerning the employment of women before and after childbirth were finally adjusted. The Spanish Government delegates endeavoured to make the proposed convention applicable to commercial as well as industrial undertakings, but their motion was lost by a vote of 43 against 40. During the afternoon session of the same day, the French Workers' delegate made another effort in a similar direction but Mr. Barnes, who was in the chair, ruled against Mr. Jouhaux's motion. The subject, however, was brought up again on the last day of the Conference, and by a vote of 48 for and 41 against, it was decided to amend the Draft Convention so as to include commerce as well as industry. This Convention therefore differs from all the other Draft Conventions and Recommendations adopted by the Conference in that it applies to commercial undertakings whereas the others are limited to industrial undertakings only.

The Spanish Government delegate also proposed an amendment to the Convention to the effect that the amount of the maternity benefit should be determined by taking into account the number of children of the worker entitled to such benefit. Twice the vote on this amendment resulted in a tie, and a majority not having voted in favour of it, the amendment was lost. From the copy of the Draft Convention, see page 88, it will be seen that a woman in any public or private industrial or commercial undertaking will not be permitted to work for six weeks following her confinement; will have the right to leave work if she produces a medical certificate stating that her confinement will probably take place within six weeks, and will, while she is absent from her work, be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance.

Besides the Draft Convention, the Conference adopted a resolution submitted by the Committee recommending that the Government be requested to study the question of giving every working woman the right to remain away from work after the birth of a child for a longer period than that fixed in the Draft Convention and to receive certain benefits during her absence for the purpose of enabling her to remain with and nurse her child, this subject to be placed upon the agenda for next Conference. The following motion proposed by the Committee was also carried in the Conference, *viz.* :—

That the Indian Government be requested to make a study of the question of the employment of women before and after confinement, and of maternity benefits before the next Conference, and to report on these matters to the next Conference.

Draft Convention concerning the employment of women during the night. [See page 91.]

As indicated above, the Committee that considered the employment of women before and after childbirth also considered the employment of women at night and the extension and application of the Berne Convention of 1906 on the prohibition of the night work of women employed in industry. In their report the Committee expressed complete agreement with the principle embodied in the Berne Convention that women in industry should not be employed during the night. They proposed some changes on that Convention the main provisions of which, however, will remain untouched. Instead of attempting to modify the existing Convention the Committee recommended that a new Convention concerning the employment of women at night be put forth by the Conference, to supersede the Berne Convention of 1906. A copy of the draft Convention adopted by the Conference is given at page 91. It provides that women shall not be employed during the night in any public or private industrial undertaking, the term "night" signifying a period of at least eleven consecutive hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning. In countries where no Government regulation as yet applies to the employment of women during the night, the term "night" may for a maximum period of three years be declared to signify a period of only ten hours, which is also the period that may be specified in industrial undertakings that are influenced by the seasons and in all cases

where exceptional circumstances demand it. The following articles of the Convention are of particular interest to India, *viz.* :—

- (5) In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.
- (7) In countries where the climate renders work by day particularly trying to health, the night period may be shorter than prescribed in the above articles, provided that the compensatory rest is accorded during the day.

In view of the fact that under the existing Indian factory laws women cannot be employed in factories before 5-30 A.M. or after 7 P.M., the ratification of the proposed convention will not affect Indian industries to any extent.

Recommendation concerning the prevention of Anthrax. [See page 108.]

Recommendation concerning the protection of women and children against lead poisoning. [See page 105.]

Recommendation concerning the establishment of Government Health Services. [See page 108.]

On 4th November the Conference appointed a Committee of 21 members to consider items Nos. 3(c) and 4(c) on the agenda, *viz.* :— the employment of women and children in unhealthy processes. Twelve different countries were represented on this Committee in which none of the Indian delegates had a seat. The report of the Committee is published in the Provisional Record of the 12th day of the Conference, and forms an interesting and instructive treatise on subjects which, as yet, have received little attention in Indian factory legislation. The typically unhealthy processes considered by the Committee were (1) Intoxication by lead; (2) Infection from anthrax; and (3) Intoxication by carbonic oxide gas. All three affect men, women and children in industry, and the general principles of exclusion or limitation of women and children in them hold good for practically all other unhealthy processes.

the 12th day of the Conference which also contains notice of an amendment to the proposed Draft Convention by the British Workers' delegate. This amendment was in identical terms to that proposed by the Indian Workers' delegate when the question was under consideration in Committee. When the report came up for discussion on the 13th day of the Conference Miss Margaret Bondfield, a member of the Parliamentary Committee of the Trades Union Congress, one of the advisers to the British Workers' delegate, on behalf of that delegate moved the amendment standing in his name. The Italian Workers' delegate seconded the amendment which was supported by Mr. Joshi in a speech which is reported in full in the Provisional Record of the 13th day of the Conference. Mr. Chatterjee and the Government delegate from South Africa both spoke against the amendment, and strongly advocated the adoption of the report of the Committee which had carefully considered the whole question and had submitted recommendations based on the evidence. After the closure of the debate was moved by the Workers' delegate from Canada, the amendment of the British Workers' delegate was carried by a vote of 39 to 21. When the Draft Convention was submitted for approval on the 20th day of the Conference it was adopted by a vote of 91 to 3, the dissenting three being the Indian Government delegates and Employers' delegate.

Article 6 of the Draft Convention* fixing the minimum age for admission of children to industrial employment, reads as follows:—

“The provisions of Article 2 shall not apply to India but in India children under twelve years of age shall not be employed (a) in manufactories working with power and employing more than ten persons; (b) in mines, quarries, and other works for the extraction of minerals from the earth; (c) in the transport of passengers or goods or mails by rail, or in the handling of goods at docks, quays and wharves, but excluding transport by hand.”

If ratified by the Indian Government, the effect of this Article will be to raise the age limit of children from 9 to 12 years, to widen the existing definition of a factory and to bring mining and the transport and handling of goods within the scope of factory legislation in India.

It will be noted that the age limit for children in other countries ratifying the Convention is fixed at 14 years except in the case of

* See page 95.

Japan where children over 12 may be admitted into employment if they have finished the course in the elementary school. It is proposed that every employer shall keep a register of all persons under the age of 16 years employed by him in industrial undertakings. The Convention need not be brought into operation until 1st July 1922.

Draft Convention concerning the night work of young persons employed in industry. [See page 99.]

The report of the Committee on children's employment on the second question referred to them—the employment of young persons during the night,—is published in the Provisional Record of the 16th day of the Conference. Subject to slight amendments in the debate which took place on the 20th day, the report was adopted and is incorporated in a Draft Convention, see page 99. Its leading provision is contained in Article 2 which prohibits the employment during the night of young persons under 18 years of age. This is an advance of 2 years on the limit which was adopted at the Berne Conference in 1913. Provision, however, is made for young persons over 16 being employed during the night in certain processes which are required to be carried on continuously day and night. As in the case of the Draft Convention concerning the employment of women during the night, the term “night” in this convention signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning. And here also it is provided that in those tropical countries in which work is suspended during the middle of the day the night period may be shorter than eleven hours if compensatory rest is accorded during the day. The latter provision was inserted at the instance of the Indian delegation after being omitted in the Draft of the Organising Committee although included in the Berne Draft Convention of 1913.

Article 6 of the Draft Convention provides that:—

In the application of this Convention to India, the term “industrial undertakings” shall include only “factories” as defined in the Indian Factory Act, and Article 2 shall not apply to male young persons over fourteen years of age.

Under the existing Indian factory laws, no woman or child may be employed in any factory before half past five o'clock in the morning or after seven o'clock in the evening. The prohibition therefore of the employment during the night of young persons under 18 years of age will not affect Indian industries so long as Article 2 is not made applicable to male young persons over 14 years of age.

This convention need not be brought into operation before 1st July 1922.

Recommendation concerning the application of the Berne Convention of 1906, on the prohibition of the use of white phosphorus in the manufacture of matches. [See page 109.]

A statement as to the position of this matter is contained in the Report of the Organising Committee, and this was supplemented by further information received during the Conference in reply to a letter addressed by the Secretary-General to the delegates of the countries which have not adhered to the Berne Convention of 1906. The position at date is detailed in the Proceedings of the Conference as published in the Provisional Record of its 23rd session. It is recorded there that the Indian Government state they have requested His Majesty's Government to give formal notice of the adhesion of India to the Berne Convention. On the motion of one of the British Government delegates, it was resolved that the Conference recommends to all members of the International Labour Organisation which have not already done so that they should adhere to the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches. This resolution having been adopted by the Conference was incorporated into a Recommendation, a copy of which will be found at page 109.

On the last day of the Conference, one of the French Government delegates, on behalf of the Drafting Committee, proposed the following resolution:—

That the Conference express the wish that the provisions of the draft conventions adopted by the Conference may be followed in the legislation of all industrial countries, and to this end it directs the Governing Body of the International Labour Office to communicate the text of the draft conventions to all the Governments of the states which are not

members of the International Labour Organisation and to study the possible methods for inducing these states to embody the provisions of these conventions in their domestic legislation.

After this resolution was carried the following motion was also agreed to:—

Seeing that the Treaty of Peace has not yet been ratified, the Conference gives authority to the Governing Body to take such measures as may be necessary to render the resolution of the Conference effective. Therefore, when this Conference adjourns to-day, it adjourns leaving it at the discretion of the Governing Body to re-convene the present meeting or to declare it closed as may be deemed advisable.

It is possible, therefore, that the delegates may be called together again before long, in order to confirm the proceedings of the Conference at Washington.

It is certain there will be a considerable amount of business ready for discussion at the next annual meeting of the members of the International Labour Organisation. Many notices of subjects for discussion at the next Conference were handed in at Washington. Indeed, on the last day of the Conference, Mr. Fontaine (France), Chairman of the Committee of Selection, expressed the opinion that the number of items proposed was too large to enable them all to be discussed by the next Conference. He therefore submitted a motion that only two very important questions should be formally recommended for next year's agenda, viz.:—the position of agricultural labourers, and the revision of the statutes regarding the composition of the Governing Body. The motion was carried by 41 to 14, but as this was less than a quorum it could not be adopted, and the questions referred to could not be formally placed on record for inclusion amongst the items on the agenda of the next annual meeting. The Canadian Labour delegate therefore proposed that the whole question of the agenda of the next meeting be left to the Governing Body in the same manner as the Organising Committee undertook the work for this Conference, and that each of the different groups should send their suggestions and resolutions to the Governing Body for consideration as contemplated by Article 400 of the Peace Treaty. This motion was carried by 64 votes to 7.

As mentioned in Article 1 of the Draft Convention limiting the hours in industrial undertakings to eight in the day and forty-eight

in the week, the provisions relative to transport by sea and on inland water-ways shall be determined by a Special Conference dealing with employment at sea and on inland water-ways.

The question of revising the Standing Orders and the Statutes regarding the composition of the Governing Body as referred to above, arose largely as the result of the elections of the members of that body at the Conference. In Part XIII of the Peace Treaty, it is provided that the permanent Organisation shall consist of:—

- (1) The General Conference, and
- (2) An International Labour Office controlled by the Governing Body consisting of 24 persons appointed in accordance with Article 393 of the Treaty.

This Article provides that the Governing Body shall be constituted as follows:—

- 12 persons representing the Governments;
- 6 persons elected by the Delegates to the Conference representing the Employers; and
- 6 persons elected by the Delegates to the Conference representing the Workers;

of the twelve persons representing the Governments, 8 shall be nominated by the countries which are of chief industrial importance and 4 by the countries selected for the purpose by the Government delegates to the Conference excluding the delegates of the 8 countries. Any question as to which are the countries of chief industrial importance shall be decided by the Council of the League of Nations.

In the circular letter of 10th May 1919 issued by the Organising Committee, it was pointed out that the appointment of the Governing Body would have to be dealt with at Washington, and the matter was accordingly put down as one of the items on the Organising Committee's suggested programme. In their circular of 20th August 1919 the Organising Committee confirmed a telegram which they had addressed to all the Governments pointing out that the question of the eight countries of chief industrial importance had to be settled before the Washington Conference, and suggesting the following list, viz.:—United States, Great Britain, France, Germany, Italy, Belgium, Japan, Switzerland and Spain, the nomination of Spain to lapse if Germany was admitted to the Conference. On the first day of the Conference, the President of the Organising Committee in his report announced that the above list had been objected to by

Canada, Poland and Sweden, whose objections were transmitted to the League of Nations for decision. It appears that India also objected to the Organising Committee's list. Nothing more was published concerning this matter until the seventeenth day of the Conference when the Secretary-General announced the results of the elections which had taken place in the three groups for members of the Governing Body, viz.:—

(1) *Government Members*:—

- (a) as suggested by the Organising Committee:—
United States, Great Britain, France, Germany, Italy, Belgium, Japan and Switzerland.

- (b) Elected by remaining States:—
Spain, Argentine, Canada and Poland.

(2) *Employers' Nominees from*:—

- Great Britain, France, Italy, Belgium, Czecho-Slovakia and, pending the adhesion of the United States, Switzerland.

(3) *Workers' Nominees from*:—

- France, Germany, Netherlands, Great Britain, Sweden, and, pending the adhesion of the United States, Canada.

In a letter received by the Secretary-General from the Chairman of the Government delegates, it was intimated that, pending the adhesion of the United States, Denmark had been nominated as a substitute among the eight countries of the chief industrial importance. In this letter it was also stated that the Government delegates of China and Japan objected to the Government nominations, advancing amongst other reasons the importance of their united populations which represent more than one-third of the total inhabitants of the globe. It was stated further that the Indian Government delegates refused to take part in the election, against which they protested on the grounds that the Council of the League of Nations had not yet pronounced on the objections lodged to the list of the eight states of chief industrial importance, as proposed by the Organizing Committee.

In the Conference the Cuba Government Delegation, while expressing satisfaction at the nomination of the Argentine Republic, called attention to the fact that only a single place had been assigned

to the twenty Latin-American countries, from whose representatives a written protest was therefore submitted. One of the Government delegates from Ecuador supported this protest in a speech in which he stated that of the 120 members that composed the Committees to study the different matters of the Conference, 100 had been Europeans, 2 had been from the Spanish-American countries and the balance from the rest of the world. In the proposed Governing Body, 20 members had been given to Europe, 3 elsewhere and only 1 to the twenty Latin-American countries. The debate on the subject was closed on the motion of one of the Belgian Government delegates by a vote of 55 to 16, and both the Employers' and Workers' delegates from South Africa intimated that they were lodging objections against the method of electing members of the Governing Body. Their formal letters of protest are published in the Provisional Record of the 20th day of the Conference. On the 19th day the South African Employers' delegates had given notice of motion that the following matter be placed on the agenda of the next Conference :—

That in view of the fact that no less than 20 out of the 24 members of the Governing Body of the International Labour Office, appointed under Article 393 of the Peace Treaty, are representatives of European countries, the Conference proceed under Article 422 of the Treaty to amend the said Article 393 by laying down a maximum total representation of countries in Europe, so as to ensure more adequate representation of countries outside Europe.

On the 18th day of the Conference, notice was given of the following motion to be moved by the South African Employers' delegate :—

That this Conference expresses its disapproval of the composition of the Governing Body of the International Labour Office inasmuch as no less than 20 of the 24 members of that Body are representatives of European countries.

This notice was signed by representatives from 10 countries including, besides Latin-American States, Japan, Canada, India, South Africa and China; but it was not until the very last day of the Conference that the motion was brought to a vote and carried by 44 to 39.

The first meeting of the Governing Body, as elected at the Conference, was held on the 27th day of November when Mr. Arthur Fontaine (France) was elected permanent Chairman. It was decided

not to elect the Director of the Labour Office permanently until the Governing Body had been fully constituted and Mr. Albert Thomas of France was chosen to act as Provisional Director. Mr. Fontaine was one of the French Government delegates to the Conference, and is described in the Official Guide as Director of the Labour Department, Ministry of Labour; Chairman of Executive Committee of the French State Railways. He acted as substitute for the French representative on the Commission on International Labour Legislation set up by the Peace Conference, and was appointed General Secretary of the Commission. He was the French representative on the Organising Committee of the International Labour Conference and was appointed President of the Committee. Mr. Albert Thomas is the well-known French Socialist. He has acted as Under-Secretary for War and also Minister of Munitions in the French Government.

Another meeting of the Governing Body was held at Washington on the 28th November when it was decided that the International Labour Office should be located provisionally in London, which is at present the temporary seat of the Secretariat of the League of Nations. The next meeting of the Governing Body was held in Paris on 26th January 1920, and fixed the date of closing of the Washington Conference as the 27th January 1920.

A. R. MURRAY,
Employers' Delegate.

IX.—THE COMMITTEE ON THE APPLICATION OF THE FORTY-EIGHT-HOUR WEEK CONVENTION TO SPECIAL COUNTRIES.

Article 405 of the Treaty of Peace includes the following paragraph:—

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 organisations 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.

A Committee was accordingly appointed to consider the application of the convention relating to the 48-hour week to India, Japan, Siam, Persia, Tropical America, South Africa and China. An account of its constitution and its deliberations is given in article VIII (pages 50 to 56). Of its report the general portion and the special part relating to India are printed below.

Report of the Committee.

The committee held 10 sessions, the first being on 11th November, and the last on November 22nd. At its first meeting the Rt. Hon. G. N. Barnes (Great Britain) was elected chairman, and Mr. Barnes presided throughout all deliberations of the committee.

The committee took the view that its functions were confined strictly to the consideration of the application of the 48-hour convention to special countries. It did not consider it to be within its province to make special recommendations on the hours of work of particular classes of workers. It conducted all its deliberations on the understanding that nothing embodied in the modified conventions which it proposed and in its further suggestions should be construed as affording any justification for an increase of hours in the case of those workers who, though they came within the terms of the conventions, had already secured shorter working hours.

The committee, however, believes that all the recommendations embodied in its report, represent a substantial improvement in the conditions of the workers in the countries which it has considered.

On the subject of children's employment the committee passed the following resolution:

The committee affirms the principle that, as regards the employment of children in industrial undertakings in which hours of work have been limited by this convention, the limit of eight hours should be regarded everywhere as an absolute maximum, and that, if in any country signatory to this convention there are children working more than 8 hours per day in industrial undertakings, such practice should be discontinued.

The committee is happy to report that it was able to arrive at most of its decisions with a considerable degree of unanimity. The only point of principle on which there was a fundamental divergence of opinion was on the question of the application of the convention to Japan. On this matter, the Japanese labour delegate held the view that Japan should be treated in precisely the same way as the other countries which were parties to the convention, and that no special modifications should be permitted. The grounds for that opinion are set forth in the attached minority report.

The draft convention embodying the detailed modifications with regard to Japan was accepted by 15 votes to 3. The committee desires to express its appreciation of the conciliatory spirit which was displayed by the representatives of Japan in the protracted discussions which preceded the adoption of the modified draft convention.

The reports on India, Siam, Persia, Tropical America, and South Africa, were adopted *nem. con.* The report on China was adopted by 10 votes to 2.

The committee also had referred to it, from the committee on hours of work, the request of the Government delegates of Greece and Roumania, that some delay be granted to those countries in the application of the main convention. The committee unfortunately was not in a position to hear statements from the different interests represented in these countries, and has, therefore, adjourned the consideration of this matter for a short time. It will submit

at an early date a supplementary report as regards these two countries.

* * * *

INDIA.

1. The committee has had the advantage of access to a good deal of the available information about Indian industrial conditions, by means of the official replies of the Indian Government and the statements of the delegates of the Government, the employers, and the workers. But it is clear that that information covers only a relatively small part of the ground, mainly for the reason that in India conditions do not approximate to anything which is known in the western world. The total number of persons in British India employed in organised industrial undertakings, such as factories, mines, and railways, constitutes an insignificant proportion of the whole population. Other industries are still almost universally on a small scale, and the predominant industry of India is agriculture.

2. At the same time it appears that such industries as exist in India, especially textiles, and Government and private railway and engineering shops, are quite well organised. It is true that present Indian conditions are not such as to make easy in the immediate future either large scale factory production or the application of western standards in the restriction of working hours. Nevertheless, in the industries mentioned, something has already been done in both directions. India has had three factory laws, each law marking a substantial advance on its predecessor. The committee has had evidence that the laws have been well administered and are effective.

3. The factory law at present covers mainly textiles and certain branches of railway and engineering work, and applies only to establishments in which at least 50 persons are employed, though it is possible, by administrative order (which has often been brought into effect where abuses were suspected) to bring under the law establishments employing 20 persons.

4. The committee is of opinion that the present conference can legislate usefully only with regard to large industrial undertakings, such as are already within the scope of the factory acts and mines. With regard to these (i.e., all industries at present under the factory acts, mines, and certain branches of railway and iron works), the

committee recommends that the Government of India should be asked to adopt the principle of a 60-hour week.

5. The committee however recommends the conference to lay before the Government of India a very urgent request that it should consider two important matters; first, the possibility of adopting a lower limit for underground work in mines, and secondly, the possibility of adopting in the light of standards accepted in other countries a modified definition of "factory," which would reduce the number of workers required to bring a factory under the scope of the act. The committee thinks that it should be possible at an early date to limit the hours of underground work in mines to 54, or even lower; and recommends this step to the favourable consideration of the Government of India.

6. With regard to small industries, not coming under the provisions of the Factories Act, the Government of India might be requested to expedite as much as possible the collection of information and statistical data. And as apart from this the committee understands that inquiries were initiated several months ago relating to the amendment of the Factories Act with a view to bettering the conditions of labour, the Government of India might also be requested to communicate at the earliest possible date, and if possible before the next conference, to the International Labour Office the results of these inquiries and the proposals of the Government for carrying into effect the tendencies apparent in modern legislation.

7. The committee therefore recommends the conference to embody the substance of paragraph 4 of this report in the form of a convention, and to communicate to the Government of India the observations and requests of the remaining paragraphs.

* * * *

G. N. BARNES, *Chairman.*

H. J. W. HETHERINGTON, *Secretary.*

X.—DRAFT CONVENTIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE AT WASHINGTON.

	PAGE.
Draft Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week	76
Draft Convention concerning unemployment	85
Draft Convention concerning the employment of women before and after childbirth	88
Draft Convention concerning employment of women during the night	91
Draft Convention fixing the minimum age for admission of children to industrial employment	95
Draft Convention concerning the night work of young persons employed in industry	99

Draft Convention limiting the hours of work in Industrial undertakings to eight in the day and forty-eight in the week.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "application of the principle of the 8-hours day or of the 48-hours week," which is the first item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919:

Article 1.

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

- (a) Mines, quarries, and other works for the extraction of minerals from the earth,

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

The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

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

Article 2.

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for.

- (a) The provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.
- (b) Where by law, custom, or agreement between employers' and workers' organisations or, where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the

sanction of the competent public authority, or by agreement between such organisations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour.

- (c) Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Article 3.

The limit of hours of work prescribed in Article 2 may be exceeded 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," but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Article 4.

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

Article 5.

In exceptional cases where it is recognized that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

The average number of hours worked per week, over the number of weeks covered by any such agreement shall not exceed forty-eight.

Article 6.

Regulations made by public authority shall determine for industrial undertakings:

- (a) The permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent.
- (b) The temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

Article 7.

Each Government shall communicate to the International Labour Office:—

- (a) A list of the processes which are classed as being necessarily continuous in character under Article 4;
- (b) Full information as to working of the agreements mentioned in Article 5; and
- (c) Full information concerning the regulations made under Article 6 and their application.

The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organisation.

Article 8.

In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required:—

- (a) To notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts, the hours at which each shift begins and ends. These hours shall be so fixed

that the duration of the work shall not exceed the limits prescribed by this Convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government.

(b) To notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours.

(c) To keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this Convention.

It shall be made an offence against the law to employ any person outside the hours fixed in accordance with paragraph (a), or during the intervals fixed in accordance with paragraph (b).

Article 9.

In the application of this Convention to Japan the following modifications and conditions shall obtain:—

(a) The term "industrial undertaking" includes particularly—

The undertakings enumerated in paragraph (a) of Article 1;

The undertakings enumerated in paragraph (b) of Article 1, provided there are at least ten workers employed;

The undertakings enumerated in paragraph (c) of Article 1, in so far as these undertakings shall be defined as "factories" by the competent authority;

The undertakings enumerated in paragraph (d) of Article 1, except transport of passengers or goods by road, handling of goods at docks, quays, wharves, and warehouses, and transport by hand; and,

Regardless of the number of persons employed, such of the undertakings enumerated in paragraphs (b) and (c) of Article 1 as may be declared by the competent authority either to be highly dangerous or to involve unhealthy processes.

(b) The actual working hours of persons of fifteen years of age or over in any public or private industrial undertaking, or in any branch thereof, shall not exceed fifty-seven in the week, except that in the raw-silk industry the limit may be sixty hours in the week.

(c) The actual working hours of persons under fifteen years of age in any public or private industrial undertaking, or in any branch thereof, and of all miners of whatever age engaged in underground work in the mines, shall in no case exceed forty-eight in the week.

(d) The limit of hours of work may be modified under the conditions provided for in Articles 2, 3, 4, and 5 of this Convention, but in no case shall the length of such modification bear to the length of the basic week a proportion greater than that which obtains in those Articles.

(e) A weekly rest period of twenty-four consecutive hours shall be allowed to all classes of workers.

(f) The provision in Japanese factory legislation limiting its application to places employing fifteen or more persons shall be amended so that such legislation shall apply to places employing ten or more persons.

(g) The provisions of the above paragraphs of this Article shall be brought into operation not later than 1st July, 1922, except that the provisions of Article 4, as modified by paragraph (d) of this Article, shall be brought into operation not later than 1st July, 1923.

(h) The age of fifteen prescribed in paragraph (c) of this Article shall be raised, not later than 1st July, 1925, to sixteen.

Article 10.

In British India the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the Factory Acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

Article 11.

The provisions of this Convention shall not apply to China, Persia, and Siam, but provisions limiting the hours of work in these

countries shall be considered at a future meeting of the General Conference.

Article 12.

In the application of this Convention to Greece, the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1st July, 1923, in the case of the following industrial undertakings:—

- (1) Carbon-bisulphide works,
- (2) Acids works,
- (3) Tanneries,
- (4) Paper mills,
- (5) Printing works,
- (6) Sawmills,
- (7) Warehouses for the handling and preparation of tobacco,
- (8) Surface mining,
- (9) Foundries,
- (10) Lime works,
- (11) Dye works,
- (12) Glassworks (blowers),
- (13) Gas works (firemen).
- (14) Loading and unloading merchandise;

and to not later than 1st July, 1924, in the case of the following industrial undertakings:

- (1) Mechanical industries: Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus;
- (2) Constructional industries: Lime-kilns, cement works, plasters' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work;
- (3) Textile industries: Spinning and weaving mills of all kinds, except dye works;
- (4) Food industries: Flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops;

- (5) Chemical industries: Manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen);
- (6) Leather industries: Shoe factories, manufactories of leather goods;
- (7) Paper and printing industries: Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops;
- (8) Clothing industries: Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories;
- (9) Woodworking industries: Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories;
- (10) Electrical industries: Power houses, shops for electrical installations;
- (11) Transportation by land: Employees on railroads and street cars, firemen, drivers, and carters.

Article 13.

In the application of this Convention to Roumania the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1st July, 1924.

Article 14.

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

Article 15.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

Article 16.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

- (a) Except where owing to the local conditions its provisions are inapplicable; or
- (b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 17.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

Article 18.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

Article 19.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1st July, 1921, and to take such action as may be necessary to make these provisions effective.

Article 20.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Article 21.

At least once in ten years 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 or modification.

Article 22.

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

Draft Convention concerning unemployment.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919:

Article 1.

Each Member which ratifies this Convention shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

Article 2.

Each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale.

The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

Article 3.

The Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

Article 4.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

Article 5.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

- (a) Except where owing to the local conditions its provisions are inapplicable; or
- (b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 6.

As soon as the ratifications of three Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

Article 7.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

Article 8.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1st July, 1921, and to take such action as may be necessary to make these provisions effective.

Article 9.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Article 10.

At least once in ten years 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 or modification.

Article 11.

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

Draft Convention concerning the employment of women before and after child-birth.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment, before and after child-birth, including the question of maternity benefit," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919.

Article 1.

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

- (a) Mines, quarries, and other works for the extraction of minerals from the earth.
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind.
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic

installation, electrical undertaking, gas work, water work, or other work of construction as well as the preparation for or laying the foundation of any such work or structure.

- (d) Transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

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

Article 2.

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

Article 3.

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

- (a) Shall not be permitted to work during the six weeks following her confinement.
- (b) Shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks.
- (c) Shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife. No mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these

benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

- (d) Shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

Article 4.

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

Article 5.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

Article 6.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

- (a) Except where, owing to the local conditions, its provisions are inapplicable; or
(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 7.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

Article 8.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

Article 9.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1st July, 1922, and to take such action as may be necessary to make these provisions effective.

Article 10.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Article 11.

At least once in 10 years 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 or modification.

Article 12.

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

Draft Convention concerning employment of women during the night.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment during the night," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919:

Article 1.

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

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

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

Article 2.

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

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings

during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

Article 3.

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

Article 4.

Article 3 shall not apply:

- (a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.
- (b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

Article 5.

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

Article 6.

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

Article 7.

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

Article 8.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

Article 9.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

- (a) Except where owing to the local conditions its provisions are inapplicable; or
- (b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

Article 11.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

Article 12.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1st July, 1922, and to take such action as may be necessary to make these provisions effective.

Article 13.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Article 14.

At least once in ten years, 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 or modification.

Article 15.

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

Draft Convention fixing the minimum age for admission of children to industrial employment.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children: minimum age of employment," which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919:

Article 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, gas work, water work, 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.

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

Article 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, other than an undertaking in which only members of the same family are employed.

Article 3.

The provisions of Article 2 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 sixteen years employed by him, and of the dates of their births.

Article 5.

In connection with the application of this Convention to Japan, the following modifications of Article 2 may be made :—

- (a) Children over twelve years of age may be admitted into employment if they have finished the course in the elementary school;
- (b) As regards children between the ages of twelve and fourteen already employed, transitional regulations may be made.

The provision in the present Japanese law admitting children under the age of twelve years to certain light and easy employments shall be repealed.

Article 6.

The provisions of Article 2 shall not apply to India, but in India children under twelve years of age shall not be employed :

- (a) In manufactories working with power and employing more than ten persons;
- (b) In mines, quarries, and other works for the extraction of minerals from the earth;
- (c) In the transport of passengers or goods, or mails, by rail or in the handling of goods at docks, quays, and wharves, but excluding transport by hand.

Article 7.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

Article 8.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing :

- (a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect to each of its colonies, protectorates, and possessions which are not fully self-governing.

Article 9.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the members of the International Labour Organisation.

Article 10.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

Article 11.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1st July 1922, and to take such action as may be necessary to make these provisions effective.

Article 12.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Article 13.

At least once in ten years, 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, or modification.

Article 14.

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

Draft Convention concerning the night work of young persons employed in Industry.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened by the Government of the United States of America at Washington on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children during the night," which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919.

Article 1.

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

- (a) Mines, quarries, and other works for the extraction of minerals from the earth.
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind.
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic

installation, electrical undertaking, gas work, water work, or other work of construction as well as the preparation for or laying the foundations of any such work or structure.

- (d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

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

Article 2.

Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night:

- (a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process).
- (b) Glass works.
- (c) Manufacture of paper.
- (d) Manufacture of raw sugar.
- (e) Gold mining reduction work.

Article 3.

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

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four

o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

Article 4.

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

Article 5.

In the application of this Convention to Japan, until 1st July, 1925, Article 2 shall apply only to young persons under fifteen years of age and thereafter it shall apply only to young persons under sixteen years of age.

Article 6.

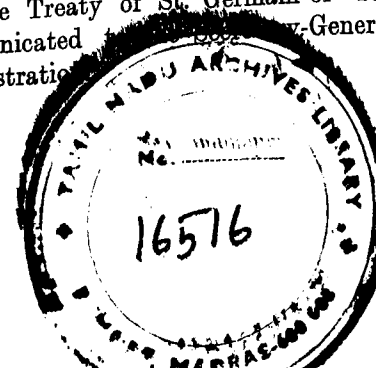
In the application of this Convention to India, the term "industrial undertaking" shall include only "factories" as defined in the Indian Factory Act, and Article 2 shall not apply to male young persons over fourteen years of age.

Article 7.

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

Article 8.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.



Article 9.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

- (a) Except where owing to the local conditions its provisions are inapplicable; or
- (b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

Article 11.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

Article 12.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1st July, 1922, and to take such action as may be necessary to make these provisions effective.

Article 13.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Article 14.

At least once in ten years 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 or modification.

Article 15.

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

XI.—RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE AT WASHINGTON.

	PAGE.
Recommendation concerning unemployment	104
Recommendation concerning the protection of women and children against lead poisoning	105
Recommendation concerning reciprocity of treatment of foreign workers	107
Recommendation concerning the prevention of anthrax	108
Recommendation concerning the establishment of Government Health Services	108
Recommendation concerning the application of the Berne Convention of 1906, on the prohibition of the use of white phosphorus in the manu- facture of matches	109

Recommendation concerning unemployment.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

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

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919 :

I.

The General Conference recommends that each Member of the International Labour Organisation take measures to prohibit the establishment of employment agencies which charge fees or which

carry on their business for profit. Where such agencies already exist, it is further recommended that they be permitted to operate only under Government licences, and that all practicable measures be taken to abolish such agencies as soon as possible.

II.

The General Conference recommends to the Members of the International Labour Organisation that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

III.

The General Conference recommends that each Member of the International Labour Organisation establish an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations whose rules provide for the payment of benefits to their unemployed members.

IV.

The General Conference recommends that each Member of the International Labour Organisation co-ordinate the execution of all work undertaken under public authority, with a view to reserving such work as far as practicable for periods of unemployment and for districts most affected by it.

Recommendation concerning the protection of women and children against lead poisoning.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's and children's employment: unhealthy processes," which is part of the third and fourth items in the agenda for the Washington meeting of the Conference, and

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

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919:

The General Conference recommends to the Members of the International Labour Organisation that in view of the danger involved to the function of maternity and to the physical development of children, women, and young persons under the age of eighteen years be excluded from employment in the following processes:—

- (a) In furnace work in the reduction of zinc or lead ores.
- (b) In the manipulation, treatment, or reduction of ashes containing lead, and in the desilverizing of lead.
- (c) In melting lead or old zinc on a large scale.
- (d) In the manufacture of solder or alloys containing more than ten per cent. of lead.
- (e) In the manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, chromate or silicate (frit) of lead.
- (f) In mixing and pasting in the manufacture or repair of electric accumulators.
- (g) In the cleaning of workrooms where the above processes are carried on.

It is further recommended that the employment of women and young persons under the age of eighteen years in processes involving the use of lead compounds be permitted only subject to the following conditions:—

- (a) Locally applied exhaust ventilation, so as to remove dust and fumes at the point of origin.
- (b) Cleanliness of tools and workrooms.
- (c) Notification to Government authorities of all cases of lead poisoning, and compensation therefor.
- (d) Periodic medical examination of the persons employed in such processes.

- (e) Provision of sufficient and suitable cloak-room, washing, and mess-room accommodation, and of special protective clothing.
- (f) Prohibition of bringing food or drink into workrooms.

It is further recommended that in industries where soluble lead compounds can be replaced by non-toxic substances, the use of soluble lead compounds should be strictly regulated.

For the purpose of this Recommendation, a lead compound should be considered as soluble if it contains more than five per cent. of its weight (estimated as metallic lead) soluble in a quarter of one per cent. solution of hydrochloric acid.

Recommendation concerning reciprocity of treatment of foreign workers.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

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

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and of the Treaty of St. Germain of 10th September, 1919:

The General Conference recommends that each Member of the International Labour Organisation shall, on condition of reciprocity and upon terms to be agreed between the countries concerned, admit the foreign workers (together with their families) employed within its territory to the benefit of its laws and regulations for the protection of its own workers, as well as to the right of lawful organisation as enjoyed by its own workers.

Recommendation concerning the prevention of Anthrax.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment: unhealthy processes," which is part of the third item in the agenda for the Washington meeting of the Conference, and

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

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and the Treaty of St. Germain of 10th September, 1919:

The General Conference recommends to the Members of the International Labour Organisation that arrangements should be made for the disinfection of wool infected with anthrax spores, either in the country exporting such wool or, if that is not practicable, at the port of entry in the country importing such wool.

Recommendation concerning the establishment of Government Health Services.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment: unhealthy processes," which is part of the third item in the agenda for the Washington meeting of the Conference, and

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

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration

with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and the Treaty of St. Germain of 10th September, 1919:

The General Conference recommends that each Member of the International Labour Organisation which has not already done so should establish as soon as possible, not only a system of efficient factory inspection, but also in addition thereto a Government service especially charged with the duty of safeguarding the health of the workers, which will keep in touch with the International Labour Office.

Recommendation concerning the application of the Berne Convention of 1906, on the prohibition of the use of White Phosphorus in the manufacture of Matches.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of a proposal with regard to the "extension and application of the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches," which is part of the fifth item in the agenda for the Washington meeting of the Conference, and

Having determined that this proposal shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919, and the Treaty of St. Germain of 10th September, 1919:

The General Conference recommends that each Member of the International Labour Organisation, which has not already done so, should adhere to the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.

XII.—STANDING ORDERS OF THE INTERNATIONAL LABOUR CONFERENCE.

Adopted on November 21st, 1919, by the General Conference held at Washington.

Article 1.—Composition of the Conference.

The Conference consists of all the delegates duly appointed by the Members of the International Labour Organisation.

Each delegate may be accompanied by advisers who shall not exceed two in number for each item on the agenda of the meeting.

Seats in the Conference room shall be assigned to the delegates and their advisers by the Governing Body.

Article 2.—Provisional Officers of the Conference.

The conference shall be opened by the President of the Governing Body of the International Labour Office, assisted by the officers of the same Body. These provisional officers will continue to act until officers have been duly appointed by the Conference.

Article 3.—Verification of Credentials.

The credentials of delegates and their advisers shall be deposited with the Secretariat of the international Labour Office at least 15 days before the date fixed for the opening of the meeting of the Conference.

A brief report upon them shall be submitted by the President of the Governing Body. This report and the credentials shall be open to inspection by the delegates on the day before the opening of the Conference.

Any objections raised concerning the nomination of delegates or advisers shall be lodged with the provisional officers of the Conference during the opening sitting and transmitted by them to a Commission charged with the verification of credentials, elected by the Conference, consisting of a Government delegate, an Employers' delegate and a Workers' delegate.

This Commission shall immediately examine those cases to which attention has been drawn in the report of the President of

the Governing Body, or by individual objections, and shall present an early report.

Any delegate or adviser to whose nomination objection has been taken retains the same rights as other delegates and advisers, until the question of his admission has been finally decided.

Article 4.—Officers of the Conference.

The officers shall consist of a President and of three Vice-Presidents appointed by the whole of the delegates to the Conference. The three Vice-Presidents shall be chosen respectively from among the delegates of the Governments, of the Employers' associations and of the Workers' associations.

The President and the three Vice-Presidents shall be of different nationalities.

Women delegates may be appointed to any of the above offices in exactly the same way as men.

Article 5.—Secretariat.

The secretariat work of the Conference shall be carried out by officials of the International Labour Office appointed for the purpose by the Governing Body of the said Office.

The Director of the International Labour Office shall be the Secretary-General of the Conference, and shall be responsible for the Secretariat. He may be assisted by one or more Assistant Secretaries-General appointed by the Governing Body of the International Labour Office.

The Secretariat of the Conference will be responsible *inter alia* for the receiving, printing, circulation and translation of documents, reports and resolutions; the translation of speeches at the sittings; the taking, printing and circulation of the shorthand notes of the proceedings at the sittings; the custody of the archives of the Conference; the publication of the report of the meetings, and, generally, for all other work which the Conference may think fit to entrust to it.

Article 6.—Order of Procedure of the Conference.

After consideration of the report presented by the Governing Body, and as provided in Article 402 of the Convention, the Conference will decide as to the retention on the agenda of any item

to which objection has been lodged by the Government of a Member of the International Labour Organisation.

The Conference shall then devote a portion of its time, not extending beyond the third sitting, to deciding the order in which the different items on the agenda shall be discussed, and to miscellaneous business, such as the appointment of the Selection Committee and of the Drafting Committee.

It shall be competent for any delegate to move a resolution of which due notice has been given under the provisions of Article 13 of these Rules, that a draft convention or recommendation relating to an item of the agenda, whether it has been prepared by the Governing Body or not, shall be adopted as the basis of discussion.

The debate on any such resolution shall be a debate on the general principles of the draft convention or recommendation, and if such resolution be adopted, the Conference shall then decide whether the draft convention or recommendation shall be considered in full Conference or shall be referred to a Commission for report.

If it be considered in full Conference, each clause shall be placed before the Conference for adoption. During the debate on the draft convention or recommendation, no motion other than a motion to amend a clause of such draft convention or recommendation, or a motion as to procedure, shall be considered by the Conference until all the clauses have been disposed of.

If the draft convention or recommendation be referred to a Commission, the Conference shall, on receiving the report of the Commission, proceed to consider the draft convention or recommendation, clause by clause, as provided above.

During the discussion of a draft convention or recommendation, clause by clause, the Conference may remit a clause or group of clauses to a Commission for report.

The clauses of the draft convention or recommendation as adopted by the Conference shall, if necessary, then be submitted to the Drafting Committee for the preparation of a definitive text, and the draft convention or recommendation so prepared shall be circulated to the delegates.

In principle, no amendment can be allowed to this text, but the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the Secretary the day after the distribution of the text as revised by the Drafting Committee.

When such amendments have been disposed of, the Conference shall forthwith proceed to take a final vote on the adoption of the draft convention or recommendation as provided in Article 405 of the Treaty of Peace.

Article 7.—Commissions.

The Conference may decide to set up special Commissions for any purpose which it considers desirable.

A Commission of Selection composed of 12 Government delegates, 6 Employers' delegates, and 6 Workers' delegates, shall determine the resolutions to be discussed at each sitting, and shall nominate members of Commissions, subject to the approval of the Conference.

The members of the Commission of Selection shall be elected by the Conference on the nomination of the Government delegates, the Employers' delegates and the Workers' delegates respectively, not more than one in each class belonging to the same country.

An official of the Secretariat of the Conference shall be appointed to act as Secretary to each Commission.

Each Commission shall appoint a chairman and nominate a reporter to present the results of its deliberations to the Conference. The reporter may be an adviser.

As a general rule, the sittings of a Commission shall not take place at the same time as a plenary sitting of the Conference. Delegates may appoint substitutes to represent them on Commissions.

Article 8.—Right of Admission to sittings of the Conference.

The sittings of the Conference shall be public, except in cases where it has been expressly decided to the contrary.

At public sittings arrangements shall be made by the Clerk to the Conference for the accommodation of distinguished strangers and the press.

The only persons authorised to enter the body of the hall besides delegates and advisers shall be:

- (1) The Secretaries or Interpreters of the Delegations, who shall not exceed one in number for each Delegation;
- (2) The Director of the International Labour Office, and the officials of the Office who have been appointed to the Secretariat of the Conference.

Article 9.—Procedure: Functions of the President.

The President shall pronounce the opening and closure of the sittings. Before proceeding to the agenda, he shall bring before the Conference any communications which concern it.

He shall direct the debates, maintain order, and ensure the observance of the Standing Orders by such means as circumstances may demand, accord or withdraw the right to address the Conference, put questions to the vote, and announce the result of the vote.

The President shall not take part in the debates and shall not vote. If he is himself a delegate, he may appoint a substitute delegate in accordance with Article 18 below.

Vice-Presidents shall be entitled to exercise the same right on the occasions on which they act as President.

The Vice-Presidents shall preside in rotation at those sittings, or portions of sittings, at which the President is unable to preside.

Article 10.—Right to address the Conference.

No delegate may address the Conference without having asked and obtained the permission of the President.

Speakers shall be called upon in the order in which they have signified their desire to speak.

No delegate shall speak more than once on the same resolution, amendment, or motion without the special permission of the Conference, provided, however, that the mover of a resolution shall have the right to speak twice unless the closure has been adopted in accordance with Article 19 of these Rules.

The President may call upon a speaker to resume his seat if his remarks are not relevant to the subject under discussion.

A delegate may rise to a point of order at any time and such point of order shall be immediately decided by the President in accordance with the Standing Orders.

No speech shall exceed 15 minutes, exclusive of the time required for translation, except with the special consent of the Conference.

Interruptions and audible conversation are not permitted.

The Director, or any other official of the International Labour Office, may address the Conference if invited to do so by the President.

Article 11.—Languages.

The French and English languages shall be the official languages of the Conference.

Speeches in French shall be summarised in English, and *vice versa*, by an interpreter belonging to the Secretariat of the Conference.

A delegate may speak in his own language, but his Delegation must provide for the translation of a summary of his speech into one of the two official languages by an interpreter attached to the Delegation.

The summary thus translated will then be rendered in the other official language by an interpreter belonging to the Secretariat.

The translation and circulation of documents shall be in the hands of the Secretariat, and the practice adopted at the Washington Conference as regards the translation and distribution of documents in the Spanish language shall be continued.

Article 12.—Drafting Committee.

The Conference shall appoint a Drafting Committee, whose duty it will be to draw up, in the form of draft conventions or recommendations, the decisions adopted by the Conference.

The same Committee shall insure agreement between the French and English texts of any draft conventions or recommendations the translation of which is undertaken by the Secretariat.

The members of this Committee shall be nominated by the Selection Committee as provided in Article 7.

Article 13.—Resolutions, Amendments, Motions.

Any delegate can move resolutions, amendments, or motions, in accordance with the following rules:—

(a) No resolution can be moved at any sitting of the Conference unless a copy has been handed in to the Secretariat of the Conference at least two days previously.

On receipt of such notice the resolution shall be circulated by the Secretariat not later than the day following that on which it is received.

(b) Amendments to a resolution may be moved without previous notice, provided that a copy is handed in to the Clerk to the Conference.

If an amendment to a resolution has been moved, no other amendment, other than an amendment to the original amendment, can be moved until the original amendment has been disposed of.

A delegate may withdraw an amendment which he has proposed unless an amendment to it is under discussion or has been adopted.

(c) In the case of motions as to procedure, no previous notice need be given, nor need a copy be handed in to the Secretariat of the Conference.

"Motions as to procedure" include the following: a motion to refer the matter back; a motion to postpone consideration of the question; a general motion of adjournment; a motion to adjourn a debate on a particular question; a motion that the Conference proceed with the next item on its programme for the sitting.

No resolution or amendment or motion can be discussed unless it has been seconded.

Article 14.—Closure.

A delegate may move the closure of the discussion whether other delegates have signified their wish to speak or not, and the President shall be bound to put it to the meeting if at least 20 delegates signify their support by rising in their places. If application is made for permission to speak against the closure, it may only be accorded to a single speaker.

The closure shall not be moved while a speaker is addressing the Conference nor until his speech has been translated.

Article 15.—Methods of Voting.

The Conference shall vote by a show of hands or by a record vote.

Voting shall be by a show of hands in all cases in which a record vote is not required by the present Standing Orders.

Votes by a show of hands shall be taken by the Secretariat and the result announced by the President.

In case of doubt as to the result, the President may cause a record vote to be taken.

A record vote shall be taken in all cases in which a majority of two-thirds of the votes is required by the Convention.

A record vote may also be taken on any question if a request to that effect has been made in writing by not less than 20 delegates and handed in to the President.

Record votes shall be taken by calling upon each individual delegate, each Delegation voting in turn in the French alphabetical order of the names of the Members of the International Labour Organisation.

The vote shall be recorded by the Secretariat and announced by the President.

The names of the delegates voting in a record vote shall be inserted in the verbatim report of the sitting.

Except as provided in paragraph 4 of this Article, it shall not be within the competence of the President to propose a record vote.

Article 16.—Quorum.

In accordance with Article 403 of the Treaty of Peace, a vote is not valid if the number of votes cast is less than half the number of delegates attending the Conference. This number shall be determined after the presentation of the brief report referred to in paragraph 2 of Article 3. If any delegate is not finally admitted the number shall be modified accordingly for the subsequent sittings.

Article 17.—Majorities.

Subject to the provisions of the preceding Article, a simple majority of the votes cast by the delegates present at the sitting shall be sufficient in all cases in which a larger majority is not specially required by other Articles of the Convention.

The Conference cannot decide that more than a simple majority shall be necessary in other than these cases.

Article 18.—Substitutes.

In accordance with Article 389 of the Treaty of Peace, a delegate may by notice in writing addressed to the President appoint one of his advisers to act as his substitute. Such notice must be addressed to the President before the sitting, unless a new question comes up for discussion in the course of the sitting. The notice shall specify the sitting or sittings at which the substitute will act.

Substitutes may take part in the debates and may vote under the same conditions as delegates.

Article 19.—Verbatim Reports.

A verbatim report shall be printed at the conclusion of each sitting by the Secretariat. There shall be appended to the report

the list of delegates present at the sitting, together with the texts adopted and the results of the votes.

Each delegate may demand the right to revise that part of the report containing a speech which he has made before it is printed in final form. In order that any proposed corrections may be inserted they should be handed in to the Secretariat during the evening following the sitting.

The verbatim reports will be signed by the President of the Conference and the Secretary-General.

Article 20.—Election of the Members of the Governing Body of the International Labour Office.

The Conference will proceed every three years in the course of its meeting to take the necessary steps to appoint the members of the Governing Body of the International Labour Office in accordance with Article 393 of the Treaty of Peace.

For this purpose, the Government delegates of all the Members, excepting those of the eight Members of chief industrial importance within the meaning of the said Article, shall meet in order to choose the four Members whose Governments shall nominate representatives to the Governing Body.

The delegates of the Employers and of the Workers shall meet separately in order to appoint their six representatives on the Governing Body. These representatives shall be appointed by name.

In the event of a vacancy in the Governing Body arising among the representatives of Employers' or Workers' organisations, and if the Governing Body has not provided for the method of filling such vacancies in accordance with Article 393 of the Treaty of Peace, the delegates at the Conference belonging to the category concerned shall assemble during the course of the next meeting in order to fill the vacancy in their representation on the Governing Body.

If the Governing Body has provided for the filling of vacancies according to the same Article of the Convention, the Conference shall proceed to the approval of the decisions taken by the Governing Body in this respect.

If their decisions are not approved by the Conference, steps shall immediately be taken to make fresh appointments under the conditions laid down above concerning the triennial re-appointment of the Governing Body.

XIII.—THE PERMANENT LABOUR ORGANISATION OF THE LEAGUE OF NATIONS.

The permanent organisation established for the purposes set out in the preamble to the labour section of the Peace Treaty is divided into four parts:—

- (a) The International Labour Conference.
- (b) Commissions of Enquiry.
- (c) The Governing Body.
- (d) The International Labour Office.

(a) The International Labour Conference.

The composition of the International Labour Conference is clearly described in the Peace Treaty. In theory at least, the conference is always in existence and gatherings such as that at Washington are annual meetings of the Conference. They are attended, not by Members but by representatives of Members, for, in the Peace Treaty, Member connotes a Nation belonging to the League of Nations and consequently belonging to the labour organisation. Each member is represented by four delegates, so that France for example has the same voting power as Cuba. In the British Empire, however, Great Britain, Australia, Canada, India, New Zealand and South Africa are separately represented and are indeed separate members. The procedure followed at meetings of the conference is clearly indicated by the standing orders (pages 110 to 118). In view of the very varying conditions in different countries and the necessity for a more detailed examination of particular questions it is customary to appoint small committees to investigate special subjects referred to them and to report to the Conference. These committees have, of course, no administrative power. A rather different type of committee supplementary to the Conference is the International Commission of which the International Commission on Emigration which will meet in March 1921 is a first example. This was set up not by the Conference but by the Governing Body in consequence of a resolution passed by the Conference at Washington. It differs from the Committees of the Conference in that those composing it are not necessarily representatives on the Con-

erence and that its meetings are not held during the meetings of the Conference. Its functions, however, are confined to examination of the question referred to it and to the presentation of a Report to the Conference. Such Commissions should not be confused with the Commissions of Enquiry provided for in the Peace Treaty.

The conclusions reached by meetings of the Conference can be expressed in three forms—

- (i) Draft Conventions.
- (ii) Recommendations.
- (iii) Resolutions.

For the adoption of a Draft Convention a two-thirds majority of the votes cast is necessary. The Governments of the Nations must submit all Draft Conventions that have been adopted to the consideration of the competent authorities within one year from the close of the meeting of the Conference. (It should be noted in this connection that although the sessions at Washington ended on 29th November, 1919, the meeting of the Conference was not declared closed till 27th January 1920.) An extension of six months further is permitted in exceptional circumstances. In the case of Draft Conventions involving fresh legislation, the legislature is the "competent authority" referred to, and it is incumbent on the executive Government to submit the Draft Conventions to it. If a Draft Convention has been approved by the competent authority that State is bound to carry it into effect.

A two-thirds majority is also necessary for the adoption of a recommendation, and recommendations, like Draft Conventions, must be submitted to the competent authority within one year or at the most eighteen months. The essential difference between a Draft Convention and a Recommendation is that, whereas a Draft Convention if approved by the competent authority must be carried into effect, there is no such obligation in the case of a Recommendation.

Resolutions require only a simple majority and no action is obligatory in respect of them. Examples of resolutions passed at Washington are—

- (a) the resolution requesting the Governing Body to appoint an International Commission on Emigration;
- (b) the resolution expressing disapproval of the composition of the Governing Body.

(b) Commissions of Enquiry.

Machinery has also been devised for dealing with States which ratify Conventions and fail to carry them out. Accusations can be made by any Member (*i.e.*, State). But the Governing Body can also act of its own motion or on the application of any individual delegate. On the receipt of a complaint or on the formulation of a complaint by the Governing Body the procedure is as follows. The Governing Body may first refer the complaint to the Government of the State accused and call for a reply. This is in effect calling for the explanation of the accused State and will presumably be the normal procedure although it is optional. If the Governing Body considers further enquiry necessary it applies for the appointment of a Commission of Enquiry. This Commission consists of three persons chosen by the Secretary-General of the League of Nations. Each of the three must be chosen from a separate section of a panel consisting of persons of independent standing, employers' representatives and workpeoples' representatives in equal numbers. One representative for each section of the panel is appointed by each Member of the League. The present representatives for India are—

- Sir Ernest Low, K.C.I.E. (Independent standing).
- Mr. Rahimtoola Currimbhoy Ebrahim (Employers).
- Mr. N. M. Joshi (Workpeople).

In any particular complaint none of the three representatives would be chosen from a Nation concerned in the complaint either as accuser or accused.

It is the duty of the Commission of Enquiry to make a full examination of the complaint and to present a report to the Secretary-General of the League of Nations. This Report should contain recommendations as to the steps to be taken to meet the complaint and as to the measures of an economic character to be adopted against the defaulting Government. Either of the Governments concerned can appeal against the findings to the Permanent Court of International Justice of the League of Nations whose decision is final. If the defaulting Member fails to carry out the final recommendations it is open to any other Member to adopt at once the economic measures indicated.

Complaints can also be lodged by any industrial association of employers or of workers and on receiving such complaints the

Governing Body may forward the complaint to the Government impugned and invite a reply. The complaint and the reply may then be published. No further action follows unless the Governing Body of its own motion sees fit to appoint a Commission of Enquiry.

(c) The Governing Body.

The Governing Body controls the International Labour Office and consists of—

- 8 persons representing the Governments of the 8 Members of chief industrial importance.
- 4 persons representing the Governments of the remaining Members and selected by the Government delegates of these Members.
- 6 persons representing the employers and elected by the employers' delegates.
- 6 persons elected by the workers' delegates.

—
24 TOTAL.

The details of the representatives are given on pages 68 to 70. The Government of India has since preferred a claim for the inclusion of India among the 8 States of chief industrial importance. This claim, if successful, will give India the right to a separate representative on the Governing Body.

Standing orders were adopted by the Governing Body at the meeting of March 23rd, 1920. A general session of the Governing Body must take place at least once every three months. Special meetings can also be summoned, and must be summoned on a written request signed by 6 members of the same group. Voting is normally by show of hands, but a ballot is required for the election of the Chairman and of the Director of the International Labour Office and in any other case where it is demanded by 10 of the members present. The sittings are not public. No vote is valid unless at least 15 members are present, but members may be replaced in the case of absence by substitutes. On the death or resignation of a Government member, the place is filled by the Government which nominated him. Vacancies among non-Government members are filled by election in accordance with the provisions of article 20 in the Standing Orders of the Conference (see page 118).

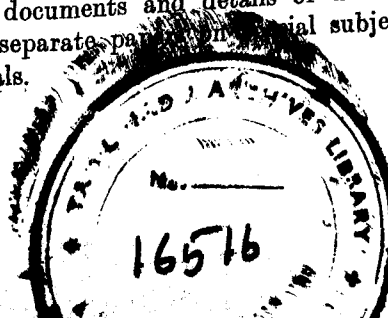
(d) The International Labour Office.

The International Labour Office may be described as the Secretariat of the permanent organisation. It could not be created until the Governing Body had been appointed by the Washington Conference. At its first meeting, which was held in Paris in January 1920, the Governing Body appointed M. Albert Thomas as Director and he appointed Mr. H. B. Butler (who was Secretary-General at Washington) as Deputy Director. The present organisation includes—

- (1) *The Cabinet*, under the control of M. Lemerrier (France), which contains representatives of most of the important countries in addition to the chief Secretariat officers.
- (2) *The Common Services* (under the Deputy Director) which include sections for—
 - (a) Establishment.
 - (b) Financial relations and commercial services.
 - (c) Examination and control of expenditure.
 - (d) Accountancy.
 - (e) Staff questions.
- (3) *The Diplomatic Division*, under Mr. Phelan (Britain), which is responsible for the preparation and organisation of the meetings of the Conference and the work in connection with the ratification of Conventions and the action taken on Recommendations.
- (4) *The Scientific Division*, under the control of Dr. Royal Meeker (late Commissioner for Labour Statistics in Washington), which is responsible for the collection and distribution of information on all subjects relating to labour. Among the useful publications undertaken by this section is a complete legislative series in English, French and German containing reprints and translations of the Labour Laws and Regulations passed by the different countries of the world.

In addition there are a number of technical services dealing with special subjects such as Unemployment, Co-operation and Industrial Hygiene.

The International Labour Office publishes weekly Bulletins which contain official documents and details of developments throughout the world and separate papers on special subjects are produced at frequent intervals.



CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET