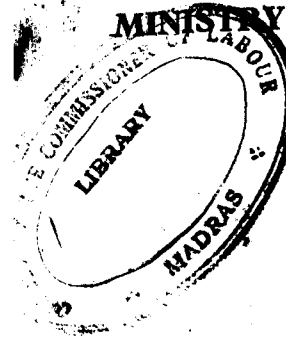


Report of the
Indian Govt- delegate
to the 42nd session
of the International
Labour Conference
1958

16
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT



R E P O R T

OF THE

Indian Government Delegation to the
42nd Session of the International Labour
Conference (June 1958)



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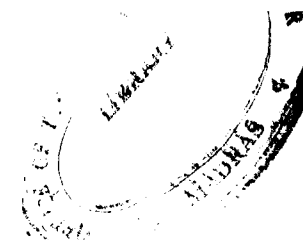


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**REPORT OF THE INDIAN GOVERNMENT DELEGATION
TO THE
42ND SESSION OF THE INTERNATIONAL LABOUR CONFERENCE**

1. Dates

The 42nd Session of the International Labour Conference was held at Geneva from the 4th to the 26th June, 1958.

2. Indian Delegation

The Government of India sent, as usual, a tripartite delegation to the Conference. The delegation was composed of the following persons:—

Government Group

Delegates:

1. Shri R. Venkataraman, Minister for Industries and Labour, Madras (Leader of the delegation).
2. Shri L. N. Mishra, M.P., Parliamentary Secretary to the Minister for Labour, Employment and Planning, New Delhi.

Advisers and Substitute Delegates:

1. Shri D. N. Chatterjee, I.F.S., Consul General of India, Geneva.
2. Dr. S. T. Merani, Ph.D., I.A.S., Labour Attache and Indian Government Representative on the Governing Body of the International Labour Office, Geneva.

Adviser:

1. Shri W. V. Oak, Labour Commissioner, Madhya Pradesh, Bhopal.

Employers' Group

Delegate:

1. Shri Babubhai M. Chinai, M.P., Bombay.

Advisers:

1. Shri Madan Mohan Ghose, Labour Adviser, Bengal Chamber of Commerce and Industry, Calcutta.
2. Shri M. M. Varghese, Manager, A. V. Thomas & Co. Ltd., Alleppey; Chairman, Planting Committee, United Planters' Association of South India.
3. Shri P. Chentsal Rao, Secretary, All-India Organisation of Industrial Employers, New Delhi.

Workers' Group**Delegate:**

1. Shri G. Ramanujam, President, Indian National Trade Union Congress, Coimbatore.

Advisers:

1. Shri G. S. Dhara Singh, President, Indian National Dock Workers' Federation, Cochin.
2. Shri Dwarakanath Tewari, M.P., General Secretary, Indian National Plantation Workers' Federation, Silchar (Assam).
3. Shri Nirmal Kumar Sen, Calcutta.

3. Agenda

The Agenda of the Conference was:—

(a) Items on the Agenda

1. Report of the Director-General.
2. Financial and budgetary questions.
3. Information and reports on the application of Conventions and Recommendations.
4. Discrimination in the field of employment and occupation (second discussion).
5. Conditions of employment of plantation workers (second discussion).
6. Organisation of occupational health services in places of employment (first discussion).
7. Conditions of work of fishermen (first discussion).
8. Hours of work (for a general discussion).

(b) Other Business

9. Resolutions.

4. Attendance

The Conference was attended by nearly 900 delegates, advisers and observers from 73 Member countries and 9 territories.

Observer delegations were sent by Cameroons, Malta, Federation of Nigeria, Federation of Rhodesia and Nyasaland, Singapore, Italian Trust Territory of Somaliland, Federation of the West Indies, Jamaica and Trinidad.

Representatives of the United Nations, Specialized Agencies and other official International Organizations as also of several non-Governmental International Organizations attended the Conference.

5. Opening of the Conference

The Conference was formally declared open by Mr. Emilio Calderon Puig, Chairman of the Governing Body. Some of the points in his statement were:—

This year they were meeting at a time when technology, nuclear physics and the exploration of space had taken tremendous strides forward. Men in every part of the planet were fearfully scanning the horizon to try to find out where these changes were leading them. Hitherto, the dismal truth was that their contribution towards peace and the raising of the living standards of the working masses had not equalled their contribution towards the fears and anxieties of the time. It was, therefore, necessary that peace within a just and human international order should be achieved or else there would be the annihilation of the twentieth century civilisation and the cultural heritage handed down by the forefathers. The I.L.O. was a powerful force which could help to promote co-operation in the cause of world peace—a cause which concerned not only statesmen but the entire population of the earth. The I.L.O.'s strength was derived from the universal and tripartite character of the Organization. It was the cornerstone of a great social structure. The Organization must be strengthened and every effort made to battle for the ideas it represented. An investment in the work of the I.L.O. was one that would pay safe dividends to the whole humanity. The task was not to perpetuate social inequalities and the barriers which kept countries apart but rather to combat them with energy and determination—to enhance man's self-respect by enforcing human rights; in short, by helping to foster conditions in which the world could return to common-sense and man could devote his energies to the tasks of peace. Within the great family of the United Nations, composed as it is of various international bodies, the I.L.O. had a unique responsibility to take the lead in the effort to improve the international climate. It was imperative for the I.L.O. to bring peoples from Asia, Africa and the Middle East, the great majority of whom had attained independence after the second World War, not only a message of encouragement but also increasingly effective aid in their development, without which the stability of their institutions might be imperilled. Without stable institutions in areas that were densely populated the World could not expect to achieve lasting peace.

6. Election of President

Mr. B. K. Das, Minister for Labour and Education, Government of Pakistan, was elected President of the Conference.

7. Presidential Address

Mr. Das delivered an address to the Conference of which the main points were:—

The peoples of Asia, where more than half the world's population dwelt, were emerging successfully through their struggle for political independence; they were still fighting their battles against poverty, unemployment, underemployment, inequalities, ignorance and disease. More and more delegates from areas with this kind of background were joining the Conference every year. The aims and objects of the I.L.O. were similar to those of every civilised country in the world, although they were not usually put in such clearcut and stirring words as in the Declaration of Philadelphia. These common aims and tasks were, however, too great for any one country or a few of them together to achieve within a reasonably short period. In the present world situation, they needed concerted action at the national and international levels. Besides, the objectives of peace, social justice, higher standards of living and economic freedom could not be confined to particular classes or countries to the exclusion of others. The world had witnessed a thousand times the growth of strife due to creation of privileged classes or nations. But the clash of the 'have nots' with the 'haves' did not solve any problem. It did not lead to a better sharing of wealth—indeed often there was nothing left to share. Experience had shown again and again that peace had to be based upon social justice. And, in this progressively interdependent world, both peace and social justice had necessarily to be universal in order to be real. Universality was the greatest principle of the Organization although it was, of course, a challenging principle. While tripartism was only a tool for the realization of the end, universality was closely tied up with the end itself.

8. Election of Vice-Presidents

The following Vice-Presidents were elected:—

GOVERNMENT GROUP: Mr. Mezincesco (Rumania)

EMPLOYERS' GROUP: Mr. Campanella (Italy).

WORKERS' GROUP: Mr. Thaver (Federation of Malaya).

9. Conference Committees

The Conference appointed, as usual, several Committees. In view of the limited size of the Indian Delegation, India was able to be represented only on the following Committees (no Indian delegate or adviser was able to participate in the work of the Committee on Fishermen):—

(i) Selection Committee.

1. Shri R. Venkataraman; Substitute, Shri L. N. Mishra (Government—Titular).
2. Shri Babubhai M. Chinai (Employers—Deputy).

(ii) Finance Committee of Government Representatives.

1. Dr. S. T. Merani.

(iii) Committee on Discrimination.

1. Shri D. N. Chatterjee; Substitute, Shri L. N. Mishra (Government—Titular).
2. Shri Babubhai M. Chinai; Substitute, Shri P. Chetsal Rao (Employers—Titular).
3. Shri N. K. Sen (Workers—Titular); Shri G. Ramanujam (Workers—Deputy).

(iv) Committee on Plantations.

1. Shri R. Venkataraman; Substitute, Dr. S. T. Merani (Government—Titular).
2. Shri Babubhai M. Chinai; Substitute, Shri M. M. Varghese (Employers—Titular).
3. Shri D. Tewari (Workers—Titular); Shri G. S. Dhara Singh (Workers—Deputy).

(v) Committee on Health Services.

1. Shri W. V. Oak (Government—Titular).
2. Shri Babubhai M. Chinai; Substitute, Shri M. M. Ghose (Employers—Deputy).

(vi) Committee on Hours of Work.

1. Shri L. N. Mishra; Substitute, Shri W. V. Oak (Government—Titular).
2. Shri Babubhai M. Chinai; Substitute, Shri P. Chetsal Rao (Employers—Titular).
3. Shri G. S. Dhara Singh (Workers—Titular); Shri D. Tewari (Workers—Deputy).

(vii) Committee on Application of Conventions and Recommendations.

1. Shri Babubhai M. Chinai; Substitute, Shri M. M. Ghose (Employers—Deputy).

(viii) Resolutions Committee.

1. Shri R. Venkataraman; Substitute, Dr. S. T. Merani (Government—Titular).

2. Shri Babubhai M. Chinai; Substitute, Shri P. Chentsal Rao (Employers—Titular).

3. Shri G. Ramanujam (Workers—Titular).

10. Denial of Seats on Conference Technical Committees to Employers from Eastern European Countries.

On the opening day of the Conference, Mr. Waline (Employers' delegate, France) read out the letter which the "free Employers'", delegates from a large number of countries had addressed to the President of the Conference on the subject of Employers' representatives from Albania, Byelorussia, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, Ukraine, U.S.S.R. and Yugoslavia. In this letter, the Conference had been informed by what were called "free Employers" that they would not accept Employers' representatives from the above countries as being any more than additions to Government Delegations of those countries. It was further stated that the free Employers would do all in their power to prevent the recognition of the Employers' representatives from the above countries in this Conference.

As the Employers' Group did not nominate any of the Employers' delegates and advisers from the Eastern European countries referred to above to any of the Conference Committees, the Employers' delegates concerned immediately made representation to the Selection Committee, in accordance with the Standing Orders of the Conference, urging that Titular seats should be granted to them on certain Committees. After considerable discussion, the Selection Committee decided by 19 votes to 4, with 14 abstentions, not to grant the request. Immediately thereafter, a proposal was made to give these delegates seats on the Committees concerned as Deputy Members. This proposal also was rejected by 12 votes to 14, with 12 abstentions. It will be recalled that on former occasions, Employers' delegates from Eastern European countries, while being denied seats as Titular Members, were given Deputy Member seats on the recommendation of the Selection Committee.

When this matter came up in the plenary, a considerable amount of debate took place, during which Mr. Venkataraman (Government delegate, India) made a statement, the text of which is reproduced as Appendix I, on the same subject.

Certain views were expressed by Mr. Bahubhai M. Chinai (Employers' delegate, India) while he was addressing the plenary on the Director-General's Report; these are reproduced in Appendix II.

The Polish Government delegate submitted a proposal to the Conference that the Employers' delegates concerned, from the Eastern European countries, should be given Titular seats. The proposal was put to vote and ted by 53 votes to 115, with 51 abstentions.

A further proposal was submitted by the French, Italian, Pakistan and United Kingdom Government Delegations that the Employers' delegates concerned should be given Deputy Membership. This proposal also was rejected by 63 votes to 97, with 53 abstentions.

By taking this attitude the Conference denied the Employers' representatives from Eastern European countries any seat on any of the Committees of the Conference, although in the past, these delegates had been given Deputy Membership.

11. Credentials Committee

The Credentials Committee appointed by the Conference consisted of the following:—

1. Mr. Zwi Berinson (Chairman; Government delegate, Israel).
2. Mr. A. G. Fennema (Employers' delegate, Netherlands).
3. Mr. A. Sanchez Madariaga (Workers' delegate, Mexico).

Mr. Said Salama (Government adviser, United Arab Republic) stated, on behalf of the Government of the U.A.R., that that Government wanted to reserve its position with regard to the composition of this Committee. At another stage he stated that "In our opinion, the Credentials Committee is a Committee of only three members, a Committee whose sittings are strictly confidential, a Committee with great confidence and with a final decision in case of unanimous decisions. A Committee of such a nature and with such powers should always be considered as a very juridical Committee. That is why the Chairman of this Committee is usually chosen from the juridical profession. If the other two members are not supposed to belong to this profession still they should be treated as such; they should follow the juridical tradition. One of these traditions is that a judge should not express, or should not have expressed, a previous opinion in the case before him."

The important cases involving challenge to credentials, were (in all, there were nine cases):—

(1) *Objection to the nomination of the Chinese Delegation*

Objection to the nomination of the Chinese Delegation to the 42nd Session of the International Labour Conference, was lodged by the Delegations of Albania, Bulgaria, Byelorussia, Czechoslovakia, Hungary, Rumania, Ukraine and the U.S.S.R. The grounds of objection were the same as those that were advanced last year.

The Credentials Committee, however, unanimously held that, since this case had been considered on the occasion of the 40th Session of the International Labour Conference, and the General Assembly of the United Nations had not met since then and also that no new facts had arisen which could cause it to adopt a different position, the challenge must be turned

down. As the report of the Credentials Committee on this case was unanimous, it was noted by the Conference without debate.

(2) *Objection to the nomination of the Government Delegation of Hungary*

Objection was lodged by the Employers' delegates of France, Japan, United Kingdom, United States and Uruguay, to the nomination of the Government Delegation of Hungary to the 42nd Session of the International Labour Conference.

In view of the importance of this case, the report of the Credentials Committee is reproduced in Appendix III. While the Employers' and Workers' members of the Credentials Committee submitted a majority report upholding the challenge to the credentials of the Government Delegation, the Chairman submitted a minority report in which he argued in detail why he could not agree with the Employers' and Workers' members and why the challenge must be rejected.

When the report came in the plenary, there was a heated debate in which, among others, Sir Guildhaume Myrddin-Evans (Government delegate, United Kingdom), Mr. Van Rhijn (Government delegate, Netherlands), Mr. Mitchell (Government delegate, United States), Mr. Bocobo (Government adviser, Philippines), Judge Bull (Government delegate, Norway), Mr. Brown (Government delegate, Canada) and Mr. Ago (Government delegate, Italy), made statements indicating that they would support the majority report. It was quite clear that the recent execution of Imre Nagy had drawn out these delegates to the point of making strong statements and to vote against the credentials of a Government Delegation. The Workers' Group and the Employers' Group also explained that they would support the majority report. Equally strong statements were made by the Government delegate of Hungary and representatives of some of the Eastern European countries, who hotly challenged the legality of the whole situation. A record vote was then taken on the proposal to refuse to admit the Government delegates and advisers of Hungary (majority report). The result of the vote was: 142 for, 48 against, and 29 abstentions. The necessary two-thirds majority having been obtained, the Conference refused to admit the Government delegates and advisers from Hungary.

The President of the Conference then received a letter from the Government delegate of Hungary stating that, in view of the discussion on the credentials of the Hungarian Government Delegation, the Hungarian Government had decided to withdraw the Hungarian Delegation from the 42nd Session of the International Labour Conference.

It might be mentioned that the above debate, rejection and withdrawal, took place on the 25th June, one day before the conclusion of the Conference.

(3) *Objection to the nomination of the Employers' delegate of Hungary*

The Employers' delegates of France, Japan, the United Kingdom, United States and Uruguay, lodged an objection to the nomination of the Employers' delegate of Hungary.

In this case also, while the Employers' and the Workers' members of the Credentials Committee turned in a majority report, in which they proposed that the Conference should refuse to admit the Employers' delegate of Hungary, the Chairman submitted a minority report in which he did not agree with the recommendation of the other two members. The majority recommendation was, however, adopted by the Conference by 146 votes to 47, with 23 abstentions. The two-thirds majority in favour of the proposal having been obtained, the Conference refused to admit the Employers' delegate from Hungary.

(4) *Objection to the nomination of the Workers' Delegation of Hungary*

The Workers' delegate of the Netherlands and the International Federation of Christian Trade Unions lodged an objection to the nomination of the Workers' Delegation of Hungary.

As in the earlier two cases concerning Hungary, the Employers' and Workers' members of the Credentials Committee submitted a majority report in which they proposed that the Workers' Delegation of Hungary should be refused admission to the Conference, though the Chairman continued to differ from them to the point of submitting a minority report. Once again the majority report was adopted by the Conference by 146 votes to 48, with 23 abstentions. The required two-third majority having been obtained, the Conference refused in this case also, to admit the Workers' Delegation from Hungary.

12. Report of the Director-General

1. The Director-General had entitled his Report this year as "The I.L.O. in a Changing World"; the Report referred to "New Approaches—New Activities and Current I.L.O. Programme and Activities".

2. 161 Government, Employers' and Workers' delegates took part in the general discussion on the Report.

3. Mr. R. Venkataraman (Government delegate, India), addressing the Conference on the Director-General's Report, said:—

[The full text of his speech is given in Appendix IV-A].

"One would be fully justified in saying that the quiet work done by this Organization has brought about a complete change in the world's approach to social and labour problems.

"If, today, it has taken on a positive aspect and labour can no longer be treated merely as a commodity subject to the vagaries of

supply and demand, it is to a large extent due to the influence exerted by the I.L.O. on the conscience of the world.

"If adherence to international standards is to be real, such standards must also come within the reach of the social and economic realities of these *countries....the issue should be faced more frankly and more squarely and earnest consideration given to the possibility of formulating standards on a different basis, regional or other.

"In his Reports to the last two Asian Regional Conferences the Director-General drew pointed attention to the gap between the levels of living in Asia and those in the more industrialized countries. This gap is widening in spite of the determined efforts made by the peoples and governments of this region to accelerate the pace of economic development.

"I feel that there is need for expanding its operational activities, if necessary by re-adjusting its other programmes. Our experience, however, has been that, apart from the need for transmission of techniques, there is an equal, if not greater, need for the supply of equipment on a more liberal scale. I would suggest that the scale for the supply of equipment in connection with technical assistance projects should be liberalized and made free of the current restrictions.

"The problems of agricultural workers are pressing and need the attention of the I.L.O. We, in our country, are trying to revitalize the rural life by community development projects.

"We know that the stability of labour-management relations during this period of change is the key to the maintenance of social stability.

"I am happy to be able to say that the workers and employers in my country, have, through their representative organizations, themselves evolved an agreed code of discipline to be observed in their day-to-day dealings with each other. Through a similar process we have arrived at an agreement by which an experiment in workers' participation in management is being tried in a selected number of undertakings.

"In the less industrialized countries the problem of improving management efficiency by spreading industrial knowledge and management techniques is as important as that of workers' education.

"Now, when science has placed in our hands the technical possibilities of achieving universal prosperity, peace seems to elude our grasp. This is a challenge to the collective wisdom

of mankind. The I.L.O. must keep the fire of faith burning if the challenge is to be effectively met."

4. Shri Babubhai M. Chinai (Employers' delegate, India), while addressing the Conference on the Director-General's Report said:—

[The full text of his speech is given in Appendix IV-B]

"What is happening in Asia today will influence, for good or bad, the course of world history.

"Before the I.L.O. can contribute to a better understanding of this fast-changing world of ours, it is necessary for the I.L.O. and all those who are associated with it to see in the first instance where it needs to be strengthened and fortified.

"The I.L.O. has got to do—and can do—a great deal in evolving the right kind of programme and the right kind of agencies for imparting education to workers, both industrial and agricultural, as well as to employers.

"We want hearts warm enough to end the cold war and heads cool enough to prevent a hot one."

5. Shri G. Ramanujam (Workers' delegate, India), also addressed the Conference on the Director-General's Report, in which he said:—

[The full text of his speech is given in Appendix IV-C]

"That there has been a definite and conscious shift in the emphasis by the I.L.O. in respect of its activities is apparent from the Report and I welcome this new and needed approach.

"The success of the I.L.O. will be judged by the progress registered by what are today called the backward or the under-developed countries. It cannot be denied that there is today a great imbalance between the economic and social progress made by the nations of the world....It should be the foremost objective of the I.L.O. that the world should progress as in integral whole, allowing no parts for whatever reason to lag behind. Otherwise the I.L.O. will cease to have any attraction to those who have been left behind.

"I would urge upon this Conference to give suitable directives to the Director-General and to the Governing Body to enlarge and intensify the I.L.O.'s programmes for assisting the less developed countries to narrow down the ever-widening gap between them and the better-developed countries, as a matter of the highest priority.

"Since independence, industrial labour in India has made considerable progress.

* Here reference is to less industrialized countries.

"We should look beyond this Conference Hall, particularly towards the millions of people of the less advanced countries, and I hope the deliberations and decisions of this Conference will not fail their just expectations for a balanced social and economic progress."

6. At the end of the general discussion on the Director-General's Report, Mr. Morse made a detailed reply, the text of which is reproduced in Appendix IV-D. The main points in Mr. Morse's reply were:—

The Governments of U.S.A. and U.S.S.R. had agreed to receive I.L.O. Study Missions on Freedom of Association. These two studies which would initiate the Survey into conditions relating to Freedom of Association in all Member States, would be started in 1959. Other Governments had also indicated their willingness to co-operate in this procedure. This, he thought, was "a significant advance in international action to promote universal respect for human rights."

As regards the future evolution of I.L.O. activities, Mr. Morse said: "Virtually every statement in the discussion confirmed the importance of directing the I.L.O.'s work towards the problems of the underdeveloped countries. The success of the I.L.O., as the Indian Workers' delegate* put it, will be judged by what it can do to close the gap in social standards between the industrialized and less developed countries."

Referring to the beginning of great changes in the societies of Asia, the Middle East, Africa and certain parts of Latin America, the Director-General said: "Social problems of these countries cannot any longer be seen in the perspective of a gradual relief of seemingly eternal poverty. They must be seen in terms of a dramatic race against time to create sound foundations for the new emerging society. It is a race in which the resources we dispose of are quite inadequate to the needs and opportunities for action."

In connection with the educational work of the I.L.O. Mr. Morse stated that "While workers' education is already a well established part of the I.L.O.'s activities, management development has, up to now, been dealt with in a partial way through activities concerned with raising productivity, training supervisors and promoting better human relations."

* Here, reference is to the statement of Shri G. Ramanujam on the Director-General's Report. (Appendix IV-C).

"As yet, we have no comprehensively conceived programme in this field. The Conference has approved a Resolution* advocating such a programme. I would judge from the discussions that there is broad support for the idea of such a programme. The I.L.O. will look to the employers particularly to make a positive contribution towards it."

"At the heart of this activity, I would like to see the I.L.O. set up an institution for higher social studies in Geneva which could be a central point of impetus and a source of new ideas for the I.L.O.'s world-wide educational work and effort. To this centre might come workers, managers and government servants who have already acquired a certain experience in their work, and whose careers may lead them to positions of greater responsibility in the future.... The aims of the centre would be to improve the capacity for understanding and dealing with social questions, including particularly labour-management relations."

Drawing attention to the importance of labour-management relations, he stated that "Spokesmen from countries where industry has grown up relatively recently, and where in consequence difficult responsibilities fall upon young organizations of workers and a new industrial management, have stressed particularly the need for education in good labour-management relations. One representative† from a major Asian country described it as the 'key to the maintenance of social stability' in a period of industrialization."

Referring to matters concerning rural development, Mr. Morse stated: "I think it would seem desirable for the I.L.O. to consider whether it is really doing all it can and should in these fields". Again, he stated: "The time has come, I believe, when it would be useful for us to consider the I.L.O.'s role in rural development as a whole."

Drawing attention to the remarks made in connection with technical assistance, Mr. Morse stated: "It was gratifying during the course of the debate to hear so many expressions of appreciation for the I.L.O.'s technical assistance work in different countries. Many have said that technical assistance should be expanded and some add that this might be done by cutting down other types of work. This is an important point and I believe that we need to consider its implications carefully."

* Here reference is to the Resolution on Management Development which had been submitted by the Indian Government Delegation and was adopted by the Conference (Appendix XXIII).

† Here, reference is to the statement of Shri R. Venkataraman (Government Delegate, India) on the Director-General's Report (Appendix IV-A).

13. Finance Committee of Government Representatives

The Committee met under the Chairmanship of Mr. Gonzala Cordero Crespo (Government delegate, Ecuador).

Some of the important items dealt with were:—

1. Report of the Allocations Committee

As the result of negotiations with the representative of the Government of the Federation of Malaya, the Committee recommended that the Federation of Malaya should be assessed at the rate of 0.22% for the years 1957, 1958 and 1959.

In the case of contribution of Venezuela, the Committee recommended the rate of 0.42% for 1959 with the possibility of considering an increase in the above assessment to a figure over 0.42% for 1960.

As the result of special representation by the Government of Hungary, the rate of contribution of that country was reduced from 0.50% to 0.42% for 1959.

The Committee recommended a draft scale of assessments for 1959, for all the Member States. The recommendation of the Committee was adopted by the Conference. It might be mentioned that the rate of contribution of India was reduced from 3.35% for 1958 to 3.32% for 1959.

2. Expenditure Budget for 1959

The total net expenditure budget estimates for 1959 as adopted by the Governing Body in March 1958 and revised by the Governing Body in May, 1958, amounted to \$8,529,857, (the gross expenditure budget was \$8,639,857) as against \$7,972,901 for 1958. One of the principal items which caused the increase was the estimated expenditure of \$80,000 on Freedom of Association Surveys. There was also the provision in the budget for an African Field Office and new Branch Offices for Moscow, Cairo and Buenos Aires, which caused the increase. In addition, there were certain increases on account of staff.

3. Income Budget

The income budget for 1959 amounted to \$8,639,857 as against \$7,972,901 for 1958.

4. Vote on Budget Proposals

The budget proposals for 1959 were adopted by the Conference by 196 votes to 17, with 28 abstentions. The votes against consisted of 15 Employers' and 2 Government delegates from the United States; of the 28 abstentions, 26 were in respect of Employers' and 2 in respect of Government delegates from El Salvador.

14. Committee on Application of Conventions and Recommendations

The Committee met under the Chairmanship of Mr. Ben Abbes, Minister of Labour and Social Affairs, Morocco.

The Committee examined: (1) annual reports on ratified Conventions; (2) annual reports on application of Conventions in non-metropolitan territories; (3) information on the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 39th Sessions; (4) reports on certain unratified Conventions and on certain Recommendations; and (5) reports which were received too late for examination by the Committee of Experts.

The Committee noted that six countries had failed to supply any of the reports asked for. Another matter of regret that the Committee drew attention to was that only 14.7 per cent (the lowest percentage since 1949) of the reports arrived by the date requested.

The Committee pointed out that 80 reports were received too late for examination by the Committee of Experts and, therefore, had to be considered by it.

Several members of the Committee stated that they would welcome any action which the Governing Body might consider when next it makes appointments to the Committee of Experts, so as to take account of the value of a wide geographic distribution.

Repeated reference was made in the general discussion to one method whereby the I.L.O.'s standards could exercise their influence most directly, that is, through technical assistance.

While referring to the practice of listing separately a limited number of cases where the discrepancies noted were of such a basic character or of such long standing that they deserved the special attention of the Conference, the Committee was gratified to note that in several of these cases, definite progress had been made during the past year towards eliminating the discrepancies in question. In other cases, however, these continued to exist and the Committee, therefore, included them in the list.

The Committee referred to details of some 25 cases where the States concerned had recently completed the necessary measures to eliminate divergencies, and of 55 other cases where steps were being taken for the same purpose.

The Committee stated that since the end of the 40th Session of the Conference, 252 declarations on the application or the acceptance of ratified Conventions in respect of non-metropolitan territories had been communicated to the Director-General of the I.L.O.

Mention was made of the desirability of the communication of annual reports to the local or metropolitan representative organizations of employers and workers. The Committee decided that attention of the States Members responsible for non-metropolitan territories should be drawn to the fact that, although Article 23 of the Constitution only imposed an obligation to communicate the reports on ratified Conventions to the metropolitan organizations, it would be desirable, whenever representative organizations existed at the local or territorial level, to communicate the reports also to the latter when this was not already done.

The Committee noted with regret that of the six countries which last year gave assurances that they would in future regularly supply the reports requested under Article 19, only one had submitted the reports due for this year.

In the plenary, objection was expressed by some delegates to the practice of listing separately a limited number of cases where the discrepancies noted were of such a basic character or of such long standing that they deserved to be brought to the special attention of the Conference. However, there were others who thought that this practice was necessary and was serving a very useful purpose.

The report of the Committee was adopted by 116 votes to 0, with 58 abstentions.

15. Committee on Discrimination

The Committee on Discrimination met under the Chairmanship of Mr. A. H. Brown (Government delegate, Canada).

The Committee had before it Report IV(2), concerning Discrimination in the Field of Employment and Occupation, prepared by the I.L.O.

The Committee was considering the draft text of a proposed Convention and a proposed Recommendation concerning the subject on the basis of conclusions which had been adopted by the 40th Session of the International Labour Conference held in June 1957.

The Committee had before it a draft Resolution concerning Application of the proposed Discrimination (Employment and Occupation) Convention, 1958, in Non-Metropolitan Territories. The Committee also had before it for consideration a Resolution concerning the establishment of an I.L.O. Committee on Discrimination in Employment and Occupation, submitted by the U.S.S.R. Government member.

In the general discussion, the Employers took the line that the substance of the proposed Convention should be adopted only as a Recommendation, on the plea that discrimination was more likely to be eliminated through education than through legislative measures. This attitude was supported by the United States Government Delegation and the United Kingdom

Delegation but opposed by a number of other Government members as well as by the Workers' members who held that a Convention was necessary as it would carry more weight with world opinion, and would exert a greater influence on Governments.

A large number of amendments were moved to different Articles and, from time to time, the spate of amendments was of such volume that it might have drowned the whole Convention. One of the duties of the Indian representative on the Committee was to stem the flow of amendments. For instance, it was proposed that the Convention should be turned into a Recommendation. This was defeated. It was proposed that "sex" should be removed from the list of grounds of distinction appearing in Paragraph 1 of Article 1. This was defeated. The Employers' members proposed the addition of "membership or non-membership of a trade union" to the list of grounds of distinction in Clause (a) of Paragraph 1 of Article 1. This was defeated. Several amendments were submitted concerning "national extraction" or special regulations governing the employment of workers of foreign nationality. The matter was referred to a Drafting Committee. After some discussion concerning a suitable definition, the Drafting Committee proposed the inclusion of the following note in the Committee's Report: "The Committee agreed that distinctions, exclusions or preferences made on the basis of national extraction meant distinctions between nationals of the ratifying country made on the ground of foreign ancestry or foreign birth". The Committee agreed to this proposal. The U.S.S.R. Government member proposed an amendment to Article 2 that discrimination should be prohibited by legislation, which should also ensure equality of opportunity and treatment. This amendment although supported by several members was considered to be an obstacle to ratification by many Governments and was rejected by 49 votes to 349, with 65 abstentions. Two amendments to Article 2 submitted by the Netherlands and New Zealand Government members, aimed at removing the obligation on members to "declare" their national policy in regard to this matter on the ground that it was sufficient if they pursued an anti-discriminatory policy. In the face of opposition from the Employers' and Workers' members these amendments were withdrawn. The Committee adopted by 333 votes to 74, with 60 abstentions, an amendment by the United States Government member designed to make it clear in the introductory phrase that the measures prescribed in Article 3 would be taken "by methods appropriate to national conditions and practice". The Committee rejected by 120 votes to 232, with 38 abstentions an amendment submitted by the Australian Government member bearing on Clause (e) of Article 3, which had the purpose of limiting the obligations of governments to "pursuing" the policy of non-discrimination instead of "ensuring its observance". In Article 5, the Workers' members opposed the mention of "cultural status" in the list of reasons justifying special measures of protection or assistance as they feared it might lead to abuse. It was explained that in regard to "cultural status" the type of measures envisaged were those taken in certain Latin American

countries in favour of Andean Indians or in India in favour of certain tribal populations, with a view to helping them to take their proper place in the community. Three amendments submitted by the Czechoslovak Government member, the United Kingdom Government member and the Workers' members, provided for the insertion of new Articles dealing with the application of the Convention in non-metropolitan territories. On the Chairman's ruling, only the amendment moved by the United Kingdom Government member was, however, taken up for discussion. The Workers' members submitted a sub-amendment to the amendment of the United Kingdom Government member, replacing the text in the U.K. amendment by a new text which would have the effect that "each member who ratifies this Convention undertakes to apply it in the non-metropolitan territories in accordance with the provisions of the Constitution of the I.L.O." The sub-amendment of the Workers' members was adopted by 284 votes to 0, with 202 abstentions.

Then followed a discussion on the proposed Recommendation. In this case also several amendments were adopted.

The Committee appointed a Drafting Committee to go into the various matters that had been raised and to submit a Draft in accordance with the decisions reached in the Committee.

As regards the draft Resolution concerning the application of the proposed Convention in non-metropolitan Territories, the Government members of New Zealand and the United Kingdom as well as the Employers' members expressed the opinion that, following the introduction in the proposed Convention of an Article concerning the application of the Convention in non-metropolitan territories, the draft Resolution contained in Report IV(2) was unnecessary. A motion moved by the New Zealand Government member to delete the draft Resolution was adopted by 224 votes to 175, with 113 abstentions. This motion was at first defeated by voting by show of hands. But a Record vote taken immediately afterwards reversed this decision.

During the discussion on the Resolution concerning the establishment of an I.L.O. Committee on Discrimination in Employment and Occupation, submitted by the U.S.S.R. Government member, the Government members of the United States, the United Kingdom, France, China, Liberia and the Philippines, as well as the Workers' members of Canada, Netherlands, and the United Kingdom, declared their strong opposition to this Resolution. The Resolution was then rejected by 91 votes to 352, with 41 abstentions.

The United States Government member stated that his Government would vote in favour of the adoption of the Convention but it considered that a Convention concerning discrimination in employment was not suitable or appropriate for the United States to enter into as a treaty.

The proposed Convention was adopted by 238 votes to 150, with 16 abstentions (which included the United Kingdom Delegation).

The proposed Recommendation was adopted by 374 votes to 0, with 20 abstentions.

During the discussion on the Report of the Committee on Discrimination in the Conference, Shri Chatterjee (Government Substitute Delegate and Adviser, India), made a statement, the text of which is reproduced in Appendix V.

The Conference adopted the Convention concerning Discrimination in respect of Employment and Occupation by 189 votes to 24, with 13 abstentions. The Conference also adopted the Recommendation by 212 votes to 0, with 11 abstentions. The texts of the Convention and Recommendation are reproduced in Appendices VI and VII.

16. Committee on Plantations

The Committee met under the Chairmanship of Mr. Ong Yoke Lin, Minister of Labour and Social Welfare, Federation of Malaya.

The Committee had before it Report V(2) prepared by the I.L.O. concerning conditions of employment of plantation workers. The first discussion on this item had taken place during the 40th Session of the Conference when it adopted certain conclusions for being incorporated in a Convention and a Recommendation. On the basis of the replies received from Member States, the Office had submitted texts for the proposed Convention and the proposed Recommendation. Thus, there were specific drafts for consideration by the Conference Committee.

During the general discussion the United Kingdom Employers' member maintained the opposition of the Employers' Group to the idea of a Convention. The United Kingdom Government member also continued to take the same stand as on the last occasion and advanced the same arguments. Shri R. Venkataraman (Government delegate, India) made the following statement:—

"The Indian Government considered that there should be no possibility of error regarding the meaning of the term "plantation", whether the holding concerned was situated or not in a tropical or sub-tropical region. Nothing, therefore, justified the exclusion of certain regions, in the definition which the Office had proposed for inclusion in Article 1 of the Convention.

"It should be added that the concept of "plantation" varied from one country to another and according to whether it was concerned with, say sugar-cane or rice. Many countries which might wish to ratify an international instrument dealing with conditions of employment of plantation workers

might not be able to do so if the Convention contained too rigid a definition of plantations. Further, it was not enough to make laws; it was necessary above all to work out legal provisions which could be applied.

"The Committee should take account of the Indian Government's position which was explained on page 8 of Report V(2)."

The Employers' members once again proposed that the instrument should take the form of a Recommendation. The proposal was rejected by 66 votes to 86 with 6 abstentions. The Workers' members proposed that the instrument should take the form of a Convention. This was adopted by 86 votes to 60, with 14 abstentions.

After a lengthy discussion concerning the term "plantation" it was decided to revert to the definition adopted in 1957 with such formal changes that might be necessary. There still remained the difficulty of finding a precise line of demarcation for small-scale plantations. An amendment was submitted by the Workers' members proposing that the following proviso be added to paragraph 1 of Article 1: "Provided that this Convention shall not apply to family or small-scale holdings producing for local consumption and not regularly employing hired workers". The Workers' members emphasised that this proviso was necessary to ensure that family and small-scale holdings not regularly employing hired workers were specifically excluded. Some members asked for a clarification of the phrase "regularly employing hired workers", which they felt might bring in plantations employing seasonal labour during a few months of the year. The movers of the amendment said that they made a distinction between regular workers, on the one hand, and casual workers on the other. The phrase would not necessarily include workers employed regularly for an hour or two a day but it would, for instance, cover those employed on rubber and sugar-cane plantations for four or five hours a day. In any case more than one worker would have to be employed. It was agreed that these and other terms used in the proviso would in practice be interpreted by the governments. The proviso submitted by the Workers' members was adopted by 132 votes to 0, with 32 abstentions.

While dealing with the "Final Provisions", the Employers' members came up with an amendment that a new Part should be added to the proposed Convention providing that the Convention should come into force six months after its ratification by six out of a number of specified countries. As ratification by six countries might delay the coming into force of the Convention, it was hotly argued that the number should be two. Finally, this suggestion was accepted by the Committee. As regards the number of specified countries whose list was suggested, an effort was made to have this list made as comprehensive as possible, particularly in view of the fact that the Committee was not prepared to drop reference to the words "tropical" or "sub-tropical". The enlarged list was finally accepted by the Committee.

The proposed Recommendation also underwent certain changes in the Committee as the result of discussion and also as the result of changes made in the proposed Draft Convention.

The Committee appointed a Drafting Committee, of which Dr. Merani (Indian Government Adviser) was a member, with a view to the preparation of a revised Draft Convention and a revised Draft Recommendation for consideration and final approval by the Committee. The Drafts prepared by the Drafting Committee were adopted by the Committee, with slight modifications.

The Committee also had before it a draft Resolution, submitted by Mr. Gonzales Tellechea (Workers' delegate, Cuba), suggesting that the Director-General should undertake a world-wide survey of the conditions of employment of plantation workers. The Resolution was adopted by the Committee with some changes, after a brief discussion during the course of which the Indian Government representative stated that the proposed survey would serve no useful purpose at this stage since a Convention relating to plantation workers was about to be adopted.

When the Report of the Committee on Plantations came to the Conference, Shri R. Venkataraman (Government delegate, India), made a statement, particularly with a view to making it clear to the Conference the way in which certain controversial matters, such as, the definition of plantations, the extent of application of the Convention, etc., were understood by the Committee. The statement is reproduced in Appendix VIII. Shri M. M. Varghese (Employers' adviser, India) also made a statement which is reproduced in Appendix IX.

The Conference adopted the text of the Convention by 171 votes to 35, with 26 abstentions. The text of the Recommendation was also adopted by 218 votes to 0, with 7 abstentions. The Resolution concerning the Standards of Living and the Conditions of Employment of Plantation Workers was also adopted by the Conference. The texts of the two Instruments and the Resolution are reproduced in Appendices X, XI and XII.

At this stage, it might be recalled that the adoption of a Convention and a Recommendation concerning plantation worker was the fulfilment of the suggestion made by the Indian Government at the May, 1954 Session of the Governing Body.

17. Committee on Health Services

The Committee on Health Services met under the Chairmanship of Mr. J. Licki (Government delegate, Poland).

The Committee had before it Report VI(2) concerning the Organization of Occupational Health Services in Places of Employment, prepared by the I.L.O.

After a general discussion, the Committee decided by 560 votes to 90, with 6 abstentions, that the proposed Instrument should take the form of a Recommendation. The definition and scope as suggested by the Office, was accepted. The Committee decided that, where it was not possible to establish Occupational Health Services immediately in all undertakings, they should be set up first of all in undertakings where there was a special risk or a relatively large number of employees. The Committee finally adopted a set of Conclusions directed towards a Recommendation.

The Committee had before it a Resolution concerning Occupational Diseases, submitted by Mr. Mihai (Workers' delegate, Rumania). After discussion and a series of votes, a simplified text was adopted.

The Committee also had before it a Resolution asking the Conference to place on the agenda of its next session, the question of the organization of Occupational Health Services in places of employment, with a view to the adoption of a Recommendation. This Resolution was adopted.

After a brief discussion in the plenary, the Conference adopted the proposed Conclusions directed towards a Recommendation. These were adopted by 185 votes to 0, with 1 abstention. The Resolution concerning occupational diseases was also put to the vote. It was adopted by 175 votes to 3, with 12 abstentions.

The text of the proposed Conclusions and the Resolution concerning occupational diseases are reproduced in Appendices XIII and XIV.

18. Committee on Fishermen

The Committee met under the Chairmanship of Mr. I. Kawasaki (Government delegate, Japan).

It had before it Report VII(2) prepared by the I.L.O. concerning Conditions of Work of Fishermen.

The Committee adopted Drafts of three proposed Conventions.

Two Resolutions had been referred to the Committee, one concerning the setting up of a special Committee on Conditions of Fishermen and the other concerning the placing on the agenda of the next ordinary session of the Conference the question of the Conditions of Work of Fishermen. The two Resolutions were also adopted by the Committee.

In the plenary, the Conference adopted the proposed Draft for a Convention concerning the minimum age for admission of fishermen to employment by 120 votes to 25, with 59 abstentions. The proposed Draft for a Convention concerning the medical examination of fishermen was also adopted by the Conference; this was done by 145 votes to 30, with 15 abstentions. The Conference adopted the proposed Draft for a third Convention concerning Fishermen's Articles of Agreement by 152 votes to 18, with 10 abstentions.

The Resolution concerning the setting up of a special Committee on conditions of fishermen was adopted by 168 votes to 0, with 2 abstentions. The Resolution concerning the placing on the agenda of the next ordinary session of the Conference of the question of the conditions of work of fishermen, was also adopted by the Conference.

The texts of the three Draft Conventions and the Resolution concerning the setting up of a special Committee on conditions of fishermen are given in Appendices XV, XVI, XVII and XVIII.

19. Committee on Hours of Work

The Committee on Hours of Work met under the Chairmanship of Father J. G. Stokman (Government delegate, Netherlands).

The Committee had for consideration Report VIII on Hours of Work, prepared by the I.L.O. The Committee also had two Resolutions concerning Hours of Work which had been submitted before the opening of the Conference. The object of the first of these draft Resolutions, which was submitted by several Workers' delegates, was to ask the Conference to invite the Governing Body to place the question of the reduction of hours of work on the agenda of the next session of the Conference, with a view to the adoption of a new Convention revising the forty-hour week Convention (No. 47). The object of the second draft Resolution, submitted by Mr. Solovyov (Workers' delegate, U.S.S.R.), was to ask the Conference to place the question of the reduction of hours of work without reduction of wages on the agenda of its 1959 session with a view to the adoption of a Convention. During the proceedings, as the U.S.S.R. Workers' member associated himself with the draft of the first Resolution, the latter was submitted to the consideration of the Committee in the name of the Workers' members, who supported it unanimously. The Committee was, therefore, not called upon to consider the draft Resolution submitted by Mr. Solovyov.

Two other draft Resolutions were submitted to the Committee in the course of its proceedings, by the Government members of Australia, Canada, the Netherlands and the United Kingdom, and by the Employers' members respectively. The purpose of the draft Resolution of the four Government members was to invite the Governing Body, on the one hand, to arrange for the Office to intensify its programme of collecting information on movements in hours of work, studying their effects and keeping governments and employers' and workers' organizations informed and, on the other, to take such action as it might consider most appropriate in the light of these studies. The draft Resolution of the Employers' members also had the object of inviting the Governing Body to ask the Office to undertake studies on trends and developments in hours of work in order to keep Member States informed of the significance of the evolution of standards of hours of work.

During the general discussion in the Committee, Shri L. N. Mishra (Government delegate, India) stated:—

“The Government of India had adopted a social policy with the object of making the country a welfare state. Every effort was being made to improve the welfare of workers and to make them partners in the management of undertakings. Maximum hours of work had been fixed for most activities at 48 a week, not only by a Factories Act but also by special legislation applying to various branches of economic activity. With hours of work fixed at a reasonable level, however, which ensured that workers were not exposed to undue strain, the problem in India was not one of providing leisure but of increasing the national wealth. Under the Second Five-Year Plan an attempt was being made not only to increase national production but also to raise wages. With the limited capital available, however, it would be quite impossible to raise wages and reduce hours at the same time. Indeed, Indian workers were far more concerned with higher wages than with shorter hours. At the present time a reduction of hours in India would result in reduced output, for the country was too poor to afford advanced techniques such as automation. The paramount need in India was to develop the country as quickly as possible. The Conference should take account of economic realities and not consider only the needs of the few industrially advanced countries. The interests of some countries could best be served by maintaining hours of work at their present level.”

The Committee's discussions on hours of work highlighted a certain number of general points. The views of the Employers' and Workers' members on these general ideas differed appreciably—as did the views of different Government representatives each group or individual member attaching greater importance to different factors. The main concern of the Government members as a rule was not to pit the various factors against each other but rather to examine their degree of importance relative to the general situation in their respective countries.

At another stage, Shri L. N. Mishra expressed the view that the economic and social conditions in each country being different, no particular factor could ever be considered as decisive and that it was necessary to take a number of factors into account including cost of production, profits, level of savings and opportunities for investment and the balance of trade. Still later in the discussion, Shri Mishra stated that the reduction of normal hours in India would result only in a very heavy extra burden on the economy of his country, because actual hours worked would have to remain at present levels, and, in virtue of existing legislation, a greater number of hours per worker would have to be paid at double the normal rate.

As the discussion developed in the Committee, the examination of the subject centered round the three draft Resolutions already mentioned. The main conflict, however, arose as to when the Conference should have this item on its agenda. The Workers' members were prepared to accept an amendment to their draft Resolution which would have the effect of inviting the Governing Body to place the question of hours of work on the agenda of the Conference not later than 1960. The Employers proposed another compromise by accepting that the subject be placed on the agenda of an early session of the Conference but “with a view to renewed discussion” and not for the adoption of an international Instrument. By a record vote, the Committee rejected by 162 votes to 213, with 18 abstentions, the Employers' sub-amendment proposing that the question be placed on the agenda of the Conference for a general discussion. The Committee also rejected by 192 votes to 192, with 6 abstentions, the Workers' sub-amendment which would require the Conference to take up the question “not later than 1960”. Finally, by a third vote, the Committee adopted by 201 votes to 174, with 21 abstentions, the amendment of the Norwegian Government delegate, which would have the effect of inviting “the Governing Body of the I.L.O. to place the question of reduction of hours of work on the agenda of an early session of the Conference with a view to the adoption of an international Instrument”. The Committee thus decided to submit to the Conference, the above text in the form of a Resolution and, after some discussion, the Resolution submitted by the four Government delegates was withdrawn. The Committee also decided by 189 votes to 168, with 9 abstentions, to include in the report to the Conference, general ideas emerging from the discussion on hours of work, it, however, being made clear that the statements in these paragraphs should not be regarded as conclusions arrived at by the Committee but as general ideas that had emerged during the discussion in the Committee.

When the report of the Committee on hours of work was under discussion in the plenary, Shri Mishra made a statement, explaining the Government of India's attitude on the question of hours of work; the text of the statement is reproduced as Appendix XIX.

In the plenary, an amendment was moved by the Workers' Group proposing that the subject should be placed on the agenda of the Conference at an early session but in no case later than 1960. The amendment was adopted by 87 votes to 74, with 18 abstentions. The Resolution, amended, was then put to vote and adopted by 100 votes to 77, with 1 abstention. The text of the amended Resolution is reproduced in Appendix XX.

20. Resolutions Committee

The Resolutions Committee met under the Chairmanship of Mr. Ribeiro da Cunha (Government delegate, Portugal).

Although there were nineteen Resolutions submitted to the Conference, the Resolutions Committee was called upon to deal with only fourteen Resolutions, the Conference having decided that the other five Resolutions should be dealt with by the concerned Technical Committees.

(1) Resolution on Management Development, submitted by the Indian Government Delegation

Recognizing the value of Management Development and the need for action both at the national and the international levels, particularly in the case of countries attempting to industrialize rapidly, the Indian Government sponsored a Resolution on Management Development. Although there were as many as nineteen Resolutions before the Conference, this Resolution turned out to be the one which attracted the greatest attention from the point of view of action. It was the first time that anything so substantial and specific had been addressed to the employers; it also meant that the employers would be expected to play an effective role in sharing their experience and pushing ahead programmes of Management Development.

After the Resolution was introduced by Dr. Merani (Indian Government Adviser), in the Resolutions Committee, supporting statements were made by several government delegates, particularly those of Australia, Canada, the United Kingdom and the United States. In the Committee, the Employers, while accepting the importance of Management Development, indicated certain reservations principally from the point of view of the strategy which they were employing in order to shape this Resolution in their own way. The Resolution was welcomed by the Workers' Group, though they too wanted to modify it to bring it in line with their point of view. After the discussion had gone on for some time, the Committee appointed a six-man Working Party, of which Dr. Merani was a member. The Working Party, after considerable efforts at synthesizing the two main points of view, submitted a fresh draft of the Resolution. From the point of view of the Indian Government Delegation, all that was essential was to retain the substance as originally planned and, therefore, not concern itself too much with minor drafting changes, and yet secure, a draft which would obtain the maximum support from the three groups. The revised draft was finally adopted by the Committee. It, however, seemed that a greater measure of support would be forthcoming from the Employers' Group in the plenary if some further modifications were made in the draft as finally approved by the Committee.

When the Resolution came up in the plenary, Shri Babubhai M. Chinai (Employers' delegate, India), along with Mr. Nasr (Employers' delegate, Lebanon), moved an amendment with a view to securing further support from the Employers' Group. While introducing the amendment, Shri Babubhai M. Chinai, made a statement which is reproduced in Appendix XXI. A statement was also made by Dr. Merani in the Conference on this subject; this is reproduced in Appendix XXII. The joint amendment of the

Indian and Lebanon Employers, was accepted. When the amended Resolution was put to vote, it received not only complete support from the government members but a very great majority of the Employers also voted for it; this was true of the Workers' Group as well. The Resolution was adopted by 162 votes to 3, with 26 abstentions.

The text of the Resolution as adopted by the Conference, is reproduced in Appendix XXIII.

In his reply to the debate on his Report, the Director-General made a reference to this Resolution in the plenary. He said that "While workers' education is already a well established part of the I.L.O.'s activities, management development has up to now been dealt with in a partial way through activities concerned with raising productivity, training supervisors and promoting better human relations. As yet, we have no comprehensively conceived programme in this field. The Conference has approved a Resolution advocating such a programme. I would judge from the discussions that there is broad support for the idea of such a programme. The I.L.O. will look to the Employers particularly to make a positive contribution towards it. I believe an extension of our work in this field would help to strengthen throughout the world, and particularly in those areas where it is most needed because of the recent development of industrial organization, the great and unmistakable contribution which Employers have made to social progress through enlightened management. Worker and management education together can help arouse that creative faculty in society which I feel is so closely bound up with the achievement of the I.L.O.'s aims.... We can begin. I think, by strengthening our worker education programme and planning a more comprehensive management development programme. But at the heart of this activity I would like to see the I.L.O. set up an institution for higher social studies in Geneva which could be a central point of impetus and a source of new ideas for the I.L.O.'s world-wide educational work and effort".

(2) Resolution concerning publication of Labour Laws, submitted by the Workers' delegate, United States

The Resolution was briefly amended by the Committee and adopted. It was then unanimously adopted by the Conference. The text of the Resolution is reproduced in Appendix XXIV.

(3) Resolution concerning Measures to Promote Employment, submitted by the Government Delegation, Canada

After certain amendments were made in the Committee, the Resolution was adopted by the Committee under the new title of "Resolution concerning Measures to Promote Employment and Action against Unemployment".

A draft Resolution concerning "Measures to Combat Unemployment", submitted by Mr. Chleboun (Workers' delegate, Czechoslovakia) was withdrawn by the mover of the Resolution after the Committee had adopted the Canadian Resolution.

The Resolution recommended by the Committee was then adopted by the Conference. The text of the Resolution is reproduced in Appendix XXV.

- (4) *Resolution concerning Underemployment in Agriculture and the Influence of Agrarian Reform on the Improvement of the Social Conditions of Agricultural Workers, submitted by the Workers' delegate, Morocco.*

The Committee carried out certain amendments to the Resolution, mainly in the operative part. The amended Resolution was then adopted by it. It was also adopted by the Conference. The text of the Resolution is reproduced in Appendix XXVI.

- (5) *Resolution concerning the Expansion of International Trade, submitted by the Workers' delegates of Canada, Greece, Switzerland and Federal Republic of Germany.*

The Resolution underwent certain changes in the Committee and was finally adopted by it. It was then adopted by the Conference. The text of the Resolution is reproduced in Appendix XXVII.

- (6) *Resolution concerning Human Rights, submitted by the Workers' delegates of Cuba, Japan, Canada, Greece, Denmark, Federal Republic of Germany, United Kingdom and Mexico.*

After a slight modification, the Resolution was unanimously adopted by the Committee.

When it came to the plenary, some Government delegates took the opportunity to make certain policy statements and to remind the Conference of the value of human rights. The Resolution was adopted by the Conference unanimously. The text of the Resolution is reproduced in Appendix XXVIII.

- (7) *Resolution concerning convening in 1959, the First Tripartite African Regional Conference, submitted by the Workers' delegate Morocco.*

In the discussion in the Committee it was clear that the majority were favourably disposed towards the idea of extending the activities of the I.L.O. in Africa and of convening a Tripartite Regional Conference. It was, however, in connection with the arrangements for convening such a Conference that different points of view emerged. One group of speakers indicated that they were unreservedly in favour of the adoption of the Resolution in its original form. Other members adopted a rather more reserved attitude.

with regard to the Resolution in its original form and expressed serious doubts with regard to the desirability of convening such a Conference in 1959. A third trend of opinion (Government members of France, Portugal and the United Kingdom) urged the author of the Resolution to withdraw it while referring its subject matter to the Governing Body for its consideration. Naturally, the sponsor of the Resolution did not agree to withdraw the Resolution. Finally, on the suggestion of the United Kingdom Government member, the Committee decided by 156 votes to 45 with 5 abstentions, to recommend that the Conference—

- (1) express its agreement with the principle of the convening of a tripartite African Regional Conference;
- (2) send this resolution to the Governing Body for consideration; and
- (3) transmit to the Governing Body the minutes of the discussions in the Committee as well as the record of discussion in plenary sitting, if any.

The Report of the Committee also contained the statement that 'the Committee felt that the proposed Conference should be held as soon as practicable'.

When the matter came up for discussion in the plenary, the Government delegates of Iran, Iraq, Liberia, Libya, Morocco, Pakistan, Sudan, Tunisia and the United Arab Republic, proposed that after the words 'as soon as practicable' in the Committee's Report, an addition should be made stressing the necessity and urgency of convening an African Regional Conference at the earliest possible time and also incorporating the original Resolution in the recommendation of the Conference itself. The Workers' delegate from Morocco wanted that the main amendment should be altered so as to specify that the Conference should be held in 1960.

Several delegates participated in the discussion. Shri R. Venkataraman (Government delegate, India) made a statement; this is reproduced in Appendix XXIX. Shri G. Ramanujam (Workers' delegate, India) also made a statement; this is reproduced in Appendix XXX.

Although Mr. Majid (Government delegate, Pakistan) had been a signatory to the amendment moved by several Government Delegations, he made a statement during which he withdrew his support of that amendment, on the ground that he had subsequently realized that the other movers of the amendment had something different in mind. The sub-amendment was put to vote and rejected by 74 votes to 139, with 22 abstentions. The amendment was also rejected by 73 votes to 116, with 9 abstentions. The text of the Resolution which forms an Annex to the Report of the Resolutions Committee, is reproduced in Appendix XXXI. The Report of the Committee was adopted by the Conference.

- (8) *Resolution concerning Labour-Management Relations, submitted by the Government Delegation of the United States.*

The Resolution, after it had been slightly amended, was adopted by the Committee. It was also adopted by the Conference. The text of the Resolution as adopted by the Conference, is reproduced in Appendix XXXII.

- (8) *Resolution concerning a World Accident Prevention Day, submitted by the Government Delegation, Czechoslovakia.*

After some discussion in the Committee, a Working Party was established to propose a revised text which would be in conformity with the points of view advanced on this subject. The new text was unanimously adopted by the Committee. The Conference also adopted the Resolution unanimously. The text of the Resolution, with the new title of "Resolution on Industrial Health and Safety Campaigns" is reproduced in Appendix XXXIII.

- (10) *Resolution concerning Increased Technical Assistance for the Integration of Indigenous Populations into the Economic, Social and Cultural Life of their Countries, submitted by the Government Delegation, Peru.*

The Resolution was slightly amended in the course of discussion in the Committee. It was adopted by the Committee without opposition. It was also adopted by the Conference without opposition. The text of the Resolution is reproduced in Appendix XXXIV.

- (11) *Resolution concerning the Contribution of the International Labour Organization to the Lessening of International Tension, the Cessation of the Armaments Race and an Understanding between East and West, submitted by the Government Delegation of U.S.S.R.*

The Committee also had before it a number of amendments to the Resolution submitted jointly by the Government members of the United States, United Kingdom, France and Canada. These amendments were designed to express the hope that a peaceful solution of differences and disputes between States, the cessation of the armaments race, and improved international understanding would be achieved with the least possible delay. Owing to the course which the discussion took, however, these amendments were not examined.

When the Committee took up examination of the Resolution, strong opposition to the principle of adopting such a Resolution was indicated by a considerable section of the Committee and was voiced by the Workers' members of the United States, United Kingdom, Canada and Switzerland. They considered that the proposal was of a clearly political propaganda nature and should properly be dealt with by the United Nations and that the I.L.O. had to keep itself outside the bitterness of political quarrels so as not to prejudice its work. For these reasons, a

large majority of the Committee expressed the opinion that the adoption of this Resolution would not be expedient. After some further discussion, the proposal to declare that the adoption of the Resolution was not expedient, based on the provisions of Article 17, paragraph 4(c), of the Standing Orders of the Conference, was put to vote and was adopted by 147 votes to 47, with 18 abstentions.

A heated discussion took place in the plenary when the report of the Committee was under discussion in which several speakers participated—some in favour of the adoption of the attitude taken by the Committee and some justifying the proposed Resolution. The report of the Committee on this Resolution was, however, adopted by the Conference by 117 votes to 33, with 7 abstentions. The text of the Resolution (not adopted) is reproduced in Appendix XXXV.

- (12) *Resolution concerning Manpower Aspects of Economic Development, submitted by the Government Delegation, United States.*

In the general discussion, Shri R. Venkataraman, (Government delegate, India) while welcoming the proposed Resolution, pointed out that "the problem of development of human resources involved not only the training of scientists, technicians, and other such personnel in the countries in need of them, but also measures to ensure a productive outlet for the services of the surplus labour force, which existed in many of the countries in course of industrialization". After the Resolution underwent certain amendments in the Committee, it was adopted unanimously. The Resolution as submitted by the Committee was also adopted unanimously by the Conference. The text of the Resolution is reproduced in Appendix XXXVI.

- (13) *Resolution concerning the Social Problems arising out of Economic Development, submitted by the Government delegate, Yugoslavia.*

After some discussion in the Committee, the author of the Resolution agreed that the Conference should recommend this Resolution to the Governing Body for examination. The recommendation of the Committee was adopted by the Conference. The text of the Resolution (not adopted) is reproduced in Appendix XXXVII.

21. Evaluation

The 42nd Session of the International Labour Conference was an important one from the Indian point of view as it adopted a Convention and a Recommendation concerning plantation workers, a matter which was raised by the Indian Government in 1954 and also as the Conference adopted a Resolution on Management Development which had been sponsored by the Indian Government. The other Convention and Recommendation that were adopted by the Conference concerning discrimination in respect of employment and occupation were also an important

achievement of the Conference. The Conference revealed the great interest taken by the Member States in labour matters and their appreciation of I.L.O.'s rôle in this field. The Conference also indicated clearly that there was need to do more concerning agricultural workers, educational programmes for workers and managements, technical assistance and similar other activities which would help particularly the newly industrializing countries.

The Conference, however, took a retrograde step in denying Employers' representatives from Eastern European countries seats, whether Titular or Deputy, on any of the Technical Committees of the Conference. This created resentment among one large sector of the Conference, the Member States from Eastern Europe. This difficult situation was further worsened when the challenge to the credentials of the Hungarian Government Delegation was upheld and the Hungarian Delegation withdrew.

(Sd.) R. VENKATARAMAN,
Indian Government Delegate,
(Leader of the Delegation).

(Sd.) L. N. MISHRA,
Indian Government Delegate.

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APPENDIX I

Statement of Shri R. Venkataraman on the question of seats being granted to Employers from Eastern European countries on Conference Committees.

It is contrary to the traditions of India if I tire the House which is weary with a long speech. We desire to place before this august assembly a few thoughts which should help it to make a correct and proper decision in respect of a matter which will widely affect the future of this Organisation.

The Government of India has repeatedly placed before this House its views with regard to the representation of the Employers' delegates in the various committees. We believe that the delegates representing the various countries must be equal in status, and should be able to participate without any let or hindrance in all the activities of this great Organisation. It is only by allowing such participation that we will enhance the value of the discussions and also the importance of this great Organisation.

In the first place, delegates representing the employers from the Eastern European countries have been duly nominated, in accordance with our Constitution, as representatives of employers, and their credentials have not been challenged. They are therefore, in the normal course, entitled to participate in the activities of the group and the committees as such representatives of employers.

In the second place, the matter which the Selection Committee had to consider was whether the names submitted by the various groups were a satisfactory representation of all the nationalities represented in this Conference. I humbly ask the members of this august assembly to answer this question as to whether the names of the representatives suggested by the Employers' group for the various committees are really representative of all the nationalities.

May I draw your attention to paragraph (b) of article 9, which lays a duty upon the Selection Committee to "examine the lists furnished by the three groups and, if it appears desirable that any adjustment should be made in the composition of the Committee....." to ensure more satisfactory allocation of seats to various nationalities, then the Selection Committee is enjoined to do it.

Whatever may be the reasons for non-allocation of seats to certain countries, certainly nobody would argue that it is a satisfactory allocation with regard to the various nationalities represented in this Conference.

Coming to the merits, I do not think that everyone agrees with the economic and political situation which exists in every other country. There are people who do not agree with the political, social and economic system in the Eastern European countries—even if those people in those countries may not agree with the social, economic and political system in other countries—but it is necessary if this Organisation is to reflect the points of view of all nations in the world that those who differ from each other should have a platform to express their different points of view.

If the Employers mean that only a section of the opinion of the Employers is representative of their group it is equally possible for the others to say that it is not representative of the entire body of Employers in this august Organisation. The Employers from other countries have different points of view to express, and they should have a forum for expression.

We are very anxious that this International Labour Organisation shall grow in strength, grow in numbers, and be fully representative of all the points of view that prevail in the world. If we go on restricting even expression of opinions in this body by refusing representation to certain opinions with which we may or may not agree, which may be to our distaste, we will be guilty of refusing opportunity for expression of different points of view before this forum.

Now, when the I.L.O. was started in 1919 we had a pattern of governments and society, but the world has changed since then. Even the title of the Director-General's Report is *The I.L.O. in a Changing World*. Today countries have different economic and political systems, and the pattern is still changing. May I quote from the report of the McNair Committee to illustrate this point: "...during the past two or more decades there has been a marked and accelerating swing in favour of the increased participation of governments in the economic activities of their countries." Where, subsequently, we would draw the line between the free Employers and those Employers representing the nationalised undertaking will not be scientific and will very largely depend on the mode of composition of the house at that time.

In our own country we have several industries which are nationalised, and as one who is in charge of nationalised road transport I may say that except with regard to investing more money or extending the roads the entire day-to-day administration is always with the manager of the particular undertaking.

It would be absurd to deny representation to people of that kind who have a definite contribution to make in the employer-employee relationship.

I do not want to add more, but I would leave this thought with you: whether by refusing representation to a section or a point of view in the committees and councils of the I.L.O. we are not really reducing this Organisation, rather than helping it to grow.

APPENDIX II

Statement of Shri Babubhai M. Chinai on the question of seats being granted to Employers from Eastern European countries on Conference Committees.

I feel compelled to refer to the situation that has developed on account of the entry into the I.L.O. of countries, the nature of the delegations of which is different from the delegations of the bulk of the Members of the I.L.O. The delegations of these few countries are tripartite in name only. Indeed, it is difficult to distinguish the different parties—or at any rate to find that kind of freedom in the functioning of these parties which mark out the component parts of the delegations of other countries. We cannot shut our eyes to the fact that during the past few years a shadow has been cast on the cohesive work of the I.L.O. I am not suggesting for a moment that these few countries should not be in the I.L.O. All that I wish to urge is that some satisfactory solution must soon be found which will enable the I.L.O. to function smoothly and effectively without losing its uniqueness as a source of inspiration to employers and workers alike in the solution of common problems, at least at the level of discussions at the committee stage.

For a body like the I.L.O. the principle of universality is vital. I personally feel that if we exclude certain countries from the membership of the Organisation it would be a potential danger to the growth and importance of the I.L.O. It is best that as many countries as possible should be brought within the purview of the I.L.O. even if the countries represent different ideologies. However, to put emphasis on the principle of universality and to ignore completely the representative character of three clear-cut parties will be to sever the very roots of the I.L.O. Constitution. Ample safeguards must be evolved to ensure that there is no double representation through governmental encroachment on the realms of employers and workers. I would go so far as to say that it would be better to wind up the I.L.O. in its present form than permit, under its solemn and sacred Constitution, representation of Workers on the one hand by Government nominees and likewise to let Government representatives masquerade as Employers. I suggest that the credentials of Workers and Employers can be put to the acid test by an on-the-spot investigation in which the flimsy pretext of violation of national sovereignty should not be allowed to taint or prejudice the issue.

APPENDIX III

Report of the Credentials Committee on the Challenge to Hungarian Delegation

OBJECTION TO THE NOMINATION OF THE GOVERNMENT DELEGATION OF HUNGARY

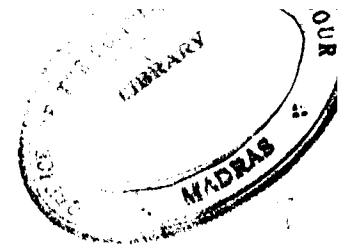
Report of the Chairman

1. By letter dated 6 June 1958 the Employers' delegates of France, Japan, the United Kingdom, the United States and Uruguay submitted an objection to the nomination of the Government delegation of Hungary to the 42nd Session of the International Labour Conference. The Committee heard oral statements in support of the objection by the Employers' delegates of France and the United States, and an oral statement in reply to the objection by one of the Hungarian Government delegates.

2. In its first paragraph the letter submitting the objection states the objection is lodged against the credentials of Mr. Mekis and Mr. Szita, Government delegates of Hungary, and Mrs. Bokor, Government adviser and substitute delegate. The Government delegation of Hungary consists of these three members plus Mr. Zador, substitute delegate and adviser, and Mr. Weltner, adviser. The last paragraph of the objecting letter urges the rejection of the credentials of the Government delegation of Hungary in general terms. The Committee was informed by a spokesman for the Employers' delegates who signed the letter submitting the objection that it was in fact their intention to object to the entire Hungarian Government delegation. The Committee deemed it advisable to draw the attention of the Hungarian Government delegation to the foregoing facts. The delegation took the view that the objections to Mr. Zador and Mr. Weltner should be declared irreceivable as they were not named in the letter submitting the objection and as the time limit provided for by paragraph 4 (a) of article 26 of the Standing Orders had expired. The Credentials Committee considered, however, that, in view of the fact that the objection concluded with a request in general terms that the credentials of the Government delegation of Hungary be invalidated, a reasonable interpretation of the letter clearly indicated that it was the intention of the objectors to object to the entire Hungarian Government delegation. The Committee therefore unanimously decided to treat the objection as an objection against the entire Government delegation.

3. The objection is based on the following principal considerations:

(a) that "The Special Committee created by the General Assembly of the United Nations to examine the Hungarian question



has concluded that since the tragic events of October 1956 there does not exist in Hungary a representative government”;

- (b) that “The report of the Special Committee referred to.... above was endorsed by the General Assembly of the United Nations on 14 September 1957 by a vote of 60 in favour, 10 against and 10 abstentions”;
- (c) that “Subsequent to the last International Labour Conference in June 1957 the United Nations has refused to approve the credentials of the representatives of the current regime established in power in Budapest by the U.S.S.R.”;
- (d) that “The proof of the existence and continuance of the mastery and domination of the Soviet Union over the Hungarian people through its puppet regime in Budapest is established by the following statement made by Mr. Khrushchev, the Prime Minister of the U.S.S.R., on 8 April 1958, in Hungary: ‘In the event that enemies of the workers or provocateurs should attempt a putsch or a counter-revolution in any socialist country, then I say to you, here that all the socialist countries and the armed forces of the Soviet Union are always prepared to unite, to provide help and to answer the provocation as it deserves to be answered.’ ”

4. A similar objection was lodged in 1957 against the nomination of the Government delegation of Hungary by four Employers’ delegates to the 40th Session of the Conference.

At that time, the situation in the United Nations was as follows: in the Credentials Committee of the First and Second Emergency Special Sessions of the General Assembly (November 1956) the validity of the credentials of the representatives of Hungary was questioned on the ground that the new government of that country had been constituted as the result of military intervention by a foreign power. However, the Committee agreed “not to take any decision regarding the credentials of the representatives of Hungary at this time pending further clarification”. That conclusion was approved on 9th November 1956 by the General Assembly of the United Nations by 68 votes to 0, with 1 abstention. The Credentials Committee of the 11th Regular Session of the General Assembly of the United Nations also had before it objections to the “credentials presented by the delegation of the Hungarian People’s Republic”. The representative of the United States introduced a motion “that the Committee take no decision regarding the credentials submitted on behalf of the representatives of Hungary”; the Credentials Committee adopted that motion by 8 votes to 1. Its report on this point was approved 21 February 1957—by 60 votes to 0, with 1 abstention—by the General

Assembly of the United Nations, which had previously adopted a number of resolutions concerning the armed intervention in the internal affairs of Hungary.

Referring to the then situation before the United Nations, at the 1957 Session of the International Labour Conference a majority of the Credentials Committee, consisting of the Chairman and the Workers’ member, reached the following conclusion:

In view of that decision of the political organ and on the basis of the precedents cited above concerning objections having an essentially political character which were also before the political organ, as in the present case, the International Labour Organisation, in order not to take independent action, can in its turn only postpone a decision on the validity of the credentials submitted by the representatives of Hungary, pending a solution of the problem within the framework of the United Nations. Such a conclusion clearly does not in any way affect the position of the authors of this report with regard to the merits of the problem of Hungary.

However, the Workers’ member added that in his personal opinion “.... the Kadar Government is an illegal government since it has been imposed on the Hungarian people by foreign armed forces....”. He stated in addition that the position he adopted in no way changed, and was without prejudice to, his opinion that the Conference was fully competent to pass on the validity of the credentials of all Employers’ and Workers’ delegates.

The Employers’ member of the Committee dissented from the majority opinion and held that the objection to the credentials was well founded. He based his conclusion on the report of the United Nations Special Committee on the Problem of Hungary, which in the main supports the conclusions concerning the situation in Hungary on which the objection was based.

5. In accordance with the provisions of article 26, paragraph 7, of the Standing Orders of the Conference, the report of the Employers’ member of the Credentials Committee was put before the Conference and gave rise to substantial and prolonged discussion. At the conclusion of the discussion on 26th June 1957, the vote (also provided for by article 26, paragraph 7, of the Standing Orders) was taken, with the following result: 94 in favour, 88 against, 52 abstentions. This was less than the two-thirds vote required for the refusal of admission to a delegate or adviser. Consequently, the Conference was required only to take note of the report, and the Hungarian Government delegation was admitted.

6. The considerations put forward this year by the authors of the objection are once again of an essentially political nature and deal with the circumstances of the political situation in Hungary, as well as the representative character of the Hungarian Government and the fashion in which it was established.

7. Since the 40th Session of the Conference, the 11th Session of the General Assembly of the United Nations, on 14th September 1957, endorsed the report of the Special Committee on the Problem of Hungary by a vote of 60 in favour, 10 against, and 10 abstentions.

Nevertheless, shortly thereafter, the 12th Session of the General Assembly took a decision which enabled the representatives of Hungary to continue to participate fully in the work of the United Nations. The Credentials Committee of the 12th Session met on 6th December 1957. The representative of the United States introduced a motion "that the Committee take no decision regarding the credentials submitted on behalf of the representatives of Hungary". This motion was adopted by the Committee by 6 votes to 1, with 2 abstentions. The report of the Credentials Committee containing this motion came before the General Assembly on 10 December 1957 and was adopted by 77 votes to 1.

As a result of the above decision "to take no decision" regarding the credentials of the Hungarian representatives, and despite the endorsement by the General Assembly of the report of the Special Committee on the Problem of Hungary, the representatives of Hungary have in fact fully participated throughout and continue to participate fully in the work of the United Nations.

8. Thereafter the United Nations Conference on the Law of the Sea met in Geneva from 24th February to 28th April 1958. The representative of the United States on its Credentials Committee introduced a motion "that the Credentials Committee takes no decision regarding the credentials submitted on behalf of the representative of Hungary". This motion was adopted by 6 votes to 2, with 1 abstention. The Credentials Committee then proposed that "subject to the Conference decision relating to Yemen and Hungary" the credentials of all representatives should be found in order. The Conference, by 27 votes to 26, with 14 abstentions, suppressed in the text thus before it the words "and Hungary". The Conference then adopted the report of the Credentials Committee as a whole by 58 votes to 1, with 3 abstentions. Thus the representatives of Hungary participated fully in the work of the Conference.

9. The Credentials Committee of the 42nd Session of the International Labour Conference is faced with a situation comparable to that which the Conference has faced in connection with the credentials of the Chinese delegation for many years. In that case, whenever an objection has been made to the nomination of the Chinese delegation, the Credentials Committee has ruled that—no decision having been taken by the United Nations as the appropriate political organ on the proposals to exclude the representatives of the Republic of China—the Credentials Committee is not in a position to accept any objection to the credentials of the Chinese delegation, and the Conference has always taken note of its report. Once again this year the present Credentials Committee of the Conference has

unanimously disposed of an objection to the credentials of the Chinese delegation in this fashion.

The question of the credentials of the Chinese delegation has now been before the United Nations for several years. To take the most recent case, on 24th September 1957, the 12th Session of the General Assembly adopted, as in previous years, a resolution in the following terms:

"The General Assembly—

"1. Decides to reject the request of India for the inclusion in the agenda of its twelfth regular session of the additional item entitled 'The representation of China in the United Nations';

"2. Decides not to consider, at its twelfth regular session, any proposal to exclude the representatives of the Government of the Republic of China or to seat representatives of the Central People's Government of the People's Republic of China."

Nevertheless, in the Credentials Committee of the same session of the General Assembly the representative of the U.S.S.R. introduced a draft resolution challenging the validity of the credentials of the Chinese delegation. This draft resolution was ruled out of order by the Chairman on the ground that the General Assembly had taken a decision on the matter for that session by adopting the resolution quoted above.

The Credentials Committee of the General Assembly concluded by unanimously adopting a proposal that "...subject to the decision relating to Hungary, the Credentials Committee should find the credentials of all representatives in order and recommend that the General Assembly approve its report".

10. Now, Rule 29 of the Rules of Procedure of the General Assembly (analogous to article 26, paragraph 8, of the Standing Orders of the International Labour Conference) provides that: "Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives, until the Credentials Committee has reported and the General Assembly has given its decision." Consequently, a representative whose credentials are objected to has the same right to vote and otherwise participate unless and until the General Assembly, on a report of its Credentials Committee, invalidates the credentials in question.

The credentials of the Hungarian delegation not having been invalidated in the United Nations General Assembly, the position is in substance analogous to the case of China, and the Hungarian delegation remains able to participate fully in the work of the United Nations.

11. Moreover, it should be pointed out that the Credentials Committee of the International Labour Conference in the past has had to deal with other objections concerning Government delegations. These cases may aid in the resolution of the question at hand.

Thus, at the 26th Session of the Conference (Philadelphia, 1944) the Credentials Committee had before it an objection to the credentials of the Government delegation of Yugoslavia. This objection was based upon the title of the Government to represent Yugoslavia, a Member of the Organisation. In this case the Committee unanimously concluded as follows :

....so far as the Committee has been able to ascertain, the Government which has appointed the Yugoslav Government delegates to the present session of the Conference is generally recognised as the Government of Yugoslavia by the governments of the other Members of the Organisation, and the Committee of National Liberation [the objecting party] has not been recognised as the Government of Yugoslavia by the government of any Member of the Organisation. The Credentials Committee therefore asks the Conference to regard the Government delegates of Yugoslavia and their advisers as duly accredited to the present session of the Conference.

At the 27th Session of the Conference (Paris, 1945) the Credentials Committee had before it objections to the credentials of the Government and Workers' delegations of Argentina based in particular on the allegation that the government then in power in Argentina was a *de facto* government which had established a state of siege in that country. The Committee's unanimous recommendation that the credentials of the Workers' delegation be invalidated was approved by the Conference. With reference to the objection to the nomination of the Government delegation, the Credentials Committee unanimously concluded as follows :

The Argentine Republic is one of the signatories of the United Nations Charter, adopted at San Francisco on 26th June 1945. As the United Nations Organisation was thus made open to the Argentine Republic, and as the States which constitute that Organisation maintain with it all the relations which derive from the circumstances mentioned above, the Credentials Committee considers that it would serve no purpose for it to examine the credentials of the representatives of the Government of the Argentine Republic at the 27th Session of the International Labour Conference, except as regards their duly verified formal correctness.

12. It must be concluded from the two examples cited in the preceding paragraph, as well as from the other cases in which the Credentials Committee was called upon to pass on the credentials of Government delegations, that the Credentials Committee has unanimously (with the single exception of the Employers' member in the case of Hungary in 1957) declined to undertake to decide intricate political questions of this kind. The essential question raised by the objection is the status of the Government appointing the delegates to the International Labour Conference. However, in examining the credentials of Government delegations the Committee should avoid as far as possible taking decisions of a political character. The only question the Committee can properly take upon itself is to determine whether such credentials are properly issued by the government of the country concerned.

13. From the beginning of the existence of the International Labour Organisation, the Credentials Committee—and the Conference—have refused to adopt, with respect to political questions which were already before the League of Nations or the United Nations, a solution which

would not conform to the attitude adopted by these political organs. There is no reason to depart from that line of conduct. Accordingly, in order not to prejudge the conclusion to which the General Assembly of the United Nations may come as a result of its examination of the problem, a decision on the validity of the contested credentials must, in my opinion, as in other similar cases, be postponed until a decision is taken on it by the United Nations.

14. The conclusion that has been reached by this report clearly in no way goes to the merits of the Hungarian question, particularly in view of the tragic events announced in the last few days.

(Signed) ZVI BERINSON,
Chairman

Majority Report

15. The Conference will remember that during its 40th Session the report was published of the United Nations Special Committee on the Problem of Hungary (United Nations Document A/3592, 12th June 1957), and that the conclusions of the Special Committee were presented to the Conference in the sixth report of the Credentials Committee of the 40th Session (*Provisional Record No. 25*).

The facts which the Special Committee found were that the Soviet Union intervened with force in the internal affairs of Hungary to suppress a popular national uprising of the people against a form of government which they detested, that this uprising was not inspired or assisted from outside Hungary; and that the Government installed by Soviet armed might did not have the support of the Hungarian people, and has only been able to remain in power through the use of an apparatus of foreign and internal repression. The methods of the secret police before and since the Hungarian revolution to maintain in power a government without real popular support were viewed unanimously with horror and scorn by the Special Committee.

16. This report of the Special Committee was discussed by the General Assembly of the United Nations from 10th to 14th September 1957; the result was that the General Assembly adopted the following resolution by 60 votes to 10, with 10 abstentions :

The General Assembly,

Recalling its resolution 1132 (XI) of 10th January 1957, establishing a Special Committee, consisting of representatives of Australia, Ceylon, Denmark, Tunisia and Uruguay, to investigate, and to establish and maintain direct observation in Hungary and elsewhere, taking testimony, collecting evidence and receiving information, as appropriate,

Having now received the unanimous report of the Special Committee on the Problem of Hungary,

Regretting that the Union of Soviet Socialist Republics and the present authorities in Hungary have failed to co-operate in any way with the Committee.

1. Expresses its appreciation to the Special Committee on the Problem of Hungry for its work;

2. Endorses the report of the Committee;

3. Notes the conclusion of the Committee that the events which took place in Hungary in October and November of 1956 constituted a spontaneous national uprising;

4. Finds that the conclusions reached by the Committee on the basis of its examination of all available evidence confirm that—

(a) The Union of Soviet Socialist Republics, in violation of the Charter of the United Nations, has deprived Hungary of its liberty and political independence and the Hungarian people of the exercise of their fundamental human rights;

(b) The present Hungarian regime has been imposed on the Hungarian people by the armed intervention of the Union of Soviet Socialist Republics;

(c) The Union of Soviet Socialist Republics has carried out mass deportations of Hungarian citizens to the Union of Soviet Socialist Republics;

(d) The Union of Soviet Socialist Republics has violated its obligations under the Geneva Conventions of 1949;

(e) The present authorities in Hungary have violated the human rights and freedoms guaranteed by the Treaty of Peace with Hungary;

5. Condemns these acts and the continued defiance of the resolutions of the General Assembly;

6. Reiterates its concern with the continuing plight of the Hungarian people;

7. Considers that further efforts must be made to achieve the objectives of the United Nations in regard to Hungary in accordance with the purposes and principles of the Charter and the pertinent resolutions of the General Assembly;

8. Calls upon the Union of Soviet Socialist Republics and the present authorities in Hungary, in view of evidence contained in the report, to desist from repressive measures against the Hungarian people to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms, and to ensure the return to Hungary of those Hungarian citizens who have been deported to the Union of Soviet Socialist Republics;

9. Requests the President of the Eleventh Session of the General Assembly, H. R. H. Prince Wan Waithayakon, as the General Assembly's special representative on the Hungarian problem, to take such steps as he deems appropriate, in view of the findings of the Committee, to achieve the objectives of the United Nations in accordance with General Assembly resolutions 1004 (ES-II) of 4th November 1956, 1005 (ES-II) of 9th November 1956, 1127 (XI) of 21st November 1956, 1131 (XI) of 12th December 1956 and 1132 (XI) of 10th January 1957, to consult as appropriate with the Committee during the course of his endeavours, and to report and make recommendations as he may deem advisable to the General Assembly;

10. Decides to place the Hungarian item on the provisional agenda of the Twelfth Session of the General Assembly.

17. In view of the foregoing we would like to point out that the challenge against the Government delegation of Hungary is of quite another character than the challenges against Government delegations which the Conference had to deal with in the past. These challenges were of a political character dealing with the internal political situation of a member State. In this case of Hungary, however, one member State has imposed its government on another member State; this is clearly set out in paragraph 708 of the United Nations Special Committee on the Problem of Hungary where the Committee states that "representative government does not exist for the time being in Hungary" and in paragraph 785 where the

Committee states: "A massive armed intervention by one power on the territory of another, with the avowed intention of interfering with the internal affairs of the country, must, by the Soviet's own definition of aggression, be a matter of international concern." These judgments have been endorsed by 60 governments, nearly all of them being represented at this Conference.

18. We cannot accept the view that we must wait upon the United Nations and that the I.L.O. Conference, therefore, has no authority and duty of its own with regard to the credentials of the Government delegations of its member States. On the contrary, it may well be that the tripartite character of the I.L.O. may enable it to discharge its responsibilities and give effect to world opinion more quickly and effectively.

The clear and direct responsibilities of the I.L.O. in these matters are shown by the further fact that a State can be a Member of the I.L.O. without being a Member of the United Nations. In our opinion, therefore, the I.L.O. must not, and, indeed, if it is to keep faith with itself, dare not, shirk doing its clear duty by rejecting the credentials of the Hungarian Government delegation to this Conference. We urge that the governments which are themselves Members of the United Nations should not be deflected from their responsibilities. Even abstention, while recording doubt, may well lead to the credentials of the "Hungarian Government" being upheld.

19. Accordingly, we consider that the objection to the nomination of the Government delegates and advisers of Hungary is well founded and we propose to the Conference that it should refuse to admit these delegates and advisers in conformity with paragraph 9 of article 3 of the Constitution of the I.L.O. and paragraph 7 of article 26 of the Standing Orders of the Conference.

(Signed) A. G. FENNEMA,
A. SANCHEZ MADARIAGA.

OBJECTION TO THE NOMINATION OF THE EMPLOYERS' DELEGATE OF HUNGARY

Report of the Chairman

1. By letter dated 6th June 1958 the Employers' delegates of France, Japan, the United Kingdom, the United States and Uruguay submitted an objection to the nomination of Mr. Somlo, Employers' delegate of Hungary to the 42nd Session of the International Labour Conference. The Committee heard oral statements in support of the objection by the Employers' delegates of France and the United States, and also heard oral statements in reply to the objection by one of the Hungarian Government delegates and the Hungarian Employers' delegate.

2. The objection is based on the following principal considerations :

- (a) that "The Special Committee created by the General Assembly of the United Nations to examine the Hungarian questions has concluded, and its report has been endorsed by the United Nations, that since the tragic events of October 1956 there does not exist in Hungary a representative government";
- (b) that "The report of the Special Committee referred to above was endorsed by the General Assembly of the United Nations on 14 September 1957 by a vote of 60 in favour, 10 against and 10 abstentions";
- (c) that "Subsequent to the last International Labour Conference in June 1957 the United Nations has refused to approve the credentials of the representatives of the current regime established in power in Budapest by the U.S.S.R.";
- (d) that "The proof of the existence and continuance of the mastery and domination of the Soviet Union over the Hungarian people through its puppet regime in Budapest is established by the following statement made by Mr. Khrushchev, the Prime Minister of the U.S.S.R., on 8th April 1958, in Hungary: 'In the event that enemies of the workers or provocateurs should attempt a putsch or a counter-revolution in any socialist country, then I say to you here that all the socialist countries and the armed forces of the Soviet Union are always prepared to unite, to provide help and to answer the provocation as it deserves to be answered.'";
- (e) that "The 40th International Labour Conference in 1957, on the facts and circumstances alleged herein that had occurred prior to that Conference, has already sustained objections to the credentials of the Employer delegation appointed by the illegitimate regime in Hungary, by a vote of 141 to 7, with 35 abstentions".

3. The objection which was lodged in 1957 against the nomination of the Employers' and Workers' members, held that, in the light of the report based on similar grounds to those put forward this year.

At that session, a majority of the Credentials Committee, consisting of the Employers' and Workers' members, held that, in the light of the report of the United Nations Special Committee on the Problem of Hungary, representative government did not then exist in Hungary and that in consequence the actions of the then Government of Hungary were illegal in all aspects. Therefore, this conclusion continued, it was impossible for the Government of Hungary to fulfil the obligations laid down in article 3, paragraphs 1 and 5, of the Constitution of the I.L.O. with regard to the nomination of non-governmental delegates in agreement with the industrial organisations which are most representative of employers and workpeople.

Therefore, the Employers' and Workers' members of the Credentials Committee concluded that the Hungarian Employers' delegate and his adviser to the 40th Session of the International Labour Conference should not be admitted.

The Chairman of the Committee held in a separate report that the question was a political one with which the International Labour Organisation should not deal until the United Nations came to a final decision on the subject. He stated that it could not be contested that the rising which took place in Hungary in the autumn of 1956 and the intervention of foreign armed forces constituted an important new fact, but that this new fact did not consist in the impairment of individual and collective liberty or in its effect on the conditions in which the appointment of the Employers' delegation must take place. According to the report of the United Nations Special Committee on the Problem of Hungary, he continued, that state of affairs existed before the rising of October and was in fact one of its causes. The International Labour Conference made decisions on that aspect of the question at its 37th and 39th Sessions. He concluded that if that aspect were alone to be taken into consideration, the Conference could only refer to the conclusions not to invalidate which had been theretofore adopted by it.

4. The considerations put forward this year by the authors of the objection, apart from the rejection by the 1957 Session of the Conference of the credentials of the Employers' delegation of Hungary, again invoke essentially the illegitimacy of the present Hungarian Government.

5. In that connection reference should be made to my report on the objection to the credentials of the Hungarian Government delegation to the present session of the Conference. That report concludes that, in order not to prejudge the conclusion of the General Assembly of the United Nations on the problem which is still pending before it, a decision on the validity of the contested credentials must, as in the United Nations, be postponed.

6. Accordingly, in the case of the objection lodged against the Employers' delegation of Hungary, a decision on the validity of these credentials should, in my opinion, for the same reasons be postponed.

7. Once again it should be noted that the conclusion that has been reached by this report clearly in no way goes to the merits of the Hungarian question, particularly in view of the tragic events announced in the last few days.

(Signed) ZVI BERINSON,
Chairman.

Majority Report

8. In the resolution of the General Assembly of the United Nations, adopted on 14 September 1957 by 60 votes to 10, with 10 abstentions, it was established that—

- (a) the Union of Soviet Socialist Republics, in violation of the Charter of the United Nations, has deprived Hungary of its liberty and political independence and the Hungarian people of the exercise of their fundamental human rights;
- (b) the present Hungarian regime has been imposed on the Hungarian people by the armed intervention of the Union of Soviet Socialist Republics.

Under these conditions of compulsion it is manifestly impossible for the present regime in Hungary to send a properly accredited Employers' delegate to the Conference. Whoever is sent here is sent by an illegal government and is under its complete and repressive control.

9. The Conference will remember that at its 40th Session (June 1957), the credentials of the Hungarian Employers' delegate and his adviser were invalidated by the Conference by 141 votes to 7, with 35 abstentions.

10. Accordingly, we conclude that the objection to the nomination of the Hungarian Employers' delegate to the 42nd Session of the International Labour Conference is well founded, and we recommend to the Conference that it should refuse to admit this delegate, in conformity with paragraph 9 of article 3 of the Constitution of the I.L.O. and paragraph 7 of article 26 of the Standing Orders of the Conference.

(Signed) A. G. FENNEMA.
A. SANCHEZ MADARIAGA.

OBJECTION TO THE NOMINATION OF THE WORKERS' DELEGATION OF
HUNGARY

Report of the Chairman

1. By letter dated 6 June 1958 the Workers' delegate of the Netherlands and the International Federation of Christian Trade Unions submitted an objection to the nomination of the Workers' delegation of Hungary to the 42nd Session of the International Labour Conference. By telegram received on 5 June 1958, supplemented by letters dated 5th and 9th June 1958, the International Confederation of Free Trade Unions also submitted an objection to the nomination of the Hungarian Workers' delegation. The Committee heard oral statements in support of the objections by the Workers' delegate of the Netherlands and the representative of the International Confederation of Free Trade Unions, and also heard oral statements in reply to the objections by one of the Hungarian Government delegates and the adviser to the Hungarian Workers' delegate.

2. The objection submitted by the Netherlands Workers' delegate and the International Federation of Christian Trade Unions is based principally on the fact that the International Labour Conference, at its 40th Session in 1957, invalidated the mandate of the Workers' delegation of Hungary, and that, since that date, the objection alleges, trade union freedom has not been re-established in Hungary, and the United Nations General Assembly has not validated the credentials of the Hungarian representatives to the United Nations. The objection submitted by the International Confederation of Free Trade Unions is based principally on the allegation that the trade union organisation which the Hungarian Workers' delegation represents is merely a subsidiary of the Communist machine, which, by illegal methods and with the help of foreign troops, rules Hungary against the will of the overwhelming majority of the people. The only really representative organisations of workers, this objection continues, were abolished by government decree in November 1957. The objection also refers to the report of the United Nations Special Committee on the Problem of Hungary in support of its contention that the Workers' delegation does not represent the workers of Hungary, and it also alleges that the Workers' delegation cannot exercise the independent vote referred to in article 4, paragraph 1, of the Constitution of the International Labour Organisation.

3. Similar objections were lodged in 1957 against the nomination of the Workers' delegation of Hungary by the International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions.

At that session of the Conference a majority of the Credentials Committee, consisting of the Employers' and Workers' members, concluded that the report of the United Nations Special Committee on the Problem of Hungary gave full support to the allegations of the objection, and that the requirements of article 3 of the Constitution of the International Labour Organisation had not been met in that the Workers' delegate did not represent the workers of Hungary. Therefore, the majority report concluded, the Hungarian Workers' delegate and his adviser to the 40th Session of the International Labour Conference should not be admitted.

The Chairman of the Committee held in substance in a separate report that the question was a political one and related essentially to the legality of the authority of the government making the nomination. He stated that it could not be contested that the rising which took place in Hungary in the autumn of 1956 and the intervention of foreign armed forces constituted an important new fact, but that this new fact did not consist in the impairment of individual and collective liberty or in its effect on the conditions in which the appointment of the Workers' delegation must take place. According to the report of the Special Committee of the United Nations, he continued, that state of affairs existed before the rising of October and was in fact one of its causes. The International Labour Conference made

a decision on that aspect of the question at its 37th Session when it examined the objections against the Workers' delegations of Czechoslovakia and the U.S.S.R.: if it were alone to be taken into account, the Conference could only arrive at a conclusion to the same effect as that which it reached at its 37th Session.

4. In accordance with the provisions of article 26, paragraph 7, of the Standing Orders of the Conference, the report of the majority of the Credentials Committee was put before the Conference and gave rise to substantial and prolonged discussion. At the conclusion of the discussion on 26 June 1957 the vote also provided for by article 26, paragraph 7, of the Standing Orders was taken, with the following result: 141 votes for, 5 against, with 20 abstentions. This being more than the two-thirds majority required, the Hungarian Workers' delegation was not admitted.

5. The considerations put forward this year by the authors of the objections, apart from the rejection by the 1957 Session of the Conference of the credentials of the Workers' delegation of Hungary, once again deal principally with the impairment of individual and collective liberty and the effect this impairment has on the conditions in which the appointment of the Workers' delegation takes place.

The absence of freedom, and particularly trade union freedom, has been put forward on several previous occasions as a basis for the invalidation of the credentials of Workers' delegations. This was so, for instance, in the case of the objections raised in 1954 to the credentials of the Workers' delegations of Czechoslovakia and the U.S.S.R., and in the case of the similar objection raised in 1956 to the credentials of the Workers' delegation of Spain.

The majority of the Credentials Committee in the former cases and the Chairman of the Committee in the latter considered that the objections were unfounded and the Conference decided by vote not to invalidate the credentials in question. The view was expressed that, although freedom of association was clearly an objective of the I.L.O., this did not mean that the existence of freedom of association was a prerequisite to membership or to the exercise of the attributes of membership. It was concluded that the Committee's task was limited to the determination of whether nominations of delegates to the Conference were made in accordance with the specific requirements of article 3 of the Constitution.

6. In so far as the objections imply that the authority issuing the credentials of the Hungarian Workers' delegation is illegally constituted, reference should be made to my report on the objection to the credentials of the Hungarian Government delegation to the present session of the Conference. That report concludes that, in order not to prejudge the conclusion of the General Assembly of the United Nations on the problem which is still pending before it, a decision on the validity of the contested credentials must, as in the United Nations, be postponed.

7. Accordingly, in the case of the objection lodged against the Workers' delegation of Hungary, a decision on the validity of these credentials should, in my opinion, for the same reasons be postponed.

8. Once again it should be noted that the conclusion that has been reached by this report clearly in no way goes to the merits of the Hungarian question, particularly in view of the tragic events announced in the last few days.

(Signed) ZVI BERINSON,
Chairman.

Majority Report

9. The Credentials Committee has received objections to the nomination of the Workers' delegate and adviser of Hungary, submitted by the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions and the Workers' delegate of the Netherlands to the present session of the Conference.

10. The objections refer in the first place to decisions taken in 1957 by the General Assembly of the United Nations in the sense that they declare that the situation in Hungary was the same as it was in 1956. They also refer to the decision taken by the 40th Session of the International Labour Conference concerning the absence of trade union freedom in Hungary and the consequent impossibility of genuine representation of the workers of Hungary at the Conference.

11. The International Confederation of Free Trade Unions continues by declaring that the so-called "Hungarian National Confederation of Free Trade Unions" is neither free nor can it be considered to be a trade union confederation, and that it is merely a subsidiary of the Communist party machine; that the only really representative organisations of workers directly elected by the workers themselves, the workers' councils, were abolished in 1957, and were replaced by factory councils placed under the control of people who do not represent the workers; that official Hungarian sources, as well as other reports, show that authentic representatives of the workers were arrested, condemned in secret trials and executed.

12. Furthermore, the I.C.F.T.U. points out that, in conformity with paragraph 5 of article 3 of the Constitution, non-Government delegates and advisers must be chosen in agreement with the most representative industrial organisations, if such organisations exist. Although there do not exist in Hungary industrial organisations in the sense of the Constitution of the I.L.O. nevertheless it is clear that the persons designated cannot claim to represent the workers of Hungary.

13. The I.F.C.T.U. and the Netherlands Workers' delegate point out that, trade union freedom not having been re-established in Hungary and the General Assembly of the United Nations not having validated the mandate of the Hungarian delegation since the 40th Session of the International Labour Conference, the present session of the Conference can only confirm its previous decision.

14. The Credentials Committee has heard the Government delegates and the adviser to the Workers' delegate of Hungary, as well as the Workers' delegate of the Netherlands and the representatives of the organisations that submitted the objections. The Hungarian representatives declared that the objections were not receivable and that the Workers' delegation had been nominated by a genuine trade union organisation in conformity with paragraph 5 of article 3 of the Constitution of the I.L.O.

15. Nevertheless, a careful examination of the file and an examination of the allegations and evidence put forward lend full support to the authors of the objections. Not only do the same circumstances of oppression that were put before the 40th Session of the Conference still exist, but the situation has in fact become even worse.

16. For these reasons we consider that the persons whose credentials have been challenged do not possess the representative character required by paragraph 5 of article 3 of the Constitution, and that, as a consequence, it is necessary to invalidate the credentials of the Workers' delegate and adviser of Hungary.

(Signed) A. G. FENNEMA.
A. SANCHEZ MADARIAGA.

APPENDIX IV(A)

Statement of Shri R. Venkataraman on the Director-General's Report

Mr. President, let me at the outset offer you my hearty felicitations on your election, unanimously, as President of this Conference. It is an honour not only to you personally and to your country but to the whole region to which we belong. We are naturally proud of the honour.

I congratulate the Director-General on the thoughtful selection of the subject matter of this year's Report. We assemble here in this annual Conference and discuss the details of particular subjects on its agenda or of particular aspects of the I.L.O.'s work. While this is necessary if business is to be transacted in a methodical manner, there is an obvious risk in the process : in our preoccupation with the parts we may lose sight of the whole. The Director-General has done well in giving us this year a broad picture of the Organisation, so that the I.L.O. and its work may be seen in perspective.

The world social scene on which the I.L.O. operates does not present a uniform aspect. Each country has its own peculiar problems and each is seeking solutions most suitable to its circumstances, capacity and tradition. It is not possible for an international organisation to minister fully to the special needs of individual countries. It has to identify the common elements in differing situations and discover for itself the broadest common ground on which to base its operations. It is only from there that it can proceed to assist the individual countries in solving their special problems. It is therefore natural that the impact of the programmes pursued by the I.L.O. should have been felt differently in different countries.

For about 40 years now the I.L.O. has been pursuing its avowed objective of promoting world peace through the promotion of social justice. One would be fully justified in saying that the quiet work done by this Organisation has brought about a complete change in the world's approach to social and labour problems. Policy on labour matters had for long been conceived in terms of meeting an exigency. If today it has taken on a positive aspect, and labour can no longer be treated merely as a commodity subject to the vagaries of supply and demand, it is to a large extent due to the influence exerted by the I.L.O. on the conscience of the world.

In my own country this positive approach to labour and social problems has found its pride of place in the body of the Constitution itself. The securing of humane conditions of work, of a living wage, of social security and of opportunities for leisure are today some of the directive principles of state policy in India. Co-ordinated action has naturally followed the

adoption of these principles in improving conditions of work, in expanding welfare amenities, in raising the level of wages and in the provision of social-security benefits.

I do not suggest that the progress we have been able to make in any of these fields fully satisfies the aspirations summed up in the directive principles of our Constitution. There are obvious factors that limit the rate of progress, even though there may be no doubt about the direction of policy; but the very fact that progress has been attempted on a very wide front and in a co-ordinated manner with the positive aim of promoting the well-being of labour in all its varied aspects is itself a measure of the change in the approach to social problems.

The standards evolved by the I.L.O., particularly during the earlier years, reflected more directly the conditions prevailing in the industrialised countries and were far removed from the economic realities of the less industrialised regions. To an extent it was perhaps inevitable. As the Director-General himself has pointed out, the industrialised countries "were formerly preponderant in determining the direction of I.L.O. activities". As a result, what has been adopted as international standards has often looked like the codification of the experiences of these countries. The picture, however, is very much changed today. Other countries of the world, which are not so developed, are appearing on the scene in large numbers and assuming, as the Director-General has put it, "a greater place in international preoccupations". If adherence to international standards is to be real, such standards must also come within the reach of the social and economic realities of these countries. The purposes of these standards, as I understand it, is to bring about uniformity in labour practice or at least to induce a forward direction towards such uniformity. But when conditions are widely different in different countries, it is exceedingly difficult to formulate uniform standards. When they suit the conditions of advanced countries they would obviously be too high for the less developed ones. On the other hand, standards fit for this latter group of countries would be far too low for the former. The I.L.O. is seeking to meet this dilemma by introducing an increasing element of flexibility in the formulation of standards. But there is a limit beyond which this process cannot go without sacrificing even the semblance of uniformity. I think the issue should be faced more frankly and more squarely and earnest consideration given to the possibility of formulating standards on a different basis, regional or other.

In his Reports to the last two Asian Regional Conferences the Director-General drew pointed attention to the gap between the levels of living in Asia and those in the more industrialised countries. This gap is widening in spite of the determined efforts made by the peoples and governments of this region to accelerate the pace of economic development. The basic Constitution of the I.L.O. recognises that 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". When such failure arises out of sheer economic incapacity I think there is a clear case for the I.L.O. to step in with an assurance of assistance.

If I have referred to this aspect of the problem at some length, my purpose has been to indicate the need for a change of emphasis in the I.L.O.'s programme of activities. I know it is not for this Organisation to sponsor economic growth in individual countries, but I feel that there is need for expanding its operational activities, if necessary by re-adjusting its other programmes. We all know that the operational activities of the I.L.O., particularly in the form of technical assistance, have been a most welcome feature of its current activities, especially from the point of view of the less developed countries. We in India have received assistance in organising the activities of our national employment service, in setting up our social-security system, in carrying out our programme of productivity studies, in setting up a Training Within Industry centre and in many other matters. We are grateful for this. Our experience, however, has been that, apart from the need for transmission of techniques, there is an equal, if not greater, need for the supply of equipment on a more liberal scale. I would suggest that the scale for the supply of equipment in connection with technical assistance projects should be liberalised and made free of the current restrictions.

The problems of agricultural workers are pressing and need the attention of the I.L.O. We in our country are trying to revitalise the rural life by community development projects. The success of these projects has attracted the attention of countries with economies similar to ours.

The Director-General has very rightly referred to the possibilities of the educational and promotional programmes. My country, like many others, is passing through a period of transition towards industrialisation. We know that the stability of labour-management relations during this period of change is the key to the maintenance of social stability. Such stability can be achieved only through a process of continuous education and can never be a matter of legal imposition. Essentially it is a question of creating an awareness of social responsibility during the difficult years of change. We, in our humble way, have been trying, with some success, to create this awareness through discussions, seminars and similar educational activities. I am happy to be able to say that the workers and employers in my country have, through their representative organisations, themselves evolved an agreed code of discipline to be observed in their day-to-day dealings with each other. This, we hope, will eventually eliminate all tension in industry and promote industrial peace and harmonious relations. The significant point about this code is that there is no legal sanction behind it. Through a similar process we have arrived at an agreement by which an experiment in workers' participation in management is being tried in a selected number of undertakings. This is also entirely without any legal compulsion. These are some of our efforts

for extending the area of labour-management co-operation. All this is being sustained through a comprehensive programme of workers' education, which we have recently taken in hand. The basic aim of all these measures is to impart an element of resilience to the structure of labour-management relations. We are passing through a period of rapid change in India. The traditional fabric of our society is very much under strain. But it is our determination to achieve progress without disturbing that stability.

When we talk of educational and promotional activities we imagine that it is only the workers who require to be educated and trained. In the less industrialised countries the problem of improving management efficiency by spreading industrial knowledge and management techniques is as important as that of workers' education.

For about 40 years now this great Organisation has functioned as a lighthouse of the world. It has given direction to the course of social policy and lighted the way to social peace. Year after year it has brought to us a renewal of faith in the future of mankind. It has quietly pursued its plan of broadening the base of social justice on which alone a future of peace and prosperity can best be built. Now, when science has placed in our hands the technical possibilities of achieving universal prosperity, peace seems to elude our grasp. This is a challenge to the collective wisdom of mankind. The I.L.O. must keep the fire of faith burning if the challenge is to be effectively met.

APPENDIX IV(B)

Statement of Shri Babubhai M. Chinai on the Director-General's Report

I feel happy to participate in the general discussion on the Report of the Director-General which deals with "The I.L.O. in a Changing World". He could not have chosen a better theme, nor has its consideration come a day too soon. The analysis he has made of the hurrying events in our present age which is rushing by gives ample food for thought. The I.L.O., as other social organisations at the national and international levels, faces a crisis of confidence. Actually, it is we, the men and women who have created these organisations and who run them, who face this challenge. I propose to suggest, necessarily in a brief way as the time is short, from the forum of the I.L.O. the action that needs to be taken.

Before indicating my specific proposals, I should like to outline the backdrop against which I am projecting them. By and large I agree with the background that the Director-General has so ably and clearly depicted. If I underline certain points to which the Director-General has already

referred I do so with a view to making clearer my own views and suggestions. In this connection I shall also invite your special attention to certain forces and movements in that part of the world from which I come, namely, Asia. What is happening in Asia today will influence, for good or bad, the course of world history. As the prominent historian Arnold Toynbee has pointed out, the resurgence of Asia after the end of the Second World War is one of the most important events during the last ten years. Nearly two-thirds of the world population have gained independent status politically, partly through the enlightened policies of the ruling powers, but largely due to the reaction of enlightened world opinion against colonialism. An important point that has to be firmly noted is that not only have a vast number of people been moved to revolt but they have acquired in their hands the right to govern themselves. Governance is a difficult task, the more so if the minds of people are bedevilled by "isms".

Every age is important and critical. Men's minds have always been troubled. Since man came to inhabit the world it has been changing. With the giant strides that science has taken recently, especially with the terrifying knowledge we have come to possess of atomic power, the life of man, geographically and otherwise, has taken on a new significance. In the past—in fact till quite recently—it was assumed that each generation would substantially live amid the conditions governing the lives of its fathers, and would transmit those conditions to mould the lives of its children. We are living in the first period of human history in which this assumption has been falsified by the logic of circumstances. At no time has the framework in which man lives been strengthened so much or been subject to such severe stresses and strains. But I am not one of those who feel that the difficulties of the present are the presage of extinction. They are, to my mind, the pangs of a new birth. As I see it, there is both scope and hope for improvement in the conditions of living of the greater part of the human family. The industrially advanced countries are going through a second industrial revolution which heralds growth and prosperity on an unprecedented scale. The comparatively underdeveloped countries are now in the throes of development.

The fact that man has continually overcome the problems that confronted him is in itself an earnest that he will win through now and in the future also. One cannot, however, afford to ignore the several problems that now loom upon the threshold, problems which in magnitude and in complexity have never been faced or encountered by civilisation hitherto. The most topical and intense problem is the conflict in the human mind itself. Even in the so-called unchanging East the old bonds of society have been loosened. New forces and new classes have arisen and are arising. The air is full of new ideologies, of the sound of the gathering and marshalling of new forces. The corners of the earth have been drawn together, and peoples all over the world are becoming one vast, highly organised and interdependent whole, with the current of ideas,

commodities and people flowing with a rapidity and regularity previously unimagined. Urban expansion, one of the most remarkable features of modern economic development, exposes large populations which are extremely sensitive to new social stimuli.

Many of the spokesmen of science who concern themselves with social problems seem to believe and act as if their duty to society were to take away its religious beliefs. This is one of the most dangerous trends, and one that requires to be stemmed. Coming as I do from India, a country of age-old beliefs, I am not unaware of the uglier aspects of religious rigidity. At the same time, venture to point out that basically our conception of religion determines the spirit in which day-to-day activities are carried on. Our forebears have enjoined that man's renunciation must be internal and his activity external. His mind should be at rest but his hands must be busy. We must grow with our universe, equip ourselves to face new fields of awareness, new challenges of attainment and new realisations of human destiny. In short, man carries within himself the seeds not only of his own destruction but of his own constructiveness.

People must get back their faith and belief in the grandeur of human destiny. No doubt this grandeur can be conceived only when people are relieved to some extent from the battle for physical existence. For the larger part of the world's population this battle is a grim one. In this context they tend willynilly to accept any philosophy, however abstruse and dogmatic, if it holds out promise of immediate improvement in their lives. All too often a single glimpse of truth leads to an "ism" which acquires sinister power over men's concepts and judgments. That philosophy was pieced together a century ago by Karl Marx and Engels; they gave it the name of dialectical materialism. The truth is that this philosophy of dialectical materialism, sometimes called "Dimat" for short, has become one of the great intellectual forces in recent times. It is a mistake, a big mistake, to ignore this philosophy as mere cant for, in quite a few countries in Asia, it is influencing the thinking and lives of millions of people.

The Indian attitude towards international communism is a practical one, as exemplified by the foreign policy of India's Prime Minister, Jawaharlal Nehru. We believe in that kind of freedom which permits diversity in thinking. What is essential to human freedom, according to us, is not identity of views but community of aims, not conformity and acquiescence but comprehension, patience and tolerance. We believe that these qualities mark out all freedom-loving people and all organisations built by them. For various reasons, in every country the government is assuming more and more power to influence the economic life of the people. It is common knowledge that countries differing widely from each other in the philosophy and organisation of government, in the degree of industrial development and in their local systems, have developed public enterprises in

some form or other. In a few cases the emergence of such enterprises is attributable to a preconceived and definite legal or political theory, but in others, as in the case of India, they are developing as empirical responses to specific practical needs. At the same time we in India have constantly in mind, and would also like other people to have constantly in mind, the salutary advice which our revered leader Mahatma Gandhi gave us when he said:

"I look upon an increase in the power of the State with the greatest fear because, although while apparently doing good by minimising exploitation, it does the greatest harm to mankind by destroying individuality, which lies at the root of all progress.

"The State represents violence in a concentrated and organised form. The individual has a soul, but as the State is a soulless machine it can never be weaned from violence, to which it owes its very existence.

"It is my firm conviction that if the State suppressed capitalism by violence it would be caught in the coils of violence itself and fail to develop non-violence at any time.

"What I would personally prefer would be not a centralisation of power in the hands of the State but an extension of the sense of trusteeship, as in my opinion the violence of private ownership is less injurious than the violence of the State. However, if it is unavoidable, I would support a minimum of state-ownership.

"What I disapprove of is an organisation based on force, which a State is. Voluntary organisation there must be."

This is the advice which our great leader gave to our democratic Government. It can easily be imagined to what greater extent the advice is appropriate to governments which are not wedded to a philosophy of democracy.

I cannot conceive of any other international organisation which can have a greater leavening influence on the present situation than the I.L.O. This unique Organisation which was born after the First World War is the only one to survive the Second World War, whereas the League of Nations and other international agencies have failed to retain their original forms. The basis of the I.L.O. has in no small measure contributed to its strength. The I.L.O. came into being, as the Preamble to its Constitution says, under the impulse of "sentiments of justice and humanity as well as with a desire to secure permanent peace in the world". The working arrangement—democratic in character—of having the Employers, Workers and representatives of Government sit round a common table has proved consistently fruitful. Now, before the I.L.O. can contribute to a better understanding of this fast-changing world

of ours, it is necessary for the I.L.O. and all those who are associated with it to see in the first instance where it needs to be strengthened and fortified.

I feel compelled to refer to the situation that has developed on account of the entry into the I.L.O. of countries, the nature of the delegations of which is different from the delegations of the bulk of the Members of the I.L.O. The delegations of these few countries are tripartite in name only. Indeed, it is difficult to distinguish the different parties—or at any rate to find that kind of freedom in the functioning of these parties which mark out the component parts of the delegations of other countries. We cannot shut our eyes to the fact that during the past few years a shadow has been cast on the cohesive work of the I.L.O. I am not suggesting for a moment that these few countries should not be in the I.L.O. All that I wish to urge is that some satisfactory solution must soon be found which will enable the I.L.O. to function smoothly and effectively without losing its uniqueness as a source of inspiration to employers and workers alike in the solution of common problems at least at the level of discussions at the committee stage.

For a body like the I.L.O. the principle of universality is vital. I personally feel that if we exclude certain countries from the membership of the Organisation it would be a potential danger to the growth and importance of the I.L.O. It is best that as many countries as possible should be brought within the purview of the I.L.O. even if the countries represent different ideologies. However, to put emphasis on the principle of universality and to ignore completely the representative character of three clear-cut parties will be to sever the very roots of the I.L.O. Constitution. Ample safeguards must be evolved to ensure that there is no double representation through governmental encroachment on the realms of employers and workers. I would go so far as to say that it would be better to wind up the I.L.O. in its present form than permit, under its solemn and sacred Constitution, representation of Workers on the one hand by Government nominees and likewise to let Government representatives masquerade as Employers. I suggest that the credentials of Workers and Employers can be put to the acid test by an on-the-spot investigation in which the flimsy pretext of violation of national sovereignty should not be allowed to taint or prejudice the issue.

The Director-General has referred to the changes which have perceptibly altered the complexion and attitudes of the I.L.O. This is true of many other institutions, both national and international which may retain old names but have assumed new functions. This change has two aspects. One is the "macro" effect. There has been change in the conception of and attitude towards fundamental matters like employment, distribution of income within a nation or between nations, and the like; there has been a greater general infusion of social consciousness and recog-

nition of the special value of co-operation between nations for maintaining certain social and economic standards. The evolution and acceptance of these large standards—basic desiderata and common ideals—have been more real and more widespread than in the past. Various social institutions have also undergone the "micro" effect or have changed in details. The social sciences and the ordering of social relations have become more complex, and thus have led to considerable specialisation. Trade unions and employers' organisations alike have developed new branches of activities in matters of social policy like collective bargaining and in specialised types of administrative and organisational agencies. Each of these activities needs special training and special aptitude on the part of those who lead these organisations as well as those who participate in them in whatever capacity.

It is here that I see the special relevance of the Director-General's introductory remarks regarding the importance of education as an instrument of social action. We in India recognise the basic need for education. It is coeval and concurrent with the need for sufficient food and adequate shelter. The traditional Indian conception of education is the evolution of the full man, development of his best personality and latent powers. While these larger things have to be kept in mind one has also to realise that the major purpose of education in the modern world is to make every citizen a more efficient economic force; he should be familiar with his work and should be able to give his best to it; he should also learn his skill, a sense of alertness, care, concentration and precision which are now required even in the simpler type of modern industrial work. In Asia the social and economic life of the citizens is being consciously moulded. If the citizens do not fully participate or are not allowed to participate fully in this evolution, there is always some essential element of social experience lost for ever. There are always dangers lurking where the ordinary citizens have insufficient knowledge or inadequate interest in their surroundings or in things which affect their daily existence.

The techniques which the I.L.O. is helping to evolve must take this matter more and more into consideration. There is yet another vital aspect: we must be wary about the programmes of education and the agencies which will handle education. It is most necessary that the knowledge that is imparted should be free from class antagonism and negative or destructive fervour. The keynote of individual life, as national life, must be free growth and development. The I.L.O. has got to do—and can do—a great deal in evolving the right kind of programme and the right kind of agencies for imparting education to workers, both industrial and agricultural, as well as to employers.

You will be interested to know that it is in this view of things that in the First and Second Plan periods in our country on an average one-fifth

of total expenditure has been allocated for social services including education, community development, etc. With a view to educating the industrial worker in the philosophy of trade unionism nearly Rs. 6 million have been specially earmarked in the Second Plan period. A team of experts composed of nationals and foreigners was also appointed to draw up a programme of workers' education. Our Plan is to train teacher-administrators in the first instance and we hope that 400,000 workers, i.e., nearly 20 per cent. of the total industrial population, will receive training by the end of the Second Plan period, i.e. 1961. In our country the changes that will occur when the heavy cloud of illiteracy is lifted will have to be seen to be believed. We are endeavouring to educate not only the workers but also the employers in their rights and obligations. The owners of modern industrial enterprises are the thousands of shareholders who live far away from where the enterprises are located. These shareholders are the employers, but it is the managers on the spot who run the enterprises and it is these managers who are now loosely called employers.

Before I conclude I wish to underline once again the basic point that there can be no peace in this world, no true development of any kind, unless there is peace in our hearts. This is no inscrutable religious injunction. It is plain common sense. We want hearts warm enough to end the cold war and heads cool enough to prevent a hot one. May all of us through the I.L.O. contribute to better understanding of the problems of the world.

APPENDIX IV(C)

STATEMENT OF SHRI G. RAMANUJAM ON THE DIRECTOR-GENERAL'S REPORT

I congratulate the Director-General on the excellent Report he has submitted to this Conference. It is not merely an attempt at a stock-taking of the social and economic progress made by several member States as a result of the planned efforts of the I.L.O., both by itself and in co-operation with other international agencies functioning under the auspices of the United Nations; it looks ahead too. It has taken note of most of the important problems facing most of the countries and reflects the desire and determination of the I.L.O. to rise to the occasion and prove itself a worthy and effective instrument of service.

The last ten years have witnessed great changes, particularly in Asia and Africa. I refer to the emergence of several countries in this region that were formerly under some sort of political domination by other countries as free and sovereign nations. Following the political freedom attained by these countries great plans for rapid industrialisation were set in motion, which has created in its wake several new problems.

The Report of the Director-General has dwelt on these new problems also and the steps taken so far by the I.L.O. to assist those countries in meeting the new challenge with varying degrees of success. That there has been a definite and conscious shift in the emphasis by the I.L.O. in respect of its activities is apparent from the Report and I welcome this new and needed approach.

The strength of a chain depends upon its weakest link and the success of the I.L.O. will not be measured by the progress made by countries which are already far ahead of the other countries. The success of the I.L.O. will be judged by the progress registered by what are today called the backward or the underdeveloped countries. It cannot be denied that there is today a great imbalance between the economic and social progress made by the nations of the world. There may be very good reasons for the existence of this imbalance at present. But, even so, I am sure no one present here will justify the perpetuation of that imbalance. It should be the foremost objective of the I.L.O. that the world should progress as an integral whole, allowing no parts for whatever reason to lag behind. Otherwise the I.L.O. will cease to have any attraction to those who have been left behind.

In present day conditions the problems facing the industrially less advanced countries, with their huge resources of manpower, present a formidable challenge not only to those countries themselves but to the whole world. I am sure that the I.L.O., with its new approach indicated in the Director-General's Report, will be able to meet the challenge successfully. For this purpose it is obvious that the I.L.O. should expand its activities in new directions.

The problem in the underdeveloped countries is in the main the problem of unemployment and underemployment, and unless this is tackled within a reasonably short time the continuance of the consequent imbalance among countries and continents is bound to retard the progress of the whole world.

I am glad the Report, though necessarily of a stocktaking character has a forward look about it, and this I welcome. I would urge upon this Conference to give suitable directives to the Director-General and to the Governing Body to enlarge and intensify the I.L.O.'s programmes for assisting the less developed countries to narrow down the ever-widening gap between them and the better-developed countries, as a matter of the highest priority.

The Report has discussed automation in industries alongside agricultural labour and also labour employed in handicrafts and small-scale industries.

Automation leading to labour saving may have its own appeal to some countries but it may not have the same attraction to countries with a surplus of manpower, for which it is a problem to find employment for all. Full employment is the immediate objective of these latter countries and if automation will hinder that the remedy should be looked for in other directions.

Handicrafts and cottage or small-scale industries, I believe, will provide the remedy. They can give employment to a considerably large number of people and help to solve the problem of unemployment and underemployment in countries where there is a large manpower surplus. It will therefore be necessary for the I.L.O. to expand and intensify its assistance in this direction.

Since independence industrial labour in India has made considerable progress. From the position of a mere wage serf the worker's status in industry has steadily risen. It has now been accepted in India that the worker is entitled to a bonus if the employer makes a profit, which is indeed a form of profit-sharing. Another important step forward has been taken by the Government accepting the worker's right to participate in the management of industries, both in the private sector and in the public sector. And, in order to equip the worker to discharge effectively his great responsibility in this respect, workers' training schools are going to be established. A beginning has already been made by starting a college for teacher-trainees. We have also succeeded in persuading the Government to accept the principle of setting up tripartite wage boards for determining the fair wages of workers employed in major industries; already such wage boards have started functioning in the textile, cement and sugar industries, and more wage boards are expected.

On the side of labour welfare, the Employees' Health Insurance Scheme is an important benefit extended to organised industrial labour. There is already a provident fund system put into operation by statute, supplemented in most cases by awards of tribunals, for payment of retirement gratuity, while underemployment in industries has been protected by involuntary unemployment compensation, also by law. But it must be remembered that all these benefits apply only to industrial labour and plantation labour and not to agricultural labour and to labour employed in handicrafts and small-scale industries. This has therefore created an imbalance between industrial and agricultural employment; that is to say, between urban and rural employment in India.

I believe that in countries which have newly won their freedom and where there are efforts at quick industrialisation there has been a further imbalance between the earnings of industrial labour and agricultural labour; or generally between the wages of urban and rural labour. ~~The~~ imbalance, too, is undesirable and will obstruct progress at a national

level. I realise that there is bound to be some amount of difference between employment in the two sectors, but such difference should be narrowed down to the minimum, and the I.L.O.'s assistance to these countries in this respect will be of great value.

The new activities of the I.L.O. based on its new approach indicated in the Director-General's Report are in answer to the needs of the changing world, and I would only urge upon the Organisation to give all its support to the Director-General and make these new activities not as mere subsidiaries of the I.L.O. but to rank equally, if not more in importance, with its standard-setting activities.

By saying this I do not for a moment want to belittle the standard-setting aspect of the work of the I.L.O. It is no doubt very important. In fact, the two subjects "Conditions of Employment of Plantation Workers" and "Discrimination in the Field of Employment and Occupation", which are still to be governed by any Convention, show that there are still very important subjects left uncovered so far in this field.

Plantation labour has been one of the most sweated types of labour. It was even denied the usual facilities which labour in other industries had in the matter of forming and running a real trade union. I am happy to state that in India, since we attained independence, there has been a great change in the standards of wages, working and living conditions of these workers. By special legislation, namely the Plantation Labour Act, the working conditions and welfare and health benefits of these workers have been improved. Their minimum wages have been statutorily fixed and protected. Impediments in the way of normal trade union activities have also been removed.

In cataloguing these developments in India I do not say that plantation labour has no more demands. Their wages are still comparatively low and there is still plenty of scope for improvement in many directions. I have only pointed out the developments in India to show that a good beginning has been made in that country. It may be that some other countries too have made similar attempts, while yet others may be only just thinking of moving in that direction. That is why I strongly feel that an international Convention governing the conditions of work in plantations will certainly go a long way to assist this long-neglected section of labour throughout the world, whereby they would be getting certain minimum protection at least. I do not think that either the Employers' or the Government representatives will have any objection to such a Convention at it will also be in their respective interests.

Another important subject before this Conference on which an international Convention is overdue is the need for avoiding discrimination in any form in employment and occupation, as such discrimination is bound

to make serious inroads into fundamental human rights. Prominent among the different reasons for discrimination is discrimination on account of national extraction or natural origin of the workers concerned. I do not want to illustrate my general statement as to whether all workers of Indian origin or extraction, for instance, are discriminated against. That would only start an argument with some of my delegate friends here, which I would like to avoid. I would rest content with emphasising the need for all of us to accept unreservedly the principle involved, and the unanimous adoption of an international Convention in this respect is the only proof and guarantee that all such discrimination will be abolished.

This Conference has thus before it both the important types of work, namely new operational activity as well as the traditional standard-setting work. The operational activities of the I.L.O., I repeat, should be directed towards bringing up the standards of the underdeveloped countries first. We should look beyond this Conference Hall, particularly on the millions of people of the less advanced countries, and I hope the deliberations and decisions of this Conference will not fail their just expectations for a balanced social and economic progress.

APPENDIX IV(D)

STATEMENT OF MR. DAVID A. MORSE

Every public statement that is made has its appropriate setting. A speaker is fortunate when he is able to turn the prevailing mood in the sense of his argument. Now, as I come before the Conference this year, I feel that fortune is not with me in this respect and that my task is not an easy one. It would have been less difficult to speak to you about the future of the I.L.O. in an atmosphere of optimism, of confidence in the future. Instead, I feel that I happen upon days of deepening concern in international relations. Uncertainty, anger, suspicion are close to the surface in thoughts and words.

At times like these there is a temptation to succumb to an oppressive sense of failure, but I feel that this is a temptation to be fought against. However far we seem to be from our objectives, the only valid response to conditions like those of the present is to work with greater determination for international understanding and peace. There can be no doubt of the troubled desire of people in all countries for a greater security in peace. We must not betray the trust they place in us.

In the world today everyone bears a measure of responsibility for peace. Ours is to demonstrate a capacity for practical co-operation in the peaceful purposes for which the I.L.O. exists.

In periods such as these, when we are confronted with difficult problems, I think it is wise to reassess our sources of strength. One great strength is the continuing growth and vitality of the I.L.O. In ten years the membership of the Organisation has increased from 61 to 79 countries. This year the Conference welcomed the Federation of Malaya's assumption of membership and the return of Venezuela to its place in the Organisation.

A second great strength is the representative character of the I.L.O., particularly the presence in it of Employers and of Workers. No international body reflects world currents of opinion so quickly and so fully as the International Labour Conference. Sometimes this makes the work of the Conference more complicated than it might otherwise be; but it is essential for the I.L.O. to be a true reflection of the state of the world. If the I.L.O. does not reflect the shape of a changing world it cannot hope to influence the direction of the world's social evolution. The I.L.O. was set up to be an influence for social progress; and moments like the present demand a firm resolution to find a common basis for the pursuit of this purpose.

The shape of the world, particularly the economic and social structure of many countries, has changed considerably during the lifetime of the I.L.O. These structural changes in many countries, as some of you have pointed out in the debate, are often obscured by the use of obsolete language. Industrial enterprises organised and directed according to modern ideas of management have changed the mode of life and social organisation in many industrialised countries. Their existence today defies the predictions of some 19th century theorists. Labels like "private capitalism" are now hopelessly inadequate to describe modern large-scale industries. The trade unions of many countries of Western Europe and North America have also become far more than occupational organisations for the defence of their members' economic interests. They now have a broader and more responsible role in society—in the formation of national economic policy, for example—a role in which the national interest, or even nowadays the world interest, has to be weighed alongside the particular interests of trade union members. The role of government in economic and social policy takes many different forms, but has everywhere been growing. These changes are a characteristic of very many countries.

The Communist system, as has been frequently repeated here, covers another substantial part of the world. Although in the Communist countries the different national institutions, industries, government agencies and trade unions present a unified appearance because of the common directives of a unitary political organisation, we cannot assume that these countries are for that reason exempt from the laws of history. Their societies are going through a process of change. Their institutions are changing. In this change they face problems. They have their own internal conflicts. A deficient knowledge of the facts and meaning of social change and institutional development within the Communist system is one

to make serious inroads into fundamental human rights. Prominent among the different reasons for discrimination is discrimination on account of national extraction or natural origin of the workers concerned. I do not want to illustrate my general statement as to whether all workers of Indian origin or extraction, for instance, are discriminated against. That would only start an argument with some of my delegate friends here, which I would like to avoid. I would rest content with emphasising the need for all of us to accept unreservedly the principle involved, and the unanimous adoption of an international Convention in this respect is the only proof and guarantee that all such discrimination will be abolished.

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of the present limitations in our work, and I hope that with the co-operation of these countries we will be able to correct it. It is important that the knowledge and influence of the I.L.O. extend to these as to other countries.

Finally, in many countries in Asia, Africa and Latin America we may expect new and original developments in social and economic organisation. The tension between backward economic conditions and advanced aspirations for human welfare is shaping society in new ways.

At this moment in history I do not believe that it is safe to generalise about the shape of economic and social organisation or about the forms it will take in years to come. This is a time, I would suggest, when we need more than ever to shed outworn ideologies and look long and humbly at the realities about us.

No system and no theory has the answers to all the problems of social change. Every system was created in response to a particular set of problems, problems which are never reproduced in the same way in different times and places. All systems and theories which endure, endure by changing and adapting themselves to new situations. Ideologies are particularly fruitless when introduced into the debates of the I.L.O. because we have to deal here with the complex variety of problems faced by different peoples in all parts of the world. Ideology, by providing a ready-made pseudo-explanation of the world, shuts the mind to the changing facts of social life when we need to have a full and unprejudiced look at these facts. Despite the persistence of dogma and moribund slogans, it has been encouraging to me to note during many trips I have made to different parts of the world a growing disposition everywhere to recognise the need for a more objective, factual and scientific approach to social problems as a guide to social action. This spirit is particularly necessary in international work.

I would like to refer to one important activity of the I.L.O. in this connection: its work to promote freedom of association. This year the Governing Body, following an initiative taken by the Workers' group, decided to set in motion a survey of the actual position regarding freedom of association in all member countries—a survey which would cover all facts relevant to freedom of association. It was intended that a series of objective studies be carried out by the Office on the spot in member countries. The Governing Body left it to me to secure the agreement of governments to such studies being conducted in their countries. During the present session of the Conference I have had an opportunity of discussing this question with certain governments. The United States Government has, through the Secretary of Labour, Mr. James Mitchell, extended the first invitation to the I.L.O. to send a study mission on freedom of association. The Government of the U.S.S.R. has also invited the I.L.O. to send a study mission to that country. These two studies, which will initiate the survey into conditions relating to freedom of association in all member States, will be started

in 1959. Other Governments have also indicated their willingness to co-operate in this procedure. This, I feel, is a significant advance in international action to promote universal respect for human rights; and in the words used by the Secretary of Labour, Mr. Mitchell, "light on this matter may well show us a path through the shallows of conflict which darken our way to true peace".

This year I raised in my Report to the Conference a number of questions about the future evolution of I.L.O. activities. I am most grateful for the response of delegations. The statements made on my Report have brought forth much helpful criticism and advice. They have shown what problems claim your attention and thus provide a guide as to where our action should be directed. Sometimes it has been suggested that the discussion on the Director-General's Report is disappointing, and might be dispensed with in the interests of a more efficient Conference. There may be room for improvements in the way the discussion is organised. I am, however, more than ever convinced of its value to the Organisation and to myself. For me and for the Office it provides an indispensable check with our constituents. Through your statements we can judge better whether our activities correspond to your needs. For the delegates from member States it provides an opportunity to raise problems and express criticism or approval. I believe this discussion should remain a feature of the Conference and should retain the flexibility which allows both the Director-General and the constituents of the Organisation to take what initiatives they consider proper.

I cannot deal now with all the ideas and concerns which have been expressed. I would, however, like to make a few comments in the light of your statements and your discussions upon the future direction of the I.L.O.'s work. I am afraid that this is going to take a few minutes, because the debate has been rather long.

Virtually every statement in the discussion confirmed the importance of directing the I.L.O.'s work towards the problems of the underdeveloped countries. The success of the I.L.O., as the Indian Workers' delegate put it, will be judged by what it can do to close the gap in social standards between the industrialised and less developed countries. Otherwise, he warned, the I.L.O. will cease to have any attraction for those who have been left behind.

What has been called a "revolution of expectation" has occurred or is happening in many countries of Latin America, Asia and Africa. Millions have become aware that a richer and better life is possible. Governments in these countries are under great pressure to satisfy their people's demands, yet they have not the means for their satisfaction. Without the expansion of investment and, particularly, economic assistance from the more developed countries, the material foundations for a better life cannot be laid. Many of you have thus referred to the need for international arrangements to promote the flow of capital to the underdeveloped countries.

Recent years have seen the beginning of great changes in the societies of Asia, the Middle East, Africa and certain parts of Latin America. Age-old inertia is really a thing of the past. The growth of population in many areas has made it impossible for the old society to continue to find a recognised place for many of its members. In other places the establishment of modern industry has acted as a ferment for change. There have been great internal migrations, particularly from the countryside to the towns. Many now live in an uncertain transition between a traditional society which is no longer adequate either to sustain them or to claim their full allegiance and a newer society which has not taken shape sufficiently to give them security or a sense of confidence in their neighbours. As a result, traditional ideas and attitudes are weakened and new ones are taking shape and when the bonds of society are thus loosened there may be a danger of violence and social strife. The social problems of these countries cannot any longer be seen in the perspective of a gradual relief of seemingly eternal poverty. They must be seen in terms of a dramatic race against time to create sound foundations for the new emerging society. It is a race in which the resources we dispose of are quite inadequate to the needs and opportunities for action. And this makes it all the more necessary to concentrate upon priorities within a clearly understood and comprehensive view of the social development of these countries as a whole. Our attention should, I suggest, be given primarily to the strengthening of institutions and the training of people, the basic framework and human material with which new societies are being built.

It is most significant that we have heard in this general discussion from so many African representatives, both from the independent countries and from the non-metropolitan territories. They have, I believe for the first time, given the Conference the full impact of African hopes and problems. The problems of bridging the gap—a political, economic, social and cultural gap—rise here in some of their most dramatic forms. It is encouraging to hear what progress is being made, and especially what determination there is to realise the great potentialities of this great continent. The I.L.O. has for long been preparing itself patiently and carefully for work in Africa. We realise how important it is to base our action on a thorough knowledge and understanding of conditions in the different parts of Africa. In January next the I.L.O. will set up a Field Office for action in Africa; and the Governing Body has established a consultative committee to advise on regional questions. Africa is now coming to assume its rightful place in the work of the I.L.O. The challenge and the promise of the continent ensure that this place will be second to none.

Nothing in what has been said in the debate seems to me to call for a radical reorientation of the I.L.O.'s work towards new subjects, or away from present fields of activity. The discussion does, however, confirm certain major points of emphasis. It suggests the desirability of a review of our programmes in some sectors, and it points to the possibilities of

methods of action—particularly educational action—which have not yet been exploited by our Organisation to the full.

It is evident that the I.L.O. must continue and extend its work in the fields of training, productivity and social security. These subjects recur again and again in the preoccupations voiced by participants in the debate. I need not say any more about them because the need for such activities is so very well understood.

Great importance is also quite obviously attached to labour-management relations. We have heard references to the need for a framework of industrial relations legislation, for strong and competent trade unions, and for effective training in management. This is a good example of the priority which I have suggested should be given to strengthening institutions and training people for social responsibility. Spokesmen from countries where industry has grown up relatively recently, and where in consequence difficult responsibilities fall upon young organisations of workers and a new industrial management, have stressed particularly the need for education in good labour-management relations. One representative from a major Asian country described it as the "key to the maintenance of social stability" in a period of industrialisation.

There has also been general agreement in the debate upon the worth of the I.L.O.'s efforts to promote human rights. There is no question in my mind but that this is the fundamental aspect of our work, without which the rest of our work has but little value. The Conference has by resolution pledged the I.L.O.'s continued co-operation with the United Nations in an active human rights programme. The Conference has also prepared a Convention and a Recommendation on discrimination in employment and occupation which are in themselves a major advance in the educational process upon which the universal recognition of human dignity—and individual dignity—ultimately depends.

Two other subjects merit special attention because of the emphasis which has been placed upon them by many speakers in the debate. These are housing and rural development, and I think it would seem desirable for the I.L.O. to consider whether it is really doing all it can and should in these fields.

Shortage of housing remains unquestionably one of the greatest obstacles to a real improvement in workers' living conditions. This is a problem which seems to persist in many industrialised as well as in less developed countries. More adequate housing may also help to improve productive efficiency and facilitate labour mobility; and in communities that are in the process of industrialising it may help to stabilise the urban labour force. For all these and other reasons the I.L.O. should definitely concern itself with the housing problem, although other international agencies are also interested in action to be taken towards its solution.

Many have also referred to the need to create employment opportunities and raise living standards in the rural areas, particularly in underdeveloped countries in which the great majority of the population live outside the cities. To improve conditions in the countryside, it has been pointed out, will also give urban industrial growth in these countries a much firmer foundation. Rural development is a complex problem which calls, of course, for a many-sided approach. The I.L.O. can help rural development in many ways. Vocational training in agriculture, training in handicrafts, co-operative organisation and the raising of productivity in small-scale industries are some of the fields in which we are now active. The Andean-Indian Programme is concerned with rural development as a whole, co-ordinating the work of the different international agencies interested in various aspects of the question. This programme has achieved some remarkable successes, perhaps the greatest of which is in gradually winning the confidence of people in different indigenous communities who have come to make their own the programme's aim to build a better way of life. The time has come, I believe, when it would be useful for us to consider the I.L.O.'s role in rural development as a whole.

The recession in North America and the increase in unemployment which has accompanied it has given rise in the discussion to concern in many countries. The Secretary of Labour of the United States and the Minister of Labour of Canada both expressed confidence that recovery was already on the way, following a slackening during the past year in the rapid pace of economic growth that both countries have been experiencing. They mentioned steps taken by their governments to alleviate the effects of unemployment and to promote an increase in economic activity. Other countries where there have also been some increases in unemployment have taken similar measures. This session of the Conference has also adopted a resolution on measures to promote employment which will be referred to the United Nations Economic and Social Council. While the increase in unemployment in North America appears to have had little adverse effect as yet upon employment in other countries, there has been a drop in world prices of certain primary commodities which has affected the earnings of a number of the less developed countries, limiting their present possibilities for economic development. This serves to re-emphasise the desirability of strengthening those forms of international economic co-operation which can help either to moderate such sudden swings in the prices of primary commodities or to offset their effects on the developing countries' reserves of foreign currencies. The I.L.O. must certainly, with the United Nations, continue to concern itself with international action to overcome unemployment and underemployment whatever their causes and to promote expanding employment opportunities in all countries.

It was gratifying during the course of the debate to hear so many expressions of appreciation for the I.L.O.'s technical assistance work in different countries. Many have said that technical assistance should be

expanded and some add that this might be done by cutting down other types of work. This is an important point and I believe that we need to consider its implications carefully.

Such a change in emphasis could not be merely a matter of book-keeping, of saying that we will spend less money for meetings, let us say, or for research, and more money for advisory services. The question concerns the kind of work the I.L.O. should do and the quality of the I.L.O.'s responsibility. For I.L.O. technical assistance is not a thing apart from other types of activity. It is and should be an expression of the I.L.O.'s programme and objectives as a whole. Technical assistance is the process of creating what the Employers' delegate from Pakistan called a "new technology" adapted to the needs and conditions of the less developed countries. It cannot be merely an uncritical reproduction in an alien environment of techniques originated in the different conditions of an industrially advanced country. The new technique must fit into the total economic and social evolution of the country concerned and influence in some way the future direction of that country's growth.

And so a great responsibility rests upon the organisation which furnishes technical assistance. To accept such responsibility the I.L.O. needs to have a sound understanding of the social evolution and problems of the countries it is trying to help; and it must be guided by generally accepted principles. For this the I.L.O. needs to carry out adequate and serious research; it needs to organise representative meetings of interested parties who may agree upon the basic principles to be advanced. Responsible technical assistance is inseparable from these other activities. Without them, I think, the I.L.O. would become merely an employment agency through which a heterogeneous band of experts would find work in foreign countries. This is not what the I.L.O. was set up to do and it is not what its Members have a right to expect from it.

Our experience leads me therefore to say that if member States want an expansion of the I.L.O.'s technical assistance work it will be necessary also to maintain and strengthen research and possibilities of discussion, through meetings, of the main areas of social policy. This brings me back to the point I made in the conclusion of my Report to this Conference and to which many speakers have referred: the fundamental importance of the I.L.O.'s traditional activities. I should add, however, that perhaps "traditional" is a misleading word since I.L.O. research and meetings must also change somewhat in character in order to meet new needs.

Many interesting comments were made about the I.L.O.'s Conventions and Recommendations. It has been suggested, for example, that perhaps the time has come to review existing standards so as to see whether they can be better adapted to the needs of the underdeveloped countries. At the same time many speakers from these countries have said how useful I.L.O.

standards are to them as models in the development of their labour legislation. It was also suggested that more attention be given to the application of existing standards, both through the regular supervision machinery provided by the Constitution and through I.L.O. assistance to governments in developing the administration necessary to implement standards. These and other observations relating to our standard-setting work merit fuller examination and I do not therefore think it would be appropriate for me to go into them now.

To continue my thought about the relationship between so-called traditional activities and technical assistance work, it seems to me that the time has come to consider a closer link between the work done at the Conference and in other meetings and the expanding I.L.O. operational activities. This new link might be made by bringing regularly before the Conference questions of a kind which arise most frequently in operational work. Some of the subjects included in the Conference agenda might be chosen with the technical assistance programme specifically in mind. It would have to be considered in each case what type of discussion the Conference should have on such questions. In certain cases Recommendations or even Conventions might be desirable. But in other cases a different approach might be indicated. The situations encountered in many of the underdeveloped countries are characterised by rapid change; and long-term binding standards might not be realistic. In such cases the I.L.O. needs advice about the kind of programmes which can be most helpful and the principles upon which such programmes should be based.

Several years ago the Conference had a general discussion on the role of national labour departments. This year a similar method has been used to discuss hours of work. This procedure of general discussion has, I think, possibilities for dealing with some of the problems faced in the I.L.O.'s operational programme. In this connection I would remind you that the General Conference has not adopted formal standards on some subjects concerning which we give considerable technical assistance, for example in regard to co-operatives, handicrafts and productivity. The Office has, of course, had advice from expert bodies. It is, however, important I think that technical assistance work be backed by the collective opinion of governments, employers and workers and that they be more fully associated with it. This would be one positive way in which to strengthen the tripartite principle about which so much has been said in other connections. It is particularly desirable for the workers and the employers to be brought into a more direct relationship with technical assistance work which now forms a very substantial proportion of the I.L.O.'s total programme of activities. One speaker referred to the emergence of a new form of international labour instrument, through conclusions reached by the Conference after a general discussion. Such conclusions would be of a tentative character, to be tested out in practice and perhaps modified through experience. I am not suggesting that this kind of instrument

should replace Conventions or Recommendations. But there may be a place for it in the current stage of our evolution as an organisation, particularly in the interests of expanding the I.L.O.'s effective impact in the underdeveloped countries.

One question I put to the Conference in my Report was whether the I.L.O. should expand its educational work. The response from the speakers has been in the affirmative. The diversity of social conditions and problems and the rapid rate of change throughout the world make a great call upon the creative faculty. This faculty needs to be aroused and given scope to work. Where it is lacking there can be no real social advance. No one, either in this Organisation or outside it, can do all the thinking required to enable people in different countries to confront and overcome the difficulties they face. People have to do this for themselves. Legal and institutional reforms cannot alone ensure their success. Ultimately any legal or institutional system is as good and as strong as the human groups which give it life. It is towards these human groups, I think, that we must turn. The creative faculty in society is an individual thing expressed through the capacity for leadership of groups. For such leadership at all levels of society education has been recognised as needed. Socially creative leadership must be equated with responsibility, and with an acute awareness of the moral basis of society. Its essence is good judgment in a spirit of service to the group and to the larger community in which the group lives.

Many of you have spoken of the needs for workers' education, for management training and for the education in government administration. The I.L.O. is working in various ways in all these fields. It can, and I think should, do very much more. These are ways in which the I.L.O. can serve the organisations which are its constituent bodies and in so doing promote the realisation of its own objectives. For the I.L.O. lives in and through the governments, workers' organisations and industrial management which are permeated with its spirit and aims. It is inseparable from them.

While workers' education is already a well established part of the I.L.O.'s activities, management development has up to now been dealt with in a partial way through activities concerned with raising productivity, training supervisors and promoting better human relations. As yet we have no comprehensively conceived programme in this field. The Conference has approved a resolution advocating such a programme. I would judge from the discussions that there is broad support for the idea of such a programme. The I.L.O. will look to the employers particularly to make a positive contribution towards it. I believe an extension of our work in this field would help to strengthen throughout the world, and particularly in those areas where it is most needed because of the recent development of industrial organisation, the great and unmistakable contribution which employers have made to social progress through enlightened management. Worker and management education together can help arouse that creative

faculty in society which I feel is so closely bound up with the achievement of I.L.O.'s aims.

But in addition to the creative faculty, or perhaps more properly as part of it, there must be guarantees of security and orderliness in the growth of societies. Creative initiative must take place within a political and social frame work which will ensure that its successes are lasting and which will prevent destructive activity from abusing the freedom which is the prerequisite for creative action. Institutions must therefore be strong and democratic and flexible. And in this connection the I.L.O. can help particularly by promoting labour administration in all its branches. Here too education is the most useful kind of action we can undertake.

Education in the sense in which I speak is not just training. Training, that is instruction in methods, is part of it. But in addition to training we need a higher social education which is concerned more directly with understanding and dealing with social problems. This higher education would lay emphasis not so much on solutions as upon the process of finding solutions, upon rational discussion, upon exchange of ideas and experience. Its purpose would be to bring out the capacity necessary for social leadership.

I have been asked to make concrete proposals for an I.L.O. educational programme. This programme will, with your support, grow gradually in the years to come, I am sure. We can begin I think by strengthening our worker education programme and planning a more comprehensive management development programme. But at the heart of this activity I would like to see the I.L.O. set up an institution for higher social studies in Geneva which could be a central point of impetus and a source of new ideas for the I.L.O.'s world-wide educational work and effort. To this centre might come workers, managers and government servants who have already acquired a certain experience in their work and whose careers may lead them to positions of greater responsibility in the future. They would mingle for a time with students of social affairs, with every opportunity for discussion and exchange of experience in an atmosphere of academic freedom. The aims of the centre would be to improve the capacity for understanding and dealing with social questions, including particularly labour-management relations.

Education should not be a separate branch of I.L.O. action. Just as technical assistance, it should, I believe, be an expression of the I.L.O.'s work as a whole. The phrase "social justice" has been used for many years to sum up the meaning of the I.L.O.'s work. It is a term which has many of the virtues of imprecision. Yet I think it has a sense particularly appropriate to the educational approach. Justice is not the blind observance of established law. If it were we could not speak about the justice of our passion for human rights and for freedom of association despite restrictions upon these rights which may be sanctioned by law. Nor does justice consist in some perfect social order. Such an order, I think, is a mirage. There

is no perfection in social life, but there is a continuing process of change. This is the central issue of all human history: continually to create and adjust the social order so as to reap for society the fruits of man's inventiveness. To concentrate our efforts exclusively upon legislating for a just social order would be to forget that no social order can or should be so permanent as to ignore the challenge of historical opportunity. It might also be to forget the essence of justice itself. For, in the words of a recent work, "Justice is a quality, not of social arrangements, but of the human will.... What we should be concerned with is that the whole ceaseless process of change should be increasingly permeated by the quality of justice in our individual wills. Every immediate field of choice open to us, in either our private or public capacity, offers us opportunity for the exercise of justice. Whenever we miss this opportunity we feed the sum of social injustice—a sum which it is comfortable but untrue to regard as the product of some single institution or mode of arrangement."

These words, I suggest, bring us back to the proposition that man in society is a moral agent; and to influence and develop the moral character is a task which is in essence educational. Unless the quality of justice permeates social leadership and individuals behave with social responsibility, I believe the aims for which this Organisation works cannot be realised and its achievements will not endure. And this is where our efforts for social progress join with the larger task of ensuring permanent and lasting peace. During the past 39 years we, in the I.L.O., have had recurrent cause to question whether civilisation has achieved any real and lasting growth in the moral stature of men. Scientific and technical advance seems at times to march with an insensitive disposition to destroy personal dignity, which is the very essence and seat of freedom. Without respect for the innate worth of personality and of the individual there can be no freedom and there can be no civilization. Whatever the I.L.O. may achieve to this end will, I believe, be accounted its noblest work.

In this Conference, as in the everyday concerns of social life, we have to be prepared to express with firmness our sense of justice, and at the same time have regard to the heavy responsibility which individually and together we bear in all our actions for the lessening of conflict and steady growth of international co-operation. This Organisation is necessary to the world—technically necessary and morally necessary. It is necessary that it grows. It will not grow, however, if it only reflects the divisions and conflicts which exist outside it. It will grow and increase in strength and influence to the extent that its Members prove themselves capable of some common understanding of the sanctity of the human person and of whole-hearted devotion to the improvement of the material and moral condition of men. We have in the I.L.O. the world's greatest opportunity of engaging the people of all countries in this direction. No other organisation can reach the people as ours can. If we were to abandon this opportunity in

discouragement, guilt would lie heavy upon us. If we pursue our work with a resolute sense of purpose, not shunning what is disagreeable with an eye to momentary popularity, but acquitting our responsibilities with dignity and courage, then the I.L.O. may, I believe, assume new leadership in the universal quest for peace and for freedom.

APPENDIX V

STATEMENT OF SHRI D. N. CHATTERJEE IN THE PLENARY ON THE REPORT OF THE COMMITTEE ON DISCRIMINATION

The report of the Committee on Discrimination, which concluded its work under the able and admirable guidance of the Government delegate of Canada, Mr. Brown, has been placed before you. In this report you will find the proposed texts of a Convention and a Recommendation respectively. The texts are not perfect in form or in substance, but they are reasonable and they reflect the majority opinions within the Committee, and therefore the Indian delegation will support them.

I submit, however, that there is a serious omission in this context to which I take the liberty of inviting your attention. In Report IV (2) to the 42nd Session of the International Labour Conference you will find draft texts not only of a Convention and a Recommendation but also of a resolution concerning application of the Discrimination (Employment and Occupation) Convention, 1958, in non-metropolitan territories. This very important resolution is not included in the report of the Committee submitted to the plenary sitting. It was rejected in the Committee under circumstances which may justify my referring to it here. The rejection in fact was brought about more by abstentions than by an indication of positive opinion against the proposed resolution. When the amendment to delete the resolution was first put to the vote the Committee rejected the amendment by 208 votes to 215, with 55 abstentions. Immediately thereafter a record vote was called for and, oddly enough, the number of abstentions rose from 55 to 113, thus decisively reducing the original votes against the deletion of the resolution. I shall certainly not attempt to attribute motives to those who in five minutes changed their minds. I can only presume that the resolution was rejected owing to doubts which somehow or other clouded the minds of a number of my colleagues in the Committee. May be they did not have sufficient time to think; may be they voted on the first occasion spontaneously, on the merits of the matter, before prudence could intervene.

May I appeal to them, and to the other delegates, to think carefully about this matter? Perhaps sufficient time has now elapsed to enable all to make up their minds whether prudence cannot be harmonised with conscience. What exactly is objectionable in the draft resolution? The countries which have not only non-metropolitan territories but also great democratic traditions have already accepted the Social Policy (Non-Metropolitan Territories) Convention, 1947. What, then, is so revolutionary in the resolution? When the matter was discussed in the Committee the French Government delegate agreed that with a little modification the resolution was

acceptable to him. I think he wanted to delete the last paragraph. The purpose of the last paragraph is merely to keep the Governing Body of the I.L.O. seized of the matter, otherwise it would have been necessary to introduce another paragraph requesting the Governing Body to call for a report on this Convention every year, say for five years. Besides, the existing text of the last paragraph is moderately worded and is complementary to article 35 of the I.L.O. Constitution, against which no objection has so far been raised.

The Belgian Employers' delegate had no objection in principle to the resolution; he merely considered it to be superfluous. Whether or not this resolution is superfluous is a matter of opinion. I can confidently say that in the opinion of a large number of people, especially those coming from non-metropolitan territories, the proposed resolution is not only not superfluous but is scarcely adequate.

The Convention is for all countries—provided, of course, they ratify it—but not all countries have non-metropolitan territories. All the resolution does is to remind those countries which have such territories of their special responsibility. The United Kingdom Government delegate in the Committee (and I pay a genuine tribute to his abilities) argued that the resolution was not only superfluous but was also discriminatory. Apparently we would discriminate against colonial Powers if we suggested to them, through a resolution, that there was a need to apply the proposed Convention in non-metropolitan areas. This difficulty, of course, would not have arisen if they did not have such troublesome territories. I hasten to add, however, that the record of Great Britain as a colonial Power is in many ways a proud one and is worthy of emulation.

To return to the resolution, I understand that the penultimate paragraph of the proposed text is unacceptable to the United Kingdom delegation as it apparently implies that discrimination is practised in non-metropolitan territories. Are we to understand that no discrimination whatsoever is practised in these territories? I feel that we all have our limitations, and we all have skeletons in our cupboards—varying in size, of course—and discrimination is practised today in metropolitan as well as non-metropolitan areas. That is why we are drafting a Convention. The proposed resolution need not cause offence to any of us.

Anyhow, it has been rejected, and it is a matter of procedure whether I can reintroduce it. I shall not attempt to do so. I merely want to place on record the views of the Indian delegation in this context. In the view of the Indian delegation it is a matter of great regret that the resolution was rejected. It is not merely a matter of logic; too many people are emotionally involved in this. We feel that the omission of the resolution will give rise in large parts of the world to adverse inference which we could have avoided but unfortunately did not.

APPENDIX VI

TEXT OF THE CONVENTION (No. 111) CONCERNING DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

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

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights;

Adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

Article 1

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

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction, or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.

3. For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

Article 7

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

Article 8

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

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

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

Article 9

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

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

Article 10

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

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

Article 11

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

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

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

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

Article 14

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

APPENDIX VII

TEXT OF THE RECOMMENDATION (No. 111) CONCERNING DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Discrimination (Employment and Occupation) Convention, 1958;

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Recommendation, which may be cited as the Discrimination (Employment and Occupation) Recommendation, 1958;

The Conference recommends that each Member should apply the following provisions:

I. DEFINITIONS

1. (1) For the purpose of this Recommendation the term "discrimination" includes—

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction, or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

(2) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof is not deemed to be discrimination.

(3) For the purpose of this Recommendation the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

II. FORMULATION AND APPLICATION OF POLICY

2. Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers' and workers' organisations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:

- (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;
- (b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of—
 - (i) access to vocational guidance and placement services;
 - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
 - (iii) advancement in accordance with their individual character, experience, ability and diligence;
 - (iv) security of tenure of employment;
 - (v) remuneration for work of equal value;
 - (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (c) government agencies should apply non-discriminatory employment policies in all their activities;
- (d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;
- (e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupations, and should ensure

that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;

- (f) employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

3. Each Member should—

- (a) ensure application of the principles of non-discrimination—
 - (i) in respect of employment under the direct control of a national authority;
 - (ii) in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (b) promote their observance, where practicable and necessary, in respect of other employment and other vocational guidance, vocational training and placement services by such methods as—
 - (i) encouraging state, provincial or local government departments or agencies and industries and undertaking operated under public ownership or control to ensure the application of the principles;
 - (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
 - (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles.

4. Appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment, and in particular—

- (a) to take all practicable measures to foster public understanding and acceptance of the principles of non-discrimination;
- (b) to receive, examine and investigate complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy; and

(c) to consider further any complaints which cannot be effectively settled by conciliation and to render opinions or issue decisions concerning the manner in which discriminatory practices revealed should be corrected.

5. Each Member should repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy.

6. Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance.

7. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.

8. With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949, relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment.

9. There should be continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

III. CO-ORDINATION OF MEASURES FOR THE PREVENTION OF DISCRIMINATION IN ALL FIELDS

10. The authorities responsible for action against discrimination in employment and occupation should co-operate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be co-ordinated.

APPENDIX VIII

STATEMENT OF SHRI R. VENKATARAMAN IN THE CONFERENCE ON THE REPORT OF THE COMMITTEE ON PLANTATIONS

It is gratifying that a Convention for the protection of workers in the plantation industry will be adopted today. It is unnecessary to go into details of the squalid conditions in which plantation workers lived. The Royal Commission on Indian Labour which reported about three decades ago said that in the cup of tea that one takes every morning there is sweat and blood. The situation has changed and the adoption of this instrument will completely change the face of the conditions of life of plantation workers. We may then say to ourselves that every cup of tea that we take in the morning will be flavoured with and taste of the joy of the plantation workers.

It is true that this instrument is somewhat unusual in the sense that different provisions from several Conventions have been taken and put into it, but the needs of the situation justify such a course and in view of the peculiar position of plantations, which are neither simple agriculture nor well-defined industry, the adoption of a separate Convention is not only necessary but even appropriate.

We are also happy that the Convention will apply to non-metropolitan territories and we are sure that those who are in charge of them will spare no pains to extend the benefits fully to all plantation workers.

I must, however, express our concern about the definition of plantations. We apprehend considerable difficulties in ratification unless a generous and liberal interpretation is given to the words qualifying plantations. Plantation crops may vary from country to country. While the cultivation of sugar cane, coconut and groundnut is a farm product in India, sugar cane is a plantation crop in Cuba. Similarly, while tea, coffee and rubber are plantation crops in India, they may not be in some other countries. Each country will therefore have to determine whether the crops mentioned in the definition involve (1) the regular employment of hired labour and (2) production for commercial purposes.

National laws have defined regular workers, temporary workers, casual workers and seasonal workers, and the question whether an agricultural operation is regularly employing hired labour will be decided in accordance with the national laws.

Similarly, one understands by the expression "commercial purposes" the use of the commodity for export. It has been made abundantly clear in the proviso that commodities produced for local consumption will be excluded from the definition of plantations.

We are of the opinion that family and small-scale holdings could have been defined by fixing either the extent of acreage or the number of workers or both. Under the Plantation Labour Act in India plantations of less than 25 acres and employing fewer than 30 workers are excluded from the application of the Act, not because we think these workers are not in need of protection but because we feel that the obligations imposed under the Act would be too heavy on small holdings, and that the enforcement of this law by inspection or otherwise of small and scattered plantations would be so difficult as to border almost on the impossible.

The proviso to the definition makes it clear that family and small holdings not regularly employing hired labour will be exempt from the definition of plantations. It is therefore necessary for national laws to define the family holding as well as small holdings. It is possible to take a very strict view of the language and strike down the exemptions, but we trust that in view of the fact that we are regulating for the first time an undertaking which by its very nature has defied regulation the words will be interpreted and applied generously and liberally.

In my own country we have already enacted the Plantation Labour Act providing for hours of work, rest, medical, educational and housing facilities; and so on. In this respect our legislation is unique. It is a pity that two important countries of the Asian region with large plantations—namely, Ceylon and Indonesia—could not participate in the framing of this Convention. We have missed their very valuable guidance and help but we trust that these countries will examine this Convention and see their way to accept it.

Before concluding I wish to refer to some of the remarks made with regard to the exclusion of certain articles concerning freedom of association. I would draw the attention of this Conference to paragraph 29 of the report and with your kind permission I will read part of this paragraph :

"During the discussion the Employers' members proposed that Article 2 of the Right of Association (Non-Metropolitan Territories) Convention, 1947, be included in the compulsory provisions of the proposed Convention. The Indian Government member supported the inclusion of Article 2 of this Convention and the Workers' members also endorsed the proposal since the article in question provided a firm guarantee of freedom of association for employers and workers." Therefore I submit to this Conference that it is not correct to say that this Convention excludes the

right of association, which is a fundamental right for both employers and workers.

Certain Governments, including the Government of India, pointed out in the Committee that though they would be willing and able to give the right of association they would not be able to observe some of the other articles of the freedom of association Convention. I may quote the example here lest there should be any doubt about the bona fides of the Governments. The freedom of association Convention enjoins that there shall be no restriction on the election of the executives of trade unions. For the protection of the very workers in our country we have provided in the Trade Union Act that not more than 50 per cent. of the executive of a trade union shall be outsiders. We propose to restrict it further—that is in the interests of workers, that is for the purpose of protecting the right to manage their own affairs. This will be interpreted as a restriction affecting one of the articles on freedom of association. When this was pointed out the Committee agreed that there was a case for not incorporating all the articles of the freedom of association Convention but for transferring the point to the optional part.

Now that I have explained the situation I trust that any doubts that may be lingering in the minds of members of this Conference will be removed and that they will give their wholehearted support to the Convention and the Recommendation.

APPENDIX IX

STATEMENT OF SHRI M. M. VARGHESE IN THE CONFERENCE
ON THE REPORT OF THE COMMITTEE ON PLANTATIONS

I am happy to have this opportunity of speaking from this rostrum once again. On behalf of the plantation employers in India, whom I have the privilege to represent, I may perhaps be permitted to make certain observations on the document before us. I am fully conscious of the fact that for over a fortnight now many brilliant and stimulating speeches have been made from this rostrum and I do not feel justified in taking up your time by making another long speech now. I shall therefore be very brief.

The plantation industry is one of the main industries in India. From the point of view of affording employment opportunities to a large section of our population, the production of national wealth, food, etc., this industry occupies a significantly important place in our great country. A Plantation Labour Act was passed in India in 1951 and brought into operation in 1954. It embodies most of the provisions contained in the document before us and in my opinion my country has gone far ahead with the implementation of these provisions for the well being and welfare of the workers. No doubt our costs of production have increased considerably as a result but the living conditions of the workers have substantially improved and we are naturally happy about it. The workers are well organised.

The question of adopting further expensive measures in this direction, however, needs careful examination and thought. We are living in an age when events are changing fast and in our endeavour and enthusiasm to do things for what we consider to be the good of others we are sometimes emotionally inspired and do things bearing no resemblance to reality. In regard to the crops we produce in our plantations various economic factors have to be considered before loading the industry with additional burdens. Rates of production, the structure of costs, taxation, the depreciation of capital investment, the importance of international trade, the level of profits, etc., are some of the vital factors which need to be looked into to assess correctly the capacity of the industry to bear increased costs in relation to the fluctuation of prices.

From our own experience it has to be stressed that, unless this industry is assured reasonable prosperity, its working and sustaining effect will become more and more difficult and its orderly progress is bound to be impeded, with grave consequences.

I would have liked to go into the details of the articles and sections of the document before us, to point out how the implementation of some of the provisions will be difficult for the industry at the present stage, taking into consideration what has already been done in India, but I do not do so now for fear of taking up more of your time. In our tripartite committee meetings over the last few days, at which the articles have been discussed, various aspects of the difficulties I have raised have been cleared by the honourable Minister representing the Government of India, and I am grateful to him for doing so. I repeat that a good deal of caution is necessary before additional burdens are imposed on the industry. Any hasty action in this direction is bound to make the survival of the industry as an economic unit difficult, if not impossible.

Labour-management relations are a problem of the present day and there can be no doubt that by a realistic approach and with the ideals which this great Organisation, the I.L.O., cherishes and which it desires its member countries to cherish and translate into reality, happy solutions should be possible. I wish this Organisation and all its member countries every success in establishing abiding peace.

APPENDIX X

TEXT OF THE CONVENTION (No. 110) CONCERNING CONDITIONS OF EMPLOYMENT OF PLANTATION WORKERS

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Forty-
second Session on 4 June 1958, and

Having considered the question of conditions of employment of
plantation workers, which is the fifth item on the agenda of
the session, and

Having decided that, as an exceptional measure, in order to
expedite the application to plantations of certain provisions of
existing Conventions, pending the more general ratification of
these Conventions and the application of their provisions to
all persons within their scope, and to provide for the applica-
tion to plantations of certain Conventions not at present
applicable thereto, it is desirable to adopt an instrument for
these purposes, and

Having determined that this instrument shall take the form of an
international Convention ;

adopts this twenty-fourth day of June of the year one thousand nine
hundred and fifty-eight the following Convention, which may be cited as
the Plantations Convention, 1958:

PART I. GENERAL PROVISIONS

Article 1

1. For the purpose of this Convention, the term "plantation" includes
any agricultural undertaking regularly employing hired workers which is
situated in the tropical or subtropical regions and which is mainly con-
cerned with the cultivation or production for commercial purposes of
coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cot-
ton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or
pineapple; it does not include family or small-scale holdings producing for
local consumption and not regularly employing hired workers.

2. Each Member for which this Convention is in force may, after
consultation with the most representative organisations of employers and

workers concerned, where such exist, make the Convention applicable to
other plantations by—

- (a) adding to the list of crops referred to in paragraph 1 of this
Article any one or more of the following crops: rice, chicory,
cardamom, geranium and pyrethrum, or any other crop ;
- (b) adding to the plantations covered by paragraph 1 of this Arti-
cle classes of undertakings not referred to therein which, by
national law or practice, are classified as plantations ;

and shall indicate the action taken in its annual reports upon the appli-
cation of the Convention submitted under article 22 of the Constitution
of the International Labour Organisation.

3. For the purpose of this Article the term "plantation" shall ordinarily
include services carrying out the primary processing of the product or
products of the plantation.

Article 2

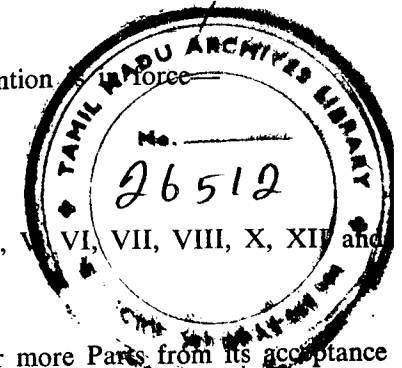
Each Member which ratifies this Convention undertakes to apply its
provisions equally to all plantation workers without distinction as to race,
colour, sex, religion, political opinion, nationality, social origin, tribe or
trade union membership.

Article 3

1. Each Member for which this Convention is in force
 - (a) shall comply with—
 - (i) Part I;
 - (ii) Parts IV, IX and XI;
 - (iii) at least two of Parts II, III, VI, VII, VIII, X, XII and
XIII ; and
 - (iv) Part XIV ;
 - (b) shall, if it has excluded one or more Parts from its acceptance
of the obligations of the Convention, specify, in a declara-
tion appended to its ratification, the Part or Parts so exclud-
ed.

2. Each Member which has made a declaration under paragraph 1
(b) of this Article shall indicate in its annual reports submitted under
article 22 of the Constitution of the International Labour Organisation
any progress made towards the application of the excluded Part or Parts.

3. Each Member which has ratified the Convention, but has excluded
any Part or Parts thereof under the provisions of the preceding paragraphs,
may subsequently notify the Director-General of the International Labour
Office that it accepts the obligations of the Convention in respect of any
Part or Parts so excluded; such undertakings shall be deemed to be an



integral part of the ratification and to have the force of ratification as from the date of notification.

Article 4

In accordance with article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for by the Convention.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

Article 5

For the purposes of this Part of this Convention the term "recruiting" includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the competent authority.

Article 6

The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family.

Article 7

No person or association shall engage in professional recruiting unless the said person or association has been licensed by the competent authority and is recruiting workers for a public department or for one or more specific employers or organisations of employers.

Article 8

Employers, employers' agents, organisations of employers, organisations subsidised by employers, and the agents of organisations of employers and of organisations subsidised by employers shall only engage in recruiting if licensed by the competent authority.

Article 9

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.

2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory or recruiting.

Article 10

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

Article 11

1. Every recruited worker shall be medically examined.

2. Where the worker has been recruited for employment at a distance from the place of recruiting, or has been recruited in one territory for employment in a territory under a different administration, the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 9 to authorise the departure prior to medical examination of workers in whose case they are satisfied—

- (a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;
- (b) that the worker is fit for the journey and the prospective employment; and
- (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.

5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

Article 12

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

2. The competent authority shall take all necessary measures to ensure—

- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;
- (b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and
- (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When recruited workers have to make long journeys on foot to the place of employment the competent authority shall take all necessary measures to ensure—

- (a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and
- (b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

4. When recruited workers have to make long journeys in groups to the place of employment, they shall be conveyed by a responsible person.

Article 13

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

Article 14

Any recruited worker who—

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment;
- (b) is found on medical examination to be unfit for employment;
- (c) is not engaged after recruiting for a reason for which he is not responsible; or
- (d) is found by the competent authority to have been recruited by misrepresentation or mistake;

shall be repatriated at the expense of the recruiter or employer.

Article 15

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly—

- (a) Articles 12 and 13 of this Convention shall apply to such families;
- (b) in the event of the workers being repatriated in virtue of Article 14, his family shall also be repatriated; and
- (c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

Article 16

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made.

Article 17

1. Each Member for which this Part of this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For this purpose it will, where appropriate, act in co-operation with other Members concerned.

Article 18

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment on a plantation.

Article 19

Each Member for which this Part of this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for—

- (a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment on a plantation and the members of their families authorised to accompany or join them are in reasonable health;
- (b) ensuring that migrants for employment on a plantation and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION
OF PENAL SANCTIONS

Article 20

1. The law and/or regulations in force in the territory concerned shall prescribe the maximum period of service which may be stipulated or implied in any contract, whether written or oral.

2. The maximum period of service which may be stipulated or implied in any contract for employment not involving a long and expensive journey shall in no case exceed 12 months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

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

4. The competent authority may, after consultation with the employers' and workers' organisations representative of the interests concerned, where such exist, exclude from the application of this Part of this Convention contracts entered into between employers and non-manual workers whose freedom of choice in employment is satisfactorily safeguarded; such exclusion may apply to all plantation workers in a territory, to plantation workers engaged in the production of a particular crop, to the workers in any specified undertaking or to special groups of plantation workers.

Article 21

The competent authority in each country where there exists any penal sanction for any breach of a contract of employment by a plantation worker shall take action for the abolition of all such penal sanctions.

Article 22

Such action shall provide for the abolition of all such penal sanctions by means of an appropriate measure of immediate application.

Article 23

For the purpose of this Part of the Convention the term "breach of contract" means—

- (a) any refusal or failure of the worker to commence or perform the service stipulated in the contract;
- (b) any neglect of duty or lack of diligence on the part of the worker;
- (c) the absence of the worker without permission or valid reason and
- (d) the desertion of the worker.

PART IV. WAGES

Article 24

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

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed, where appropriate by means of national laws or regulations, in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist, such consultation to be on a basis of complete equality.

3. Minimum rates of wages which have been fixed in accordance with arrangements made in pursuance of the preceding paragraph shall be binding on the employers and workers concerned so as not to be subject to abatement.

Article 25

1. Each Member for which this Convention is in force shall take the necessary measures to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable; these measures shall include such provision for supervision, inspection, and sanctions as may be necessary and appropriate to the conditions obtaining on plantations in the country concerned.

2. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other appropriate proceedings, the amount by which he has been underpaid, subject to such limitations of time as may be determined by national laws or regulations.

Article 26

Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited.

Article 27

1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of wages in the form of allowances in kind where payment in the form of such allowances is customary or desirable; the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances.

2. In cases in which partial payment of wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that such allowances are appropriate for the personal use and benefit of the worker and his family.

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

Article 28

Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

Article 29

Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

Article 30

1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.

2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

Article 31

1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made.

Article 32

Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited.

Article 33

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

Article 34

Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner—

- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed; and
- (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change.

Article 35

The laws or regulations giving effect to the provisions of Articles 26 to 34 of this Convention shall—

- (a) be made available for the information of persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) prescribe adequate penalties or other appropriate remedies for any violation thereof;
- (d) provide for the maintenance, in all appropriate cases, of adequate records in an approved form and manner.

PART V. ANNUAL HOLIDAYS WITH PAY

Article 36

Workers employed on plantations shall be granted an annual holiday with pay after a period of continuous service with the same employer.

Article 37

1. Each Member for which this Part of this Convention is in force shall be free to decide the manner in which provision shall be made for holidays with pay on plantations.

2. Such provision may be made, where appropriate, by means of collective agreement or by entrusting the regulation of holidays with pay on plantations to special bodies.

3. Wherever the manner in which provision is made for holidays with pay on plantations permits—

- (a) there shall be full preliminary consultation with the most representative organisations of employers and workers concerned, where such exist, and with any other persons, specially qualified by their trade or functions, whom the competent authority deems it useful to consult;
- (b) the employers and workers concerned shall participate in the regulation of holidays with pay, or be consulted or have the right to be heard, in such manner and to such extent as may be determined by national laws or regulations, but in any case on a basis of complete equality.

Article 38

The required minimum period of continuous service and the minimum duration of the annual holiday with pay shall be determined by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.

Article 39

Where appropriate, provision shall be made, in accordance with the established procedure for the regulation of holidays with pay on plantations, for —

- (a) more favourable treatment for young workers, in cases in which the annual holiday with pay granted to adult workers is not considered adequate for young workers;
- (b) an increase in the duration of the annual paid holiday with the length of service; *
- (c) proportionate holidays or payment in lieu thereof, in cases where the period of continuous service of a worker is not of sufficient duration to qualify him for an annual holiday with pay but exceeds such minimum period as may be determined in accordance with the established procedure;
- (d) the exclusion from the annual holiday with pay of public and customary holidays and weekly rest periods, and, to such extent as may be determined in accordance with the established procedure, temporary interruptions of attendance at work due to such causes as sickness or accident.

Article 40

1. Every person taking a holiday in virtue of this Part of this Convention shall receive, in respect of the full period of the holiday, not less than his usual remuneration, or such remuneration as may be prescribed in accordance with paragraphs 2 and 3 of this Article.

2. The remuneration payable in respect of the holiday shall be calculated as prescribed by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.

3. Where the remuneration of the person taking a holiday includes payments in kind, provision may be made for the payment in respect of holidays of the cash equivalent of such payments in kind.

Article 41

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

Article 42

A person who is dismissed or who has relinquished his employment before he has taken the whole or any part of the holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Part of this Convention the remuneration provided for in Article 40.

PART VI. WEEKLY REST

Article 43

1. Plantation workers shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least 24 consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to all the workers of each plantation.

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

Article 44

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 43, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

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

Article 45

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 44, except in cases where agreements or customs already provide for such periods.

PART VII. MATERNITY PROTECTION*Article 46*

For the purpose of this Part of this Convention, the term "woman" means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term "child" means any child whether born of marriage or not.

Article 47

1. A woman to whom this Part of this Convention applies shall, on the production of appropriate evidence of the presumed date of her confinement, be entitled to a period of maternity leave.

2. The competent authority may, after consultation with the most representative organisations of employers and workers, where such exist, prescribe a qualifying period for maternity leave which shall not exceed a total of 150 days of employment with the same employer during the 12 months preceding the confinement.

3. The period of maternity leave shall be at least 12 weeks, and shall include a period of compulsory leave after confinement.

4. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

5. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement, and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

6. In case of illness suitably certified as arising out of pregnancy national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

7. In case of illness suitably certified as arising out of confinement the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

8. No pregnant woman shall be required to undertake any type of work harmful to her in the period prior to her maternity leave.

Article 48

1. While absent from work on maternity leave in accordance with the provisions of Article 47, the woman shall be entitled to receive cash and medical benefits.

2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3. Medical benefits shall include prenatal, confinement and postnatal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected as far as practicable.

4. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex.

Article 49

1. If a woman is nursing her child she shall be entitled to interrupt her work for this purpose, under conditions to be prescribed by national laws or regulations.

2. Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

Article 50

1. While a woman is absent from work on maternity leave in accordance with the provisions of Article 47, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence.

2. The dismissal of a woman solely because she is pregnant or a nursing mother shall be prohibited.

Part VIII. Workmen's Compensation

Article 51

Each Member of the International Labour Organisation for which this Part of this Convention is in force undertakes to extend to all plantation workers its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

Article 52

1. Each Member for which this Part of this Convention is in force undertakes to grant to the nationals of any other Member for which this Part of this Convention is in force, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

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

Article 53

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

Part IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

Article 54

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

Article 55

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

Article 56

1. Employers and workers shall be encouraged to avoid disputes and, if they arise, to reach fair settlements by means of conciliation.

2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.

3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.

4. Where practicable, these officers shall be officers specially assigned to such duties.

Article 57

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

Article 58

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—

- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 59

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 60

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

Article 61

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

PART X. FREEDOM OF ASSOCIATION

Article 62

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 63

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 64

Workers' and employers' organisation shall not be liable to be dissolved or suspended by administrative authority.

Article 65

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 66

The provisions of Articles 62, 63 and 64 apply to federations and confederations of workers' and employers' organisations.

Article 67

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 62, 63 and 64.

Article 68

1. In exercising the rights provided for in this Part of this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Part of this Convention.

Article 69

In this Part of this Convention the term "organisation" means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

Article 70

Each Member for which this Part of this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

PART XI. LABOUR INSPECTION

Article 71

Each Member for which this Convention is in force shall maintain a system of labour inspection.

Article 72

Labour inspection services shall consist of suitably trained inspectors.

Article 73

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

Article 74

1. The functions of the system of labour inspection shall be—
 - (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
 - (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
 - (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

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

Article 75

The competent authority shall make appropriate arrangements to promote—

- (a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and
- (b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

Article 76

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

Article 77

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

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

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

Article 78

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

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

- (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
- (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions and to copy such documents or make extracts from them;
- (iii) to enforce the posting of notices required by the legal provisions;
- (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

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

Article 79

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

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

Article 80

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

Article 81

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

Article 82

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

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

Article 83

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

Article 84

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

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

PART XII. HOUSING

Article 85

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, encourage the provision of adequate housing accommodation for plantation workers.

Article 86

1. The minimum standards and specifications of the accommodation to be provided in accordance with the preceding Article shall be laid down by the appropriate public authority. The latter shall, wherever practicable, constitute advisory boards consisting of representatives of employers and workers for consultation in regard to matters connected with housing.

2. Such minimum standards shall include specifications concerning—

- (a) the construction materials to be used;
- (b) the minimum size of accommodation, its layout, ventilation, and floor and air space;

- (c) verandah space, cooking, washing, storage, water supply and sanitary facilities.

Article 87

Adequate penalties for violations of the legal provisions made in accordance with preceding Article shall be provided for by laws or regulations and effectively enforced.

Article 88

1. Where housing is provided by the employer the conditions under which plantation workers are entitled to occupancy shall be not less favourable than those established by national custom or national legislation.

2. Whenever a resident worker is discharged he shall be allowed a reasonable time in which to vacate the house. Where the time allowed is not fixed by law it shall be determined by recognised negotiating machinery, or, failing agreement on the subject, by recourse to the normal procedure of the civil courts.

PART XIII. MEDICAL CARE

Article 89

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, encourage the provision of adequate medical services for plantation workers and members of their families.

Article 90

1. Medical services shall be of a standard prescribed by the public authorities, shall be adequate having regard to the number of persons involved, and shall be operated by a sufficient number of qualified personnel.

2. Such services where provided by the appropriate public authorities shall conform to the standard customs and practices of the authority concerned.

Article 91

The appropriate authority, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, shall take steps in plantation areas to eradicate or control prevalent endemic diseases.

PART XIV. FINAL PROVISIONS

Article 92

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

Article 93

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

2. This Convention shall come into force six months after the date on which there have been registered ratifications, in conformity with Article 3, of two of the following countries: Argentina, Belgium, Bolivia, Brazil, Burma, Ceylon, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Ethiopia, France, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Italy, Liberia, Federation of Malaya, Mexico, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Portugal, El Salvador, Spain, Sudan, Thailand, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet-Nam.

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

Article 94

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

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

Article 95

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

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

Article 96

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

Article 97

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 98

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

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 94 above, if and when the new revising Convention shall have come into force;

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

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

Article 99

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

APPENDIX XI

*TEXT OF THE RECOMMENDATION (No. 110) CONCERNING
CONDITIONS OF EMPLOYMENT OF PLANTATION WORKERS*

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals concerning the conditions of employment of plantation workers, which is the fifth item on the agenda of the session, and

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

adopts this twenty-fourth day of June of the year one thousand nine hundred and fifty-eight the following Recommendation, which may be cited as the Plantations Recommendation, 1958:

The Conference recommends that each Member should apply the following provisions:

I. PRELIMINARY PROVISIONS

1. (1) For the purpose of this Recommendation, the term "plantation" includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or sub-tropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.

(2) Each Member may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Recommendation applicable to other plantations by—

(a) adding to the list of crops referred to in sub-paragraph (1) of this paragraph any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;

(b) adding to the plantations covered by sub-paragraph (1) of this Paragraph classes of undertakings not referred to therein which, by national law or practice, are classified as plantations;

and should inform the Director-General of the International Labour Office of the action taken under this sub-paragraph in its reports submitted in accordance with article 19, paragraph 6, of the Constitution of the International Labour Organisation.

(3) For the purpose of this Paragraph the term "plantation" ordinarily includes services carrying out the primary processing of the product or products of the plantation.

2. Each Member should apply the provisions of this Recommendation equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.

3. Each Member of the International Labour Organisation should report to the International Labour Office, at appropriate intervals, as requested by the Governing Body, the position of the law and practice in the countries and territories for which the Member is responsible in regard to the matters dealt with in the Recommendation. Such reports should show the extent to which effect has been given, or is proposed to be given, to the provisions of this Recommendation and such modification of those provisions as it has been found or may be found necessary to make in adopting or applying them.

4. In accordance with article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Recommendation affects any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in this Recommendation.

II. VOCATIONAL TRAINING

5. In each country the public authorities, other appropriate bodies, or a combination of both, should ensure that vocational training is provided and organised in an effective, rational, systematic and co-ordinated programme.

6. (1) In underdeveloped areas lacking training facilities one of the first steps should be the creation of a body of trained teachers and instructors.

(2) Even where such trained teachers and instructors are not available all possible assistance should be given to the development of training facilities on plantations where the operator is adequately qualified to provide practical instruction.

7. Responsibility for the training programmes should be entrusted to the authority or authorities capable of obtaining the best results and, in cases where the responsibility is entrusted to several authorities jointly, measures for ensuring co-ordination of the training programmes should be taken. Local authorities should collaborate in the development of the training programmes. Close collaboration should be maintained with the organisations of employers and workers concerned and with other interested organisations, where such exist.

8. While local financial contributions to training programmes are in many places called for, the public authorities, to the extent considered appropriate and necessary, should also assist public and private training programmes in such ways as: making available financial contributions; contributing land, buildings, transport, equipment and teaching material; contributing through scholarships or otherwise to the living expenses or wages of trainees during the course of training, and making entry into residential plantation schools free of charge to appropriately qualified trainees, especially those who cannot afford to pay for the training.

III. WAGES

9. The maximum intervals for the payment of wages should ensure that wages are paid—

- (a) not less often than twice a month at intervals not exceeding 16 days in the case of workers whose wages are calculated by the hour, day or week; and
- (b) not less often than once a month in the case of employed persons whose remuneration is fixed on a monthly or annual basis.

10. (1) In the case of workers whose wages are calculated on a piece-work or output basis, the maximum intervals for the payment of wages should, so far as possible, be so fixed as to ensure that wages are paid not less often than twice a month at intervals not exceeding 16 days.

(2) In the case of workers employed to perform a task the completion of which requires more than a fortnight, and in respect of whom intervals for the payment of wages are not otherwise fixed by collective agreement or arbitration award, appropriate measures should be taken to ensure—

- (a) that payments are made on account, not less often than twice a month at intervals not exceeding 16 days, in proportion to the amount of work completed; and
- (b) that final settlement is made within a fortnight of the completion of the task.

11. The details of the wages conditions which should be brought to the knowledge of the workers should include, wherever appropriate, particulars concerning—

- (a) the rates of wages payable;

- (b) the method of calculation;
- (c) the periodicity of wage payments;
- (d) the place of payment; and
- (e) the conditions under which deductions may be made.

12. In all appropriate cases workers should be informed, with each payment of wages, of the following particulars relating to the pay period concerned, in so far as such particulars may be subject to change:

- (a) the gross amount of wages earned;
- (b) any deduction which may have been made, including the reasons therefor and the amount thereof; and
- (c) the net amount of wages due.

13. Employers should be required in appropriate cases to maintain records showing, in respect of each worker employed, the particulars specified in the preceding Paragraph.

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

(2) Wages should normally be paid in cash only and direct to the individual worker.

(3) Unless there is an established local custom to the contrary, the continuance of which is desired by the workers, wages should be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

(4) Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to control strictly their adequacy and their cash value.

(5) All practicable measures should be taken—

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

15. (1) Voluntary forms of thrift among wage earners should be encouraged.

(2) The maximum amounts and manner of repayment of advances on wages should be regulated by the competent authority.

(3) The competent authority should limit the amount of advances which may be paid to a worker who has been engaged from outside the territory. The amount of any such advances should be clearly explained to the worker. Any advance made in excess of the amount laid down by the competent authority should be irrecoverable at law.

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

16. For the purpose of determining minimum rates of wages to be fixed it is desirable that the wage-fixing body should in any case take account of the necessity of enabling the workers concerned to maintain a suitable standard of living.

17. Among the factors which should be taken into consideration in the fixing of minimum wage rates are the following: the cost of living, fair and reasonable value of services rendered, wages paid for similar or comparable work under collective bargaining agreements, and the general level of wages for work of a comparable skill in the area where the workers are sufficiently organised.

18. Whatever form it may assume, the minimum wage-fixing machinery should operate by way of investigation into conditions on plantations and consultation with the parties who are primarily and principally concerned, namely employers and workers, or their most representative organisations, where such exist. The opinion of both parties should be sought on all questions concerning minimum wage fixing and full and equal consideration given to their opinion.

19. To secure greater authority for the rates that may be fixed, in cases where the machinery adopted for fixing minimum wages makes it possible, the workers and employers concerned should be enabled to participate directly and on an equal footing in the operation of such machinery through their representatives, who should be equal in number or in any case have an equal number of votes.

20. In order that the employers' and workers' representatives should enjoy the confidence of those whose interest they respectively represent, in the case referred to in Paragraph 19 above, the employers and workers concerned should have the right, in so far as circumstances permit, to participate in the nomination of the representatives, and, if any organisations of employers and workers exist, these should in any case be invited to submit names of persons recommended by them for appointment on the wage-fixing body.

21. In the case where the machinery for minimum wage fixing provides for the participation of independent persons, whether for arbitration or otherwise, these should be chosen from among men or women who are recognised as possessing the necessary qualifications for their duties and who have no such interest in plantations and related undertakings as would give rise to doubt as to their impartiality.

22. Provision should be made for a procedure for revising minimum wage rates at appropriate intervals.

23. For effectively protecting the wages of the workers concerned, the measures to be taken to ensure that wages are not paid at less than the minimum rates which have been fixed should include—

- (a) arrangements for giving publicity to the minimum wage rates in force, and in particular for informing the employers and workers concerned of these rates in the manner most appropriate to national circumstances;
- (b) official supervision of the rates actually being paid; and
- (c) penalties for infringements of the rates in force and measures for preventing such infringements.

24. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family.

25. (1) Deductions from wages for the reimbursement of loss of or damage to the products, goods or installations of the employer should be authorised only when loss or damage has been caused for which the worker concerned can be clearly shown to be responsible.

(2) The amount of such deductions should be fair and should not exceed the actual amount of the loss or damage.

(3) Before a decision to make such a deduction is taken, the worker concerned should be given a reasonable opportunity to show cause why the deduction should not be made.

26. Appropriate measures should be taken to limit deductions from wages in respect of tools, materials or equipment supplied by the employer to cases in which such deductions—

- (a) are a recognised custom of the trade or occupation concerned; or
- (b) are provided for by collective agreement or arbitration award; or
- (c) are otherwise authorised by a procedure recognised by national laws or regulations.

IV. EQUAL REMUNERATION

27. (1) Each Member should, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

(2) This principle may be applied by means of—

- (a) national laws or regulations;
- (b) legally established or recognised machinery for wage determination;
- (c) collective agreements between employers and workers; or
- (d) a combination of these various means.

V. HOURS OF WORK AND OVERTIME

28. The provisions of this Part apply to workers employed on a time basis.

29. The hours of work of any person employed on a plantation covered by Paragraph 1 above should not exceed eight in the day and 48 in the week, with the exceptions hereinafter provided for:

- (a) the provisions of this Part do not apply to persons holding positions of supervision or management;
- (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 should the daily limit of eight hours be exceeded by more than one hour;
- (c) Where persons are employed in shifts it should be permissible to employ persons in excess of eight hours in any one day and 48 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 48 per week.

30. The limit of hours of work prescribed in Paragraph 29, 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. That limit may also be exceeded in order to prevent the loss of perishable goods or materials subject to rapid deterioration.

31. The limit of hours of work prescribed in Paragraph 29 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 should not exceed 56 in the week on the average. Such regulation of the hours of work should 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.

32. (1) Regulations made by public authority should determine for plantations—

- (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 a plantation, or for seasonal or certain other classes of work which is essentially intermittent;
- (b) the temporary exceptions that may be allowed to deal with exceptional cases of pressure of work.

(2) These regulations should be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations should fix the maximum of additional hours in each instance.

33. The rate of pay for any hours in excess of the hours of work provided for in Paragraph 29 worked in conformity with Paragraphs 30, 31 and 32 should not be less than one and one-quarter times the regular rate.

VI. WELFARE FACILITIES

34. Having regard to the variety of welfare facilities and of national practices in making provision for them, the facilities specified in this Part of this Recommendation may be provided by means of public or voluntary action—

- (a) through laws and regulations, or
- (b) in any other manner approved by the competent authority after consultation with employers' and workers' organisations, or
- (c) by virtue of collective agreement or as otherwise agreed upon by the employers and workers concerned.

35. In localities where there are insufficient facilities for purchasing appropriate food, beverages and meals, measures should be taken to provide workers with such facilities.

36. The workers should in no case be compelled, except as required by national laws and regulations for reasons of health, to use any of the feeding facilities provided.

37. (1) Appropriate measures should be taken to encourage the provision of recreation facilities for the workers in or near the undertaking in which they are employed, where suitable facilities organised by special bodies or by community action are not already available and where there is a real need for such facilities as indicated by the representatives of the workers concerned.

(2) Such measures, where appropriate, should be taken by bodies established by national laws or regulations if these have a responsibility in this field, or by voluntary action of the employers or workers concerned after consultation with each other. These measures should preferably be taken in such a way as to stimulate and support action by the public authorities so that the community is able to meet the demand for recreation facilities.

38. Whatever may be the methods adopted for providing recreation facilities, the workers should in no case be under any obligation to participate in the utilisation of any of the facilities provided.

39. The competent authorities of each country should arrange for the consultation of workers' and employers' organisations concerning both the methods of administration and the supervision of the welfare facilities set up by virtue of national laws or regulations.

40. In the economically underdeveloped countries, in the absence of other legal obligations concerning welfare facilities, such facilities may be financed through welfare funds maintained by contributions fixed by the competent authorities and administered by committees with equal representation of employers and workers.

41. (1) Where meals and other food supplies are made available to the workers directly by the employer, their prices should be reasonable and they should be provided without profit to the employer; any possible financial surplus resulting from the sale should be paid into a fund or special account and used, according to circumstances, either to offset losses or to improve the facilities made available to the workers.

(2) Where meals and other food supplies are made available to the workers by a caterer or contractor, their prices should be reasonable and they should be provided without profit to the employer.

(3) Where the facilities in question are provided by virtue of collective agreements or by special agreements within undertakings, the fund provided for in subparagraph (1) should be administered either by a joint body or by the workers.

42. (1) In no case should a worker be required to contribute towards the cost of welfare facilities that he does not wish to use personally.

(2) In cases where workers have to pay for welfare facilities payment by instalment or delay in payment should not be permitted.

43. Where a substantial proportion of the workers experience special difficulties in travelling to and from work owing to the inadequacy of public transport services or unsuitability of transport timetables, the undertakings in which they are employed should endeavour to secure from the organisations providing public transport in the locality concerned the necessary adjustments or improvements in their services.

44. Where adequate and practicable transport facilities for the workers are necessary and cannot be provided in any other way, the undertakings in which they are employed should themselves provide the transport.

VII. PREVENTION OF ACCIDENTS

45. Members should take appropriate measures for the prevention of accidents and occupational diseases.

VIII. WORKMEN'S COMPENSATION

46. In case of incapacity compensation should be paid as from the day of the accident, whether it be payable by the employer, the accident insurance institution or the sickness insurance institution concerned.

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

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

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

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

IX. WORKMEN'S COMPENSATION FOR OCCUPATIONAL DISEASES

50. Each Member should provide that compensation shall be payable to workmen incapacitated by occupational diseases, or in the case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

51. The rates of such compensation should not be less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases should be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

52. Each Member should consider as occupational diseases those diseases and poisonings set forth in a Schedule to be established by the Member in consultation with the most representative organisations of employers and workers.

X. SOCIAL SECURITY

53. Each Member should extend its laws and regulations establishing systems of insurance or other appropriate systems providing security in case of sickness, maternity, invalidity, old age and similar social risks to plantation workers on conditions equivalent to those prevailing in the case of workers in industrial and commercial occupations.

XI. LABOUR INSPECTION

54. Inspectors provided with credentials should be empowered by law—

- (a) to visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any place which they may have reasonable cause to believe to be an establishment, or part thereof, subject to their supervision: Provided that, before leaving, inspectors should, if possible, notify the employer or some representative of the employer of their visit;
- (b) to question, without witnesses, the staff belonging to the establishment, and, for the purpose of carrying out their duties, to apply for information to any other persons whose evidence they may consider necessary, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

APPENDIX XII

Text of Resolution concerning the Standards of Living and the Conditions of Employment of Plantation Workers, Submitted by Mr. Gonzales Tellechea, Workers' Delegate, Cuba

The General Conference of the International Labour Organisation,

Considering the fact that the standards of living and the conditions of employment of plantation workers vary from one country to another and though in some cases in advance of those of the local agricultural population, are in many instances lower than the standards and conditions prevailing in other occupations,

Taking into consideration the desirability of raising the standards of living and of improving the conditions of employment of all classes of workers and, in particular, of those who have lower standards than those considered normal in most occupations,

Recognising that economic conditions may influence the possibilities of raising standards of living and of improving conditions of employment of plantation workers,

Having regard to, and noting with satisfaction, the measures already taken by the International Labour Organisation with a view to raising the standards of living and improving the conditions of employment of plantation workers by means of international action;

Invites the Governing Body of the International Labour Office to consider the possibility of initiating, in co-operation with other appropriate international organisations, a world-wide survey of the standards of living and the conditions of employment of plantation workers having regard to all relevant economic factors, the survey to cover such plantation crops as may be selected in the light of their importance for international trade to the national economy of the nations concerned and of the number of workers employed.

APPENDIX XIII

Text of proposed Conclusions directed towards a Recommendation concerning Occupational Diseases

I. Form of the International Instrument

1. The international instrument should take the form of a Recommendation.

II. Definition and Scope

2. The proposed international instrument to provide that the expression "Occupational health service" means a service, whether already in existence or to be organised, used in or near a place of employment, for the purposes of—

- (a) protecting the workers against any health hazard which may arise out of their work or the conditions in which it is carried on;
- (b) ensuring the workers' physical and mental adjustment, in particular by their assignment to jobs for which they are suited; and
- (c) contributing to the establishment and maintenance of the highest possible degree of physical and mental well-being of the workers.

3. In order to extend occupational health facilities to all workers such services to be set up for industrial, non-industrial and agricultural undertakings as well as public services, provided that their establishment may, in appropriate cases, be gradual, covering first of all the classes of undertakings in which the degree of risk is considered to be greatest.

4. Where occupational health services cannot immediately be set up for all undertakings, such services to be established first of all—

- (a) for undertakings where workers are exposed to special health hazards, such hazards to be defined by national laws or regulations;
- (b) for undertakings employing more than a minimum number of workers, to be prescribed by national laws or regulations.

III. Functions of Occupational Health Services

5. The role of occupational health services to be essentially preventive.

6. Occupational health services not to be required to verify the justification of absence on grounds of sickness. This, however, not to preclude

an occupational health service from ascertaining the conditions which may have led to a worker's absence on sick leave and about the progress of the worker's illness, so that it will be better able to evaluate its preventive programme, discover occupational hazards, and place workers suitably for rehabilitation purposes.

7. The functions of occupational health services to be, in particular, the following:

- (a) surveillance, within the undertaking, of all factors likely to affect the health of the workers, and advice to management and representatives of workers and their trade unions in this respect;
- (b) surveillance of the hygiene of sanitary installations and other facilities for the welfare of the workers of the undertakings, such as kitchens, canteens, day nurseries, and rest homes, and surveillance of any dietetic arrangements made for the workers;
- (c) pre-employment, periodic and special medical examinations—including, where necessary, biological and radiological examinations—prescribed by national laws or regulations, by agreements between the parties or organisations concerned or considered advisable for preventive purposes by the industrial physicians; such examinations to ensure particular surveillance over certain classes of workers such as women, juveniles, workers exposed to special risks and handicapped persons;
- (d) compilation of statistics concerning health conditions in the undertakings;
- (e) study of or participation in job analysis in the light of hygienic, physiological and psychological considerations, and advice to management and workers on the best possible arrangement of jobs having regard to these considerations;
- (f) surveillance of the adjustment of workers to their jobs and, in appropriate cases, of their rehabilitation and retraining, and advice in this respect;
- (g) advice to management and workers in connection with the placing or reassignment of workers;
- (h) emergency treatment in case of accident or indisposition as well as, in certain circumstances and in agreement with the parties concerned, ambulatory treatment to employees who have returned to work or have not been absent from it;
- (i) initial and regular treatment subsequent training of first-aid personnel, and supervision and maintenance of first-aid equipment in co-operation, where appropriate, with other departments and bodies concerned;

- (j) participation, with the other appropriate departments and bodies in the undertaking, in the prevention of accidents and occupational diseases and in the supervision of personal protective equipment and of its use, and advice to management and workers in this respect;
- (k) education of the personnel of the undertaking in the field of health and hygiene, and advice to individual workers, at their request, regarding any disorders that may occur or be aggravated in the course of work; and
- (l) research in the field of occupational health or participation in such research in association with specialised services or institutions.

8. In order that it may efficiently perform its functions, the occupational health service to—

- (a) have free access to all workplaces and to the ancillary installations of the undertaking;
- (b) inspect the workplaces at appropriate intervals in co-operation, where necessary, with other services of the undertaking;
- (c) have access to information concerning the processes, performance standards and substances used;
- (d) be authorised to carry out, or request that approved technical bodies carry out, surveys and investigations on potential occupational health hazards, for example by the sampling and analysis of the atmosphere of workplaces, of the products and substances used, as well as of any other material suspected of being harmful and the control of harmful physical agents.

9. All persons attached to occupational health services to be required to observe professional secrecy, as regards both medical and technical information which may come to their knowledge in the exercise of the functions and activities enumerated above, subject to such exceptions as may be provided by national laws or regulations.

10. Occupational health services to maintain close contact with the other departments and bodies in the undertaking concerned with questions of the workers' health, safety, or welfare, and particularly the welfare department, the safety department, the personnel department, the trade union organs in the undertaking, any safety and health committee, and any other committee or any person in the undertaking dealing with health or welfare questions.

11. Occupational health services also to maintain close relations with external services and bodies dealing with questions of the health, safety, retraining reassignment or welfare of the workers.

IV. Organisation of Occupational Health Services

12. Occupational health services to be organised, according to the circumstances—

- (a) as a separate service within the framework of a single undertaking; or
- (b) as a service common to a number of undertakings, whether set up by the undertakings themselves or attached to an outside body.

13. Having regard to the diversity of national circumstances and practices, occupational health services to be provided, as conditions require—

- (a) through laws and regulations, or
- (b) in any other manner approved by the competent authority after consultation with employers' and workers' organisations, or
- (c) by virtue of collective agreement or as otherwise agreed upon by the employers and workers concerned.

14. Where the organisation of an occupational health service is not practicable for geographical or other reasons to be determined by national laws or regulations, undertakings to enter into an agreement with a physician or a local medical service for—

- (a) administering emergency treatment;
- (b) carrying out the medical examinations prescribed by national laws or regulations; and
- (c) exercising surveillance over hygiene conditions in the undertaking.

15. The first-aid personnel to—

- (a) consist exclusively of suitably qualified persons; and
- (b) be readily available during working hours.

16. Occupational health services to be placed under the direction of a physician, responsible for the service directly to the management or, as the case may be, answerable for his own work to the body to which the service is subordinated.

17. The physician in charge of an occupational health service to enjoy full professional and moral independence of both the employer and the workers. In order to safeguard this independence, national laws or regulations or agreements between the parties or organisations concerned to lay down the terms and conditions of employment of industrial physicians and, in particular, the conditions concerning their appointment and the termination of their employment.

18. The physician in charge of an occupational health service to have received, as far as possible, special training in occupational health, or at least have some knowledge of industrial hygiene, special emergency treatment, occupational pathology, and the laws and regulations governing his various duties. The physician also to be enabled to improve his knowledge in these fields.

19. National laws and regulations to lay down standards concerning the qualifications of the nursing staff attached to occupational health services.

20. The competent authority to lay down general standards in regard to the premises and equipment of occupational health services.

21. Suitable records to be kept of the activities of occupational health services, so as to ensure the availability of necessary information concerning the workers' state of health and the work of the service.

22. The occupational health service to begin, at the time of a worker's pre-employment examination or first visit to the service, a confidential personal medical file and keep it up to date at each succeeding examination or visit.

23. All workers to co-operate fully in attaining the objectives of occupational health services.

V. General Provisions

24. The services provided by occupational health services within the framework of the present instrument not to involve the workers in any expense.

25. Where national laws or regulations do not provide otherwise, the expense of the organisation and operation of occupational health services to be borne by the employer.

26. National laws or regulations to specify the authority responsible for supervising the organisation and operation of occupational health services. They may, in appropriate cases, confer on recognised technical bodies the role of advisers in this field.

27. Where the term "national" is used in the present instrument in reference to laws, regulations or authorities, it shall be understood in the case of a federal State, to refer, as appropriate, to the federal, state, provincial, cantonal or other competent governmental unit.

APPENDIX XIV

Text of Resolution concerning Occupational Diseases

The General Conference of the International Labour Organisation,

Recognising the importance of the protection of workers against industrial accidents and occupational diseases in their places of employment,

Emphasising the value of the activities of the International Labour Organisation in this field and in particular the action taken to place the question of the protection of workers against ionising radiations on the agenda of the 43rd Session of the International Labour Conference.

Recognising, however, that recent developments in production processes and methods and the extraordinary multiplicity of new materials are daily raising new problems in protecting the health of workers;

Invites the Governing Body of the International Labour Office to give a high priority, having due regard to other calls upon the resources of the Organisation, to the study of these problems by the International Labour Office, and to consider the desirability of placing them on the agenda of an early session of the International Labour Conference.

APPENDIX XV

Text of proposed Draft for a Convention concerning the Minimum Age for Admission of Fishermen to Employment

Article 1

For the purpose of this Convention, the term "fishing vessel" includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters.

Article 2

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

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

3. Young persons under the age of eighteen years shall not be employed or work on coal-burning fishing vessels as trimmers or stockers.

Article 3

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

Article 4

The competent authority shall adopt regulations for the enforcement of these provisions.

APPENDIX XVI

Text of proposed Draft for a Convention concerning the Medical Examination of Fishermen

Article 1

1. For the purpose of this Convention the term "fishing vessel" includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters.

2. The competent authority may, after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist, permit exceptions in the application of the provisions of this Convention in relation to vessels which normally remain at sea for periods of less than three days.

Article 2

No person shall be engaged for employment in any capacity on a fishing vessel unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner, who shall be approved by the competent authority.

Article 3

1. The competent authority shall, after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate.

2. When prescribing the nature of the examination due regard shall be had to the age of the person to be examined and the nature of the duties to be performed.

3. In particular, the medical certificate shall attest that the person is not suffering from any disease likely to be aggravated by, or render him unfit for, service at sea or likely to endanger the health of other persons on board.

Article 4

1. In the case of young persons of less than twenty-one years of age, the medical certificate shall remain in force for a period not exceeding one year from the date on which it was granted.

2. In the case of persons of twenty-one years of age and over the competent authority shall determine the period for which the medical certificate shall remain in force.

3. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

Article 5

Arrangements shall be made to enable a person who, after examination, has been refused a certificate to apply for a further examination by a medical referee or referees, who shall be independent of any fishing-boat owner or of any organisation of fishing-boat owners or fishermen.

APPENDIX XVII

Text of proposed Draft for a Convention Concerning Fishermen's Articles of Agreement

Article 1

1. For the purpose of this Convention, the term "fishing vessel" includes all registered or documented ships and boats of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters, except the types and sizes of vessels which might be exempted by the competent authority from application of the provisions of this Convention, after consultation with the fishing-boat owners and fishermen's organisations concerned, where such exist.

2. When the competent authority is satisfied that the provisions of this Convention are adequately covered in collective agreements between fishing-boat owners, or fishing-boat owners' organisations, and fishermen's organisations, it may exempt from individual agreement owners and fishermen covered by such collective agreements.

Article 2

For the purpose of this Convention, the term "fisherman" includes every person employed or engaged in any capacity on board any fishing vessel and entered in the ship's articles. It excludes pilots, cadets and duly indentured apprentices, naval ratings, and other persons in the permanent service of the government.

Article 3

1. Articles of agreement shall be signed both by the owner of the fishing vessel or his authorised representative and by the fisherman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the fisherman and also to his adviser. Where both owner and fisherman are covered by collective agreements, individual signatures will not be required.

2. The fisherman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

3. The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the owner of the fishing vessel or his authorised representative and by the fisherman.

4. National law shall make adequate provision to ensure that the fisherman has understood the agreement.

5. The agreement shall not contain anything which is contrary to the provisions of national law.

6. National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the owner of the fishing vessel and of the fisherman.

Article 4

1. Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

2. This Article shall not be interpreted as excluding a reference to arbitration.

Article 5

A record of employment of every fisherman shall be maintained by the competent authority. A copy of this record shall be handed to the fisherman concerned or entered in his service book. The form of this record, the particulars and other necessary details to be entered therein shall be determined by national laws and regulations.

Article 6

1. The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

2. The agreement shall state clearly the respective rights and obligations of each of the parties.

3. It shall contain such of the following particulars as are not already included in other documents regarded under national laws or regulations as fulfilling the provisions of this Article:

- (a) the surname and other names of the fisherman, the date of his birth or his age, and his birthplace;
- (b) the place at which and date on which the agreement was completed;
- (c) the name of the fishing vessel or vessels on board which the fisherman undertakes to serve;
- (d) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (e) the capacity in which the fisherman is to be employed;
- (f) if possible, the place and date at which the fisherman is required to report on board for service;

- (g) the scale of provisions to be supplied to the fisherman unless some alternative system is provided for by national law;
- (h) the amount of his wages, the amount of his share if he is to be remunerated on a share basis, or the amount of his wage and share if he is to be remunerated on a combined basis, and any agreed minimum wage;
- (i) the termination of the agreement and the conditions thereof, that is to say—
 - (i) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisherman shall be discharged;
 - (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission: Provided that such period shall not be less for the owner of the fishing vessel than for the fisherman;
- (j) any other particulars which national law may require.

Article 7

If national law provides that a list of crew shall be carried on board the agreement shall either be recorded in or annexed to the list of crew.

Article 8

In order that the fisherman may satisfy himself as to the nature and extent of his rights and obligations the competent authority shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment.

Article 9

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by—

- (a) mutual consent of the parties;
- (b) death of the fisherman;
- (c) loss or total unseaworthiness of the vessel;
- (d) any other cause that may be provided for in national law.

Article 10

National law, collective agreements or individual agreements shall determine the circumstances in which the owner or skipper may immediately discharge a fisherman.

APPENDIX XVIII

Text of the Resolution concerning the Setting Up of a Special Committee on Conditions of Fishermen

The General Conference of the International Labour Organisation,

Recalling that the I.L.O. Committee of Experts on Conditions of Work in the Fishing Industry, at its meeting in 1954, adopted a resolution which requested the I.L.O. to study a number of aspects of fishermen's conditions of work and welfare in addition to those now under consideration by the Conference;

Requests the Governing Body of the I.L.O. to consider the possibility of setting up a special committee with a view to continuing or initiating studies by the International Labour Office, in co-operation where necessary with other appropriate international agencies, on the following questions affecting employment conditions on fishing vessels;

- (a) safety;
- (b) certificates of competency;
- (c) holidays with pay;
- (d) accident, unemployment and sickness insurance;
- (e) accommodation on board;
- (f) medical care on board;
- (g) vocational training.

APPENDIX XIX

Statement of Shri L. N. Mishra in the Conference on the Report of the Committee on Hours of Work

I wish to make a statement explaining the Government of India's attitude to the question of hours of work.

My Government has only appreciation for the interest that the I.L.O. and the Workers' delegates have taken in the subject of hours of work. It is one of our primary objectives of State policy to ensure a fair deal to the labourer. We are anxious not only to end the exploitation of labour by capital but also to make labour an equal partner with capital. The nature of labour legislation that our Government has enacted in recent years and the programme of work for improving the plight of the labourers as enumerated in our second Five-Year Plan clearly indicates the genesis of our labour policy. As the House knows, we are a Socialist State and our economic, social and labour policies are formulated only in such a manner as might help us in the establishment of a full-fledged Socialist society on democratic lines.

Our approach to this question of reduction in hours of work must be studied in this background.

The Government of India at the present moment is not in favour of reduction in hours of work. Our Government is opposed to the idea of adopting any international instrument or Convention in view of the fact that most of the underdeveloped countries of Asia and Africa are at the moment in the process of economic development and they cannot afford to reduce hours of work. We are engaged ourselves in the implementation of the second Five-Year Plan and we want to utilise every bit of our available resources for the success of the Plan. For a plan of these dimensions we lack both capital and resources. Labour is our mainstay. We depend on it to a considerable extent in increasing national production. In our economy human labour plays a very vital part. We have not the advantages of the modern techniques of production and technological development. We are an underdeveloped country with all the handicaps of a backward economy. Most of our industrial production is still based on human labour. We cannot have automation or rationalisation to the desired extent. There can be increase in production in our country only when our working people work hard and with more efficiency. It is because of this that we have set up national productivity centres with the assistance and co-operation of all the interests concerned. In our conditions of work reduction in hours of work will not yield the desired result;

rather it will hamper production and decrease the earnings of the working people.

Here I may say that we must not lose sight of the fact that the main difference between an underdeveloped country and a developed one is in the human factor. In a developed country people work more and work more efficiently. In an underdeveloped country there is permanent unemployment and under-employment and I believe that people in my country normally work not more than half the number of hours as compared with the people of a developed country. Our efficiency is low and *per capita* productivity too poor. Our task is to increase the number of effective hours and at the same time to increase the efficiency of work so that more is produced per hour. We want to make our labour scarce and expensive.

There is one more essential difference between the advanced countries and countries which are in the process of development. In industrialised countries, when hours of work become shorter as a result of trade union pressure or otherwise, there is a simultaneous technological advance which nullifies the effect of shorter working hours on the total output. In countries like ours, however, where not all technological advances can be taken advantage of, for various reasons, reduction in working hours may well prove a disadvantage.

It is our firm belief that what is more important for the labour of our country at the present moment is not the provision of leisure or rest but increase in their earnings which they can have only when national production rises. Given the choice, labour in India would more look forward to higher wages as productivity increases than to reduction in hours.

Further, in the current Indian situation one more factor requires to be taken into account. We have in the country a system by which a part of the total wage is related to the cost of living. The practice has been that this part is constant, irrespective of the skill and output of the worker. "Dearness allowance", as it is called, is paid on the basis of a day's work. Any reduction in working hours, therefore, is likely to affect adversely the production costs in industry and will thus put us in a comparatively weaker position in internal and external markets.

Lastly, I will say that it is high time that the member nations of the I.L.O. should recognise one basic fact, that no Convention or resolution which calls for ratification on a uniform basis by the countries of the world can be put into practice so long as the present disparity between the well being of the people of the different nations continues. A study of the situation shows that this disparity instead of lessening is actually growing. The I.L.O. has to be conscious of this problem and direct the course of its activities in a manner as to help and assist those backward countries which are today busy in the task of their economic development.

The problem of an underdeveloped country and a developed one is not the same. The backward countries of Asia and Africa today cannot take full advantage of the modern techniques of production and technological progress, not only because they lack capital but also on account of the fact that they have not the needed technicians, equipment and know-how.

For all these reasons my delegation will abstain from voting on the resolution for an international instrument.

APPENDIX XX

Text of Resolution concerning Hours of Work

The General Conference of the International Labour Organization,

Having taken note of the Report of the Committee appointed to examine item VIII on its agenda,

Invites the Governing Body of the I.L.O. to place the question of the reduction of hours of work on the agenda of an early session of the Conference not later than 1960 with a view to the adoption of an international instrument.

APPENDIX XXI

Statement of Shri Babubhai M. Chinai in the Conference on the Resolution on Management Development

My amendment is as follows: in paragraph 1 of the operative part, delete the words "employers' organisations, management associations and other appropriate organisations and institutions, such as in certain cases workers' organisations" and replace by the following: "appropriate organisations and institutions".

I commend the resolution concerning management development to your acceptance. You will have noticed that along with my friend Mr. Nasr of the Lebanon I have suggested a small amendment to paragraph 1 of the operative part of the resolution. Let me not take the valuable time of the Conference by explaining the amendment. It is self-explanatory and is intended to streamline the intent as well as the language. Instead of enumerating the various organisations which governments are being advised to consult, it should suffice in my opinion to say that it is up to the governments concerned to consult appropriate organisations and institutions. Naturally each government will consult, in accordance with national conditions and practices, such appropriate organisations as exist in the country.

The resolution desires that the I.L.O. should help the newly industrialising countries in the process of industrialisation. Valuable work has been initiated by the I.L.O. in productivity studies. Any enterprise, public or private, must be well organised even before productivity schemes can be implemented. There has been some misunderstanding regarding the object of calling upon the I.L.O. to interest itself in the subject of management development. It has been said that this subject does not come within the competence of the I.L.O. I have also heard it said that the Employers would be unwise to support a resolution of the kind before us. I wish to explain why as an Employer myself I do not share these views. The resolution is not mandatory; it is up to the countries concerned to approach the I.L.O. or not, and the initiative lies with management at the national level. What is more important, the I.L.O. will, I believe, have to recruit the management experts from the private sector in the advanced industrial countries. Lastly, the resolution is directed to assist newly industrialising countries.

My own country, India, and quite a few other countries in Asia, Africa and the Middle East are endeavouring to catch up with the backlog in industrial development. We are, if I may say so, the Oliver Twists of the

twentieth century and our appetite for assistance from friendly countries and from international organisations is almost insatiable.

You will agree with me that such assistance, in the interests of both donors and recipients, must quicken and develop the elements of self-growth. I cannot conceive of any other factor so vital to rapid and yet sound economic development as good management of enterprises.

Management is somewhat of an amorphous term. Oftentimes it is identified with top management only. That is not correct—far from correct. Indeed a manager is one who is interested at whatever level in the supervision and direction of the work of others. At the base of the pyramid there are junior managers. These include supervisors, men and women in the factory or the office, who are the first to carry the responsibility for the running of a small group. Next come the middle and senior managers. At the apex we have top management, who take multiple decisions which make or mar the success of the business as a whole. In the newly industrialising countries the basic problem is to strengthen the whole ladder of management, more particularly in the lower and middle rungs. Management training has therefore to cover different categories of managers, so that at each level we have a bunch of people who can make the best use of their own abilities as well as the abilities of those working with and under them.

I should like, however, to sound a note of caution. There is a tendency to regard executive development as a package programme which can be bought ready-made from experts and specialists. This is a mistaken assumption. A programme will bear fruit only when it is designed and pinpointed according to the needs appertaining to a particular country.

I appeal to all of you to support this resolution and the amendment. I would like specially to request my Employer friends from the industrially advanced countries to look upon the resolution with sympathy and understanding. A vote of assent will be yet another proof of their willingness to help and assist by all possible means their colleagues in the less advanced countries to fall in step with progressive and modern developments.

APPENDIX XXII

Statement of Dr. S. T. Merani in the Conference on the Resolution on Management Development

We have many needs and one of the pressing of our time is the need to raise living standards. This need can be met in many ways but I am drawing attention to one specific way which would make a significant contribution. We need to put existing resources to the maximum and most effective use. The more efficiently we use our resources, the more will our resources grow and the more will we get out of them. Man-power and capital resources are the foundation of a progressive State. The management function has a vital role to play in the efficient utilisation of both these assets. This is the inevitable and most impressive lesson to draw from the progress achieved by the highly developed industrial States.

We from the countries which are trying to industrialise rapidly wish also to develop this management function as rapidly as possible with the help of our own institutions and with the help of those who have been ahead of us in this field. We would therefore like to see management development encouraged most actively, both at the national and the international level.

At the national level, organisations of employers, management associations, universities and other similar institutions, have to play an active part in building up facilities for management training. Where necessary, governments have to lend a helping hand and provide the necessary incentive and encouragement.

I am glad to be able to say that in my country the employers' organisations, universities and the Government are fully conscious of the needs and their responsibility, and the management training movement is growing.

At the international level, the I.L.O., which is charged with the responsibility of raising living standards of the workers, has to play an active part by initiating and developing a large enough programme in this field of activity.

The Director-General, after giving in his Report to this Conference, on page 31, an account of what the I.L.O. has been doing so far, has posed a question in the following terms: "...the I.L.O. might well consider whether it is making its full contribution towards management development". The present resolution is the answer to that question. Let us therefore make the reply a forthright and a powerful one.

The development of a productivity movement, satisfactory labour-management relations, fullest utilisation of resources and adequate planning, to name but a few instances, depend to a large extent upon adequate and progressive performance of the management function.

Let the I.L.O. therefore pay this matter the attention it deserves and come forward at the international level with an adequate programme, of which I hope technical assistance would form an essential part. I might even say that management training would enable, in certain of the fields concerned, the greatest results to be achieved from the existing programmes of technical assistance.

In the Committee the governments showed by their statements and vote that they favoured action by the I.L.O. in this field. I am grateful to them for their support of the resolution, support which has been reaffirmed here this morning by my honourable colleagues from Australia and the United States. The Workers too have given their support to this resolution. I acknowledge this with great appreciation.

Many of the Employers have indicated support for the resolution, and what minor differences have arisen are related not to the subject or the principal substance of the resolution but to the type of consultation—a matter which was not in my original text—which governments might undertake in certain cases. This is a matter which I hope the Conference will put right in this plenary, by following the line suggested by the esteemed Employer delegates from Lebanon and India.

An argument about the scope of the I.L.O. in this field has also been advanced. I hope that I have answered this argument in a positive way in my earlier remarks, while drawing attention to the need for raising living standards—an area which is the special responsibility of the I.L.O.

If the movement for management development is to go forward rapidly, we need the collaboration of all concerned, both at the national and the international level.

I would therefore appeal to all of you here kindly to give your fullest support to this resolution and, on returning home—to do, what is equally important—pursue actively the cause which the resolution is intended to serve. I would also request the Director-General kindly to come forward as quickly as possible with a substantial programme of action at the I.L.O. level.

APPENDIX XXIII

Text of Resolution on Management Development

The General Conference of the International Labour Organisation,

Considering that the success of national and international efforts to promote economic development and to raise productivity depends in particular on the skill and initiative of management in public and private undertakings,

Considering that efficient management of all types of undertakings is one of the essential requirements for ensuring, among other things—

- (a) that the benefits of vocational training and the efforts of workers are reflected fully and without waste in increased production, and that these efforts are fully rewarded by higher living standards and improved conditions of work;
- (b) that adequate returns are earned on capital already employed and that new capital is attracted in sufficient quantities to undertakings and countries that are short of capital;
- (c) that opportunities for technological improvements are grasped and applied in a manner advantageous to all parties concerned, including consumers; and
- (d) that satisfactory labour-management relations are established and maintained,

Considering that within the family of international organisations the I.L.O. has a special responsibility for spreading knowledge of sound management techniques, working conditions, and relations between management and workers,

Noting the valuable work which has been initiated in this field by the I.L.O. productivity missions under the Expanded Programme of Technical Assistance;

1. Urges governments of newly industrialising countries in which the need for management development is particularly urgent, to do all in their power, in collaboration with appropriate organisations and institutions, to promote and spread knowledge of economically and socially sound principles and techniques of management, for example, by establishing, sponsoring or encouraging the establishment and the work of university schools of business administration or other appropriate institutions equipped to undertake research and to provide training in principles of management and techniques that can be used to raise productivity, and by availing themselves to the

fullest practicable extent of facilities for management development that may be available through international action;

2. Invites the Governing Body and the Director-General, paying due regard to other calls on the resources of the Organisation, to give a high priority, both in the research and in the operational activities of the I.L.O., in co-operation, where appropriate, with other international agencies, to activities that would contribute to meeting the need for management development and training, more especially in the industrially less advanced countries.

APPENDIX XXIV

Text of Resolution concerning Publication of Labour Laws

The General Conference of the International Labour Organisation,

Believing that under any system of laws a fundamental guarantee of justice is the prompt and effective publication of laws, decrees and regulations affecting workers,

Believing also that any worker affected by such laws, decrees and regulations is entitled to know how they affect him,

Believing further that it is a fundamental violation of justice to enforce such measures without prior public disclosure, and

Noting that the success of the International Labour Organisation as an agency for promoting knowledge and understanding of working conditions in the world depends upon its receiving accurate and complete information concerning such laws, decrees and regulations from the member States;

1. Urges that States Members of the International Labour Organisation publish promptly laws, decrees and regulations which affect the terms and conditions of employment of workers.

2. Urges that member States take all appropriate measures to ensure that such laws, decrees and regulations are published and distributed in such a way as to come to the attention of all those concerned, and that to this end written translations and sufficiently widely circulated information in the official languages of the countries concerned be used, so as to apprise the people concerned of their rights and obligations.

3. Urges employers' and workers' organisations to explain to their members the scope of such laws, decrees and regulations.

4. Requests member States to communicate regularly to the International Labour Office the texts of laws, decrees and regulations relating to terms and conditions of employment as well as any information relating thereto which they deem it useful to add.

APPENDIX XXV

Text of Resolution concerning Measures to Promote Employment and Action Against Unemployment

The General Conference of the International Labour Organisation,

Having adopted in earlier years various Conventions, Recommendations and resolutions relating to employment and unemployment,

Recalling resolutions dealing with employment adopted at sessions of the Economic and Social Council and of the General Assembly of the United Nations,

Bearing in mind the importance, as a fundamental social and economic objective, of the optimum utilisation in freedom of human resources as well as the optimum utilisation of material resources,

Realising that change and adjustment occur in the economies of all countries,

Considering that, as a result of economic difficulties in the recent past, there has been an increase in unemployment and short-time working in a number of countries throughout the world, which is causing anxiety and a sense of insecurity not only among the workers directly affected by unemployment but among the population as a whole,

Considering that substantial progress has been achieved in reducing employment fluctuations in many countries during recent years,

Recognising that national economic programmes can have adverse effects upon employment and income in other States Members of the Organisation;

1. Urges member States to promote measures for the maintenance and expansion of employment in their own countries by methods which will avoid the impairment of employment opportunities in other countries.

2. Draws to the attention of member States the possibilities of promoting and maintaining employment by pursuing vigorously such measures

(a) resources development, housing improvements and various other types of needed investment;

(b) the reduction of existing barriers to trade in a mutually satisfactory manner for the purpose of expanding such trade at the fastest feasible rate; appropriate opportunities for the

exchange of technical information on a reciprocal basis; and the encouragement of the international flow of capital;

(c) measures to bring quickly and effectively job openings to the attention of workers and suitable workers available for employment to the attention of employers and to facilitate the mobility of labour;

(d) technical and vocational training and retraining programmes at the national and international levels;

(e) reduction of seasonal fluctuations in employment;

(f) development of an unemployment insurance or compensation programme as well as any other measures ensuring protection to workers and their families while unemployed;

(g) programmes to maintain purchasing power, including adjustments in fiscal and monetary policies and in social security measures.

3. Emphasises the importance of member States undertaking studies of changing manpower requirements, including the nature and extent of technological improvements, population and labour force trends, employment, underemployment and the relation of these to productivity and working and living standards.

4. Urges employers' and workers' organisations to examine their policies and actions in relation to their over-all effect on employment and unemployment.

5. Requests the Governing Body of the International Labour Office to ask the Director-General—

(a) to undertake and arrange for studies of measures to promote and maintain employment, as may be approved from time to time by the Governing Body; and

(b) to communicate this resolution at an early date to the United Nations and to the other specialised agencies concerned as well as to the governments of member States and through them also to employers' and workers' organisations.

APPENDIX XXVI

Text of Resolution concerning Underemployment and Unemployment in Agriculture and the Influence of Agrarian Reform on the Improvement of the Social Conditions of Agricultural Workers

The General Conference of the International Labour Organisation,

Noting with satisfaction the increased attention which the International Labour Office is paying to questions affecting countries in process of development and to the problems facing them,

Considering that the contribution of the I.L.O. to the raising of incomes and living conditions in rural communities in underdeveloped countries has been given preliminary consideration by the Governing Body of the International Labour Office,

Considering that it is necessary to study the social problems affecting agriculture,

Considering that there are very many agricultural problems which concern countries in course of development which might usefully be studied by the International Labour Organisation and on which it could be of assistance,

Considering that an exchange of experience between States Members on agricultural problems at the International Labour Conference would be of great value, and

Noting that the problems of unemployment and underemployment in conjunction with changes in the structure of agriculture are among the most urgent of such questions;

Notes with satisfaction the decision of the Governing Body to consider at its 140th Session placing on the agenda of the 44th Session of the International Labour Conference for general discussion the question of the contribution of the I.L.O. to the raising of incomes and living conditions in rural communities, including the question of unemployment and underemployment in agriculture, and the need for agrarian reforms.

APPENDIX XXVII

Text of Resolution concerning the Expansion of International Trade

The General Conference of the International Labour Organisation,

Having noted the Resolution [No. 1156 (XII)] on Expansion of International Trade adopted by the General Assembly of the United Nations on 26 November 1957,

Considering that an expansion of international trade, by promoting higher productivity and a fuller and more efficient utilisation of manpower and of material resources, would make for higher standards of living and improved labour conditions and would thus help in achieving the objectives of the I.L.O.,

Considering that in the General Agreement on Tariffs and Trade the contracting parties 'recognise that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, developing the full use of the resources of the world and expanding the production and exchange of goods',

Considering, further, that since the greatest possibilities for the expansion of international trade are to be found in the absence of discrimination and in the existence of advantageous conditions for all the countries concerned, the reduction of barriers to trade relations would contribute to the efforts being made to attain this objective,

Having noted that the Agreement on the Organisation for Trade Co-operation, which has been opened for acceptance, provides for the more effective administration of the General Agreement on Tariffs and Trade, and that the functions of the said Organisation would include facilitating intergovernmental consultations on questions relating to international trade, sponsoring international trade negotiations, and studying questions of international trade and commercial policy,

Considering that by carrying out these functions the Organisation for Trade Co-operation would greatly strengthen the efforts that have been and are being made to bring about an increase in international trade that would be of benefit to all countries;

1. Urges the governments of member States to continue their efforts to reduce existing barriers to international trade in a mutually satisfactory manner, taking all feasible measures to avoid the unemployment which

could result therefrom in certain cases; these efforts should pay due attention to the development needs of underdeveloped countries.

2. Urges governments to take all necessary action with a view to the establishment of the Organisation for Trade Co-operation at as early a date as possible.

APPENDIX XXVIII

Text of Resolution concerning Human Rights

The General Conference of the International Labour Organisation,

Noting that the General Assembly of the United Nations will celebrate on 10 December 1958 the tenth anniversary of the adoption of the Universal Declaration of Human Rights,

Conscious of the mission of the International Labour Organisation to advance the frontiers of human freedom throughout the world,

Believing the protection of human rights by the rule of law on the basis of fundamental liberties such as freedom of opinion and expression, freedom of peaceful assembly and association, and freedom from arbitrary arrest, detention or exile, all of which are proclaimed by the Universal Declaration of Human Rights, to be of fundamental importance for the fulfilment of the objectives of the International Labour Organisation,

Having adopted a series of Conventions and Recommendations parallel to certain provisions of the Universal Declaration on the subject of the promotion of freedom of association, the abolition of forced labour, the elimination of discrimination and the protection of the right to social security, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment, the right to equal pay for equal work, the right to just and favourable remuneration, and the right to rest and leisure;

1. Pledges the continued co-operation of the International Labour Organisation with the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedom on the basis of the dignity and worth of the human person; and

2. Requests the Director-General of the International Labour Office to communicate this pledge of continued co-operation to the General Assembly of the United Nations.

APPENDIX XXIX

Statement of Shri R. Venkataraman in the Conference on the Resolution concerning an African Regional Conference

The Government of India fully supports the proposal that an African Conference should be held by the I.L.O. We believe that here is an area in which a great deal has to be done and that it must be done as quickly as possible. This is a region which has received attention from the I.L.O. only very recently and therefore we have to make up for lost time. We are aware of the recent developments in the I.L.O. in connection with the African region and we have every hope that the I.L.O. will recognise the need of this region and speed up all its programmes. We trust that the Governing Body of the I.L.O., which is now called upon to deal with this matter will give it its earliest consideration, but since much time has been lost we are in favour of the amendment proposed by the Moroccan Workers' delegate to fix a time so that efforts may be made as early as possible.

Those who were in the Resolutions Committee will recall that there was unanimous agreement that such a conference should be called. It was suggested that the time and manner of calling this conference should be left to the Governing Body. I was surprised to hear the Employers' representative from the United Kingdom add more to it and say that the manner of calling, the time of calling, etc., should be decided by the Governing Body. We understood—and that is what is conveyed by the report of the Committee which is submitted to us—that the principle has been accepted and that it was only a question of time when it would be called. But if we now understand that the very question of the manner of calling, etc., will be examined by the Governing Body, I am afraid the countries from Asia will not be able to support that stand. We support the idea that has been expressed in this assembly, namely that this conference should be called for the whole of Africa and not for any particular portion of it. We do not believe that any artificial division of the continent for the purpose of calling an African Regional Conference will do any good to the region or be of any benefit to its people. We therefore support the amendment moved by the distinguished Workers' delegate of Morocco.

APPENDIX XXX

Statement of Shri G. Ramanujam in the Conference on the Resolution concerning an African Regional Conference

Being a Workers' delegate I happen to be only too familiar with the phrases "as soon as possible" and "as soon as practicable"; they mean "not in the immediate future".

I have been listening carefully to the various speeches delivered here. I did not mean to speak on this resolution, but after listening to the speeches made from this rostrum I thought I should say a few words.

It was said that most of the delegates taking part in this Conference might not know very much about the working of the Governing Body. I am attending this International Labour Conference for the first time; I do not know the position of others but, so far as I am concerned, I do not know very much about the working of the Governing Body. But this much I know, or I believe I know: that the Governing Body is a very efficient body. Therefore, when I read this amendment seeking to substitute "at the earliest possible time" by "in 1960", I wondered why the mover of this subamendment has so much less faith in the efficiency of the Governing Body.

The earliest possible opportunity must mean 1958 or 1959. Why should the subamendment seek to make it 1960? I feel that 1960 is a long way off. The earliest possible time must be somewhere nearer than 1960 and therefore there is no point in putting it off indefinitely.

So far as the African region is concerned, it will be nothing more than a belated act of atonement even if we arrange for the conference tomorrow. It is an overdue problem and therefore let us try with all our means and all the resources at our command to have the conference as early as possible.

It was said that finance is involved. I begin to be afraid when finance is involved and for that reason the date should not be left indefinite but has got to be introduced in it. I feel it is for that very reason that 1960 should be fixed because in the name of financial difficulty it may go on being postponed indefinitely.

Therefore, on all counts, whether we take it historically or by the needs of the situation or by the limit of the resources at our disposal, we should set a date-line. It does not reflect any lack of confidence in the Governing Body. On the contrary, it reflects our immense faith in the Governing Body that notwithstanding all these limitations they should be capable of holding this conference in 1960. I support the subamendment.

APPENDIX XXXI

Text of Resolution concerning Convening in 1959 the First Tripartite African Regional Conference

The General Conference of the International Labour Organisation,

Considering that the highly significant fact that various States of the African Continent have achieved independence makes it incumbent on the International Labour Organisation to continue its action to assist the States of the region,

Noting that a study of the social problems facing these States and the non-metropolitan territories of the Continent would be of undoubted value,

Attaching great importance to providing an opportunity for the representatives of workers, governments and employers of African States and territories to examine jointly the social problems with which they are confronted.

Considering that it is urgently necessary for the States Members of the I.L.O. in Africa, the representatives of United Nations Trust Territories and those of non-metropolitan territories to enjoy the same rights as States and countries in other regions of the world,

Recalling that tripartite regional Conferences have been held at various times in Asia, the American States and Europe, and

Believing that the time has come to apply to the African Continent also the provisions of article 38 of the Constitution of the I.L.O.;

Invites the Director-General of the International Labour Office to submit to an early session of the Governing Body proposals for convening in 1959 the first tripartite African Regional Conference with the participation of tripartite delegations from all the African States Members of the International Labour Organisation, from the United Nations Trust Territories and from non-metropolitan territories.

APPENDIX XXXII

Text of Resolution concerning Labour-Management Relations

The General Conference of the International Labour Organisation,

Noting with satisfaction the importance attached to the I.L.O.'s efforts to improve the relations between labour and management throughout the world as expressed by the Director-General in his Report to the 42nd Session of the Conference, and agreeing with him that these relations are a significant factor in the transition of countries towards industrialisation and in the maintenance of social stability during transition,

Believing that the problems arising from labour-management relations have to be met through the joint efforts of employers and workers and/or employers' and workers' free organisations, in mutual respect and understanding,

Recognising the great diversity among countries in laws, regulations and practices affecting labour-management relations,

Recognising also that bargaining and negotiations between employers and workers increasingly require the use of facts, and the carefully selected experience of others, and

Considering the critical need throughout the world for the development of sound relationships between management and labour, and the importance of I.L.O. technical assistance and educational activities to meet this need, particularly in countries in the process of industrialisation,

Recommends that the International Labour Organisation—

1. Intensify its programme of research in and reporting on labour-management relations and practices in the various countries of the world.
2. Become a centre for the exchange of information in the labour-management field so that employers and workers from developing and more developed nations may have available to them useful information on the experiences of one another.
3. Expand its technical assistance and educational programmes to aid both management and labour in developing a proper and useful understanding of their relationship to one another, upon which much of the success of their efforts depends; and to explore with interested countries their particular problems and needs.
4. Encourage and foster the establishment of national, regional and international institutes and centres for systematic training and study in labour-management relations.

APPENDIX XXXIII

Text of Resolution on Industrial Health and Safety Campaigns

The General Conference of the International Labour Organisation,

Considering that industrial accidents and occupational diseases are a source of human suffering and also the cause of substantial economic wastage,

Considering that a number of new factors, such as the increasing industrialisation in the economically underdeveloped countries, the ever-growing mechanisation of agriculture, the large-scale installation of automation, and the use of atomic energy for industrial purposes, are having an influence on occupational risks on a world-wide scale,

Recalling the obligation of the International Labour Organisation set forth in the Declaration of Philadelphia to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations,

Considering that the International Labour Organisation has in the past devoted its attention to the problem of occupational risk prevention in various branches of human activity and has adopted a series of measures in this respect;

Invites the Governing Body to consider, in consultation as appropriate with other international organisations concerned, the possibility of stimulating public interest throughout the world in the prevention of industrial accidents and the protection of the health of the workers through such measures as the promotion of a world accident prevention day, a national industrial safety day, or other suitable means, and of suggesting to governments the periodical organisation of suitable industrial health and safety campaigns.

APPENDIX XXXIV

Text of Resolution concerning Increased Technical Assistance for the Integration of Indigenous Populations into the Economic, Social and Cultural Life of their Countries.

The General Conference of the International Labour Organisation,

Recalling that the International Labour Conference approved the Indigenous and Tribal Populations Convention, 1957 (No. 107), the application of which is of the greatest importance for certain countries with a large indigenous population,

Noting that certain governments have developed and put into effect on a national scale a policy for the integration of aboriginal populations in the national community and are giving special priority to this policy in their general plans for the economic development of their countries, and that they have decided to take the necessary steps gradually to implement the Indigenous and Tribal Populations Recommendation, 1957 (No. 104) by progressively amending the provisions of the existing national legislation,

Considering that the fuller development and application of a policy of this kind calls for an extension of the technical assistance which is at present being received by Peru, Ecuador and Bolivia from the International Labour Organisation, the United Nations and the other specialised agencies taking part in the Andean-Indian Programme;

Recommends to the Governments of member States that they consider the desirability of obtaining additional technical assistance in this field from the International Labour Organisation in conjunction as appropriate with the United Nations and with other specialised agencies concerned, and recommends that the governments concerned consider formulating requests for such additional assistance on the basis of national plans for the full integration of their aboriginal populations in the economic, social and cultural life of their countries.

APPENDIX XXXV

Text of Resolution concerning the Contribution of the International Labour Organisation to the Lessening of International Tension, the Cessation of the Armaments Race and an Understanding between East and West, submitted by the Government Delegation, U.S.S.R.

(Not adopted)

The General Conference of the International Labour Organisation,

Considering that if it is to fulfil the lofty aims laid down in its Constitution the International Labour Organisation requires conditions of firmly established and lasting peace to enable it to perform its work fruitfully,

Noting that the General Assembly of the United Nations on 14 December 1957 adopted a resolution No. 1236 (XII) concerning "peaceful and neighbourly relations among States",

Considering that the International Labour Organisation, as an organisation representing not only governments but also the workers and employers of member States, cannot remain passive at a time when all the peoples of the world are expressing anxiety and distress in face of international tension, the armaments race including nuclear weapons, and the steadily growing danger for future generations involved in nuclear weapon tests, and

Recognising that widely differing economic and political systems can exist together in peace and co-operate for the solution of very important common problems;

1. Considers it the duty of the International Labour Organisation to contribute to a lessening of international tension, the cessation of the armaments race and an understanding between East and West which would facilitate the adoption by the I.L.O. of measures calculated to improve the conditions of the workers and enable it to fulfil the aims laid down in its Constitution.

2. Expresses the hope that summit negotiations between the countries concerned will begin as soon as possible with a view to the peaceful solution of differences and disputes existing between States, the cessation of the armaments race and an understanding between East and West, and stresses the general desire that these negotiations may be crowned with success.

APPENDIX XXXVI

Text of Resolution concerning Manpower Aspects of Economic Development.

The General Conference of the International Labour Organisation,

Recognising the responsibility of the International Labour Organisation for taking such action as will improve the working conditions and living standards throughout the world,

Considering that, in many parts of the world, such improvements are largely dependent upon the ability of the countries to increase substantially their rates of economic development,

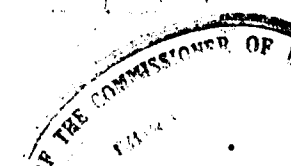
Considering that the rate of economic development in any country is dependent in significant degree upon the development in freedom of its human resources, and

Noting that the International Labour Organisation has demonstrated, through its practical programmes, the contribution it can make in this field;

1. Requests the International Labour Organisation—

- (a) to intensify its action programmes in the development of human resources;
- (b) to make available to member States information on how to deal with problems in the field of development of manpower resources;
- (c) to provide assistance to member States in—
 - (i) determining the types of skills needed to advance particular programmes of economic development;
 - (ii) determining the extent of such needs, and the relative priorities of various types of skills;
 - (iii) developing programmes to meet the manpower requirements of the economic development programmes of member States;
- (d) to assist management, worker and other non-governmental organisations in dealing with problems of development of human resources; and
- (e) to assist governments of member States in encouraging and supplementing these non-government efforts.

2. Requests the Governing Body of the International Labour Office, in considering the allocation of the resources of the Organisation, to give this work a high order of priority, having regard to other calls upon those resources.



APPENDIX XXXVII

Text of Resolution concerning the Social Problems Arising Out of Economic Development, Submitted by Mr. Potrc, Government Delegate, Yugoslavia.

(Not adopted)

The General Conference of the International Labour Organisation,

Noting with satisfaction the Report of the Director-General, in which the role, tasks and results of the International Labour Organisation in solving social problems in a changing world are objectively presented,

Appreciating both the results which the International Labour Organisation has itself achieved in this field and the results achieved on its initiative,

Observing that the Report has correctly traced the relationship between economic and social problems,

Considering that there are phenomena in the economic development of the world today that may appreciably prejudice the economic and social development of the nations and hence the general position of the working population both in the more advanced and, more particularly, in the under-developed countries, and

Recognising that it is not only at the national level, but also through joint action at the international level, and particularly by the International Labour Organisation, that it is possible to find an effective solution to these social problems and more particularly to eliminate the inequalities of social development arising in the world as a consequence of the inequalities of economic development in the different countries;

1. Recommends the Governing Body of the International Labour Office to continue to follow these economic and social phenomena in the future (and more particularly the relationship between them) and to intensify its previous efforts both to consolidate the results achieved in the social field and to foster continued social progress in the world.

2. Invites the Director-General to submit a report to a forthcoming session of the Conference analysing in detail the position of the working population and the social problems arising out of economic trends in the world today and to present proposals for specific action by the International Labour Organisation in this field.

