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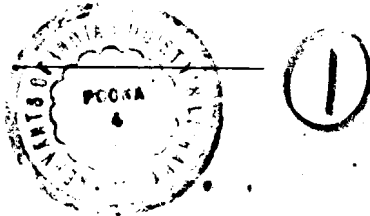
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**ORGANISATION PERMANENTE DU TRAVAIL.
PERMANENT LABOUR ORGANISATION.**



**STATUTS ET RÈGLEMENTS.
CONSTITUTION AND RULES.**

**BUREAU INTERNATIONAL DU TRAVAIL
INTERNATIONAL LABOUR OFFICE**

OCTOBER, 1921.

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1s. 3d.**

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Partie XIII du Traité de Paix. Travail.

SECTION I.

ORGANISATION DU TRAVAIL.

Attendu que la Société des Nations a pour but d'établir la paix universelle, et qu'une telle paix ne peut être fondée que sur la base de la justice sociale ;

Attendu qu'il existe des conditions de travail impliquant pour un grand nombre de personnes l'injustice, la misère et les privations ce qui engendre un tel mécontentement que la paix et l'harmonie universelles sont mises en danger, et attendu qu'il est urgent d'améliorer ces conditions : par exemple, en ce qui concerne la réglementation des heures de travail, la fixation d'une durée maxima de la journée et de la semaine de travail, le recrutement de la main d'œuvre, la lutte contre le chômage, la garantie d'un salaire assurant des conditions d'existence convenables, la protection du travailleur contre les maladies générales ou professionnelles et les accidents résultant du travail, la protection des enfants, des adolescents et de femmes, les pensions de vieillesse et d'invalidité, la défense de intérêts des travailleurs occupés à l'étranger, l'affirmation du principe de la liberté d'association syndicale, l'organisation de l'enseignement professionnel et technique et autres mesures analogues ;

Attendu que la non-adoption par une nation quelconque d'un régime de travail réellement humain fait obstacle aux efforts de autres nations désireuses d'améliorer le sort des travailleurs dans leurs propres pays ;

Les HAUTES PARTIES CONTRACTANTES, mues par des sentiments de justice et d'humanité aussi bien que par le désir d'assurer un paix mondiale durable, ont convenu ce qui suit :

CHAPITRE I. ORGANISATION.

ARTICLE 387.

Il est fondé une organisation permanente chargée de travailler à la réalisation du programme exposé dans le préambule.

Les Membres originaires de la Société des Nations seront Membres originaires de cette organisation, et, désormais, la qualité de Membre de la Société des Nations entraînera celle de Membre de ladite organisation.

• ARTICLE 388.

L'organisation permanente comprendra :

1. Une Conférence générale des représentants des Membres ;

Part XIII of the Peace Treaty. Labour.

SECTION I.

ORGANISATION OF LABOUR.

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

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

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

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following :—

CHAPTER I.

ORGANISATION.

ARTICLE 387.

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

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

ARTICLE 388.

The permanent organisation shall consist of :

1. A General Conference of Representatives of the Members and

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2. Un Bureau international du Travail sous la direction du Conseil d'administration prévu à l'article 393.

ARTICLE 389.

La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et, au moins, une fois par an. Elle sera composée de quatre représentants de chacun des Membres dont deux seront les délégués du Gouvernement et dont les deux autres représenteront respectivement, d'une part, les employeurs, d'autre part, les travailleurs ressortissant à chacun des Membres.

Chaque délégué pourra être accompagné par des conseillers techniques dont le nombre pourra être de deux au plus pour chacune des matières distinctes inscrites à l'ordre du jour de la session. Quand des questions intéressant spécialement des femmes doivent venir en discussion à la Conférence, une au moins parmi les personnes désignées comme conseillers techniques devra être une femme.

Les Membres s'engagent à désigner les délégués et conseillers techniques non gouvernementaux d'accord avec les organisations professionnelles les plus représentatives soit des employeurs, soit des travailleurs du pays considéré, sous la réserve que de telles organisations existent.

Les conseillers techniques ne seront autorisés à prendre la parole que sur la demande faite par le délégué auquel ils sont adjoints et avec l'autorisation spéciale du Président de la Conférence ; ils ne pourront prendre part aux votes.

Un délégué peut, par une note écrite adressée au Président, désigner l'un de ses conseillers techniques comme son suppléant, et ledit suppléant, en cette qualité, pourra prendre part aux délibérations et aux votes.

Les noms des délégués et de leurs conseillers techniques seront communiqués au Bureau international du Travail par le Gouvernement de chacun des Membres.

Les pouvoirs des délégués et de leurs conseillers techniques seront soumis à la vérification de la Conférence, laquelle pourra, par une majorité des deux tiers des suffrages exprimés par les délégués présents, refuser d'admettre tout délégué ou tout conseiller technique qu'elle ne jugera pas avoir été désigné conformément aux termes du présent article.

ARTICLE 390.

Chaque délégué aura le droit de voter individuellement sur toutes les questions soumises aux délibérations de la Conférence.

Dans le cas où l'un des Membres n'aurait pas désigné l'un des délégués non gouvernementaux auquel il a droit, l'autre délégué non gouvernemental aura le droit de prendre part aux discussions de la Conférence, mais n'aura pas le droit de voter.

Au cas où la Conférence, en vertu des pouvoirs que lui confère l'article 389, refuserait d'admettre l'un des délégués d'un des Membres,

2. An International Labour Office controlled by the Governing Body described in Article 393.

ARTICLE 389.

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

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

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

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

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

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

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

ARTICLE 390.

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

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

• If in accordance with Article 389 the Conference refuses admission

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les stipulations du présent article seront appliquées comme si ledit délégué n'avait pas été désigné.

ARTICLE 391.

Les sessions de la Conférence se tiendront au siège de la Société des Nations ou en tout autre lieu qui aura pu être fixé par la Conférence, dans une session antérieure, à la majorité des deux tiers des suffrages exprimés par les délégués présents.

ARTICLE 392.

Le Bureau international du Travail sera établi au siège de la Société des Nations et fera partie de l'ensemble des institutions de la Société.

ARTICLE 393.

Le Bureau international du Travail sera placé sous la direction d'un Conseil d'administration composé de vingt quatre personnes, lesquelles seront désignées selon les dispositions suivantes :

Le Conseil d'administration du Bureau international du Travail sera composé comme suit :

Douze personnes représentant les Gouvernements ;

Six personnes élues par les délégués à la Conférence représentant les patrons ;

Six personnes élues par les délégués à la Conférence représentant les employés et ouvriers.

Sur les douze personnes représentant les Gouvernements, huit seront nommées par les Membres dont l'importance industrielle est la plus considérable et quatre seront nommées par les Membres désignés à cet effet par les délégués gouvernementaux à la Conférence, exclusion faite des délégués des huit Membres susmentionnés.

Les contestations éventuelles sur la question de savoir quelles sont les Membres ayant l'importance industrielle la plus considérable seront tranchées par le Conseil de la Société des Nations.

La durée du mandat des membres du Conseil d'administration sera de trois ans. La manière de pourvoir aux sièges vacants et les autres questions de même nature pourront être réglées par le Conseil d'administration sous réserve de l'approbation de la Conférence.

Le Conseil d'administration élira l'un de ses membres comme Président et établira son règlement. Il se réunira aux époques qu'il fixera lui-même. Une session spéciale devra être tenue chaque fois que dix membres au moins du Conseil auront formulé une demande écrite à ce sujet.

ARTICLE 394.

Un Directeur sera placé à la tête du Bureau international du Travail ; il sera désigné par le Conseil d'administration de qui il

to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

ARTICLE 391.

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

ARTICLE 392.

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

ARTICLE 393.

The International Labour Office shall be under the control of a Governing Body consisting of 24 persons, appointed in accordance with the following provisions :—

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

- 12 persons representing the Governments ;
- 6 persons elected by the Delegates to the Conference representing the employers ;
- 6 persons elected by the Delegates to the Conference representing the workers.

Of the 12 persons representing the Governments 8 shall be nominated by the Members which are of the chief industrial importance, and 4 shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the 8 Members mentioned above.

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

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

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 10 members of the Governing Body.

ARTICLE 394.

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to

recevra ses instructions et vis-à-vis de qui il sera responsable de la bonne marche du Bureau ainsi que de l'exécution de toutes autres tâches qui auront pu lui être confiées.

Le Directeur ou son suppléant assisteront à toutes les séances du Conseil d'administration.

ARTICLE 395.

Le personnel du Bureau international du Travail sera choisi par le Directeur. Le choix fait devra porter, dans toute la mesure compatible avec le souci d'obtenir le meilleur rendement, sur des personnes de différentes nationalités. Un certain nombre de ces personnes devront être des femmes.

ARTICLE 396.

Les fonctions du Bureau international du Travail comprendront la centralisation et la distribution de toutes informations concernant la réglementation internationale de la condition des travailleurs et du régime du travail et, en particulier, l'étude des questions qu'il est proposé de soumettre aux discussions de la Conférence en vue de la conclusion des conventions internationales, ainsi que l'exécution de toutes enquêtes spéciales prescrites par la Conférence.

Il sera chargé de préparer l'ordre du jour des sessions de la Conférence.

Il s'acquittera, en conformité des stipulations de la présente Partie du présent Traité, des devoirs qui lui incombent en ce qui concerne tous différends internationaux.

Il rédigera et publiera en français, en anglais, et dans telle autre langue que le Conseil d'administration jugera convenable, un bulletin périodique consacré à l'étude des questions concernant l'industrie et le travail et présentant un intérêt international.

D'une manière générale il aura, en sus des fonctions indiquées au présent article, tous autres pouvoirs et fonctions que la Conférence jugera à propos de lui attribuer.

ARTICLE 397.

Les ministères des Membres qui s'occupent des questions ouvrières pourront communiquer directement avec le Directeur par l'intermédiaire du représentant de leur Gouvernement au Conseil d'administration du Bureau international du Travail, ou, à défaut de ce représentant, par l'intermédiaire de tel autre fonctionnaire dûment qualifié et désigné à cet effet par le Gouvernement intéressé.

ARTICLE 398.

Le Bureau international du Travail pourra demander le concours du Secrétariat général de la Société des Nations pour toutes questions à l'occasion desquelles ce concours pourra être donné.

the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

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

ARTICLE 395.

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

ARTICLE 396.

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

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

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

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

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

ARTICLE 397.

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

ARTICLE 398.

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

ARTICLE 399.

Chacun des Membres payera les frais de voyage et de séjour de ses délégués et de leurs conseillers techniques ainsi que de ses représentants prenant part aux sessions de la Conférence et du Conseil d'administration selon les cas.

Tous autres frais du Bureau international du Travail, des sessions de la Conférence ou de celles du Conseil d'administration, seront remboursés au Directeur par le Secrétaire général de la Société des Nations, sur le budget général de la Société.

Le Directeur sera responsable, vis-à-vis du Secrétaire général de la Société des Nations, pour l'emploi de tous fonds à lui versés, conformément aux stipulations du présent article.

CHAPITRE II.

FONCTIONNEMENT.

ARTICLE 400.

Le Conseil d'administration établira l'ordre du jour des sessions de la Conférence après avoir examiné toutes propositions faites par le Gouvernement d'un des Membres ou par toute organisation visée à l'article 389 au sujet des matières à inscrire à cet ordre du jour.

ARTICLE 401.

Le Directeur remplira les fonctions de Secrétaire de la Conférence, et devra faire parvenir l'ordre du jour de chaque session, quatre mois avant l'ouverture de cette session, à chacun des Membres, et, par l'intermédiaire de ceux-ci, aux délégués non gouvernementaux, lorsque ces derniers auront été désignés.

ARTICLE 402.

Chacun des Gouvernements des Membres aura le droit de contester l'inscription, à l'ordre du jour de la session, de l'un ou plusieurs des sujets prévus. Les motifs justifiant cette opposition devront être exposés dans un mémoire explicatif adressé au Directeur, lequel devra le communiquer aux Membres de l'Organisation permanente.

Les sujets auxquels il aura été fait opposition resteront néanmoins inclus à l'ordre du jour si la Conférence en décide ainsi à la majorité des deux tiers des suffrages exprimés par les délégués présents.

Toute question au sujet de laquelle la Conférence décide, à la même majorité des deux tiers, qu'elle doit être examinée (autrement que prévu dans l'alinéa précédent), sera portée à l'ordre du jour de la session suivante.

ARTICLE 399.

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

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

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

CHAPTER II.

PROCEDURE.

ARTICLE 400.

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

ARTICLE 401.

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

ARTICLE 402.

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

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

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

ARTICLE 403.

La Conférence formulera les règles de son fonctionnement ; elle élira son président ; elle pourra nommer des commissions chargées de présenter des rapports sur toutes questions qu'elle estimera devoir mettre à l'étude.

La simple majorité des suffrages exprimés par les membres présents de la Conférence décidera dans tous les cas où une majorité plus forte n'est pas spécialement prévue par d'autres articles de la présente Partie du présent Traité.

Aucun vote n'est acquis si le nombre des suffrages exprimés est inférieur à la moitié du nombre des délégués présents à la session.

ARTICLE 404.

La Conférence pourra adjoindre aux Commissions qu'elle constitue des conseillers techniques qui auront voix consultative mais non délibérative.

ARTICLE 405.

Si la Conférence se prononce pour l'adoption de propositions relatives à un objet à l'ordre du jour, elle aura à déterminer si ces propositions devront prendre la forme : (a) d'une " recommandation " à soumettre à l'examen des Membres, en vue de lui faire porter effet sous forme de loi nationale ou autrement ; (b) ou bien d'un projet de convention internationale à ratifier par les Membres.

Dans les deux cas, pour qu'une recommandation ou qu'un projet de convention soient adoptés au vote final par la Conférence, une majorité des deux tiers des voix des délégués présents est requise.

En formant une recommandation ou un projet de convention d'une application générale, la Conférence devra avoir égard aux pays dans lesquels le climat, le développement incomplet de l'organisation industrielle ou d'autres circonstances particulières rendent les conditions de l'industrie essentiellement différentes, et elle aura à suggérer telles modifications qu'elle considérerait comme pouvant être nécessaires pour répondre aux conditions propres à ces pays.

Un exemplaire de la recommandation ou du projet de convention sera signé par le Président de la Conférence et le Directeur et sera déposé entre les mains du Secrétaire général de la Société des Nations. Celui-ci communiquera une copie certifiée conforme de la recommandation ou du projet de convention à chacun des Membres.

Chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder

ARTICLE 403.

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

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

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

ARTICLE 404.

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

ARTICLE 405.

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

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

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

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

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so

dans un délai d'un an, dès qu'il sera possible, mais jamais plus de dix huit mois après la clôture de la session de la Conférence), la recommandation ou le projet de convention à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre.

S'il s'agit d'une recommandation, les Membres informeront le Secrétaire général des mesures prises.

S'il s'agit d'un projet de convention, le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes, communiquera sa ratification formelle de la Convention au Secrétaire général et prendra telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention.

Si une recommandation n'est pas suivie d'un acte législatif ou d'autres mesures de nature à rendre effective cette recommandation ou bien si un projet de convention ne rencontre pas l'assentiment de l'autorité ou des autorités dans la compétence desquelles rentre la matière, le Membre ne sera soumis à aucune autre obligation.

Dans le cas où il s'agit d'un État fédératif dont le pouvoir d'adhérer à une convention sur des objets concernant le travail est soumis à certaines limitations, ce Gouvernement aura le droit de considérer un projet de convention auquel s'appliquent ces limitations comme une simple recommandation et les dispositions du présent article en ce qui regarde les recommandations s'appliqueront dans ce cas.

L'article ci-dessus sera interprété en conformité du principe suivant :

En aucun cas il ne sera demandé à aucun des Membres, comme conséquence de l'adoption par la Conférence d'une recommandation ou d'un projet de convention, de diminuer la protection déjà accordée par sa législation aux travailleurs dont il s'agit.

ARTICLE 406.

Toute convention ainsi ratifiée sera enregistrée par le Secrétaire général de la Société des Nations, mais ne liera que les Membres qui l'ont ratifiée

ARTICLE 407.

Tout projet qui, dans le scrutin final sur l'ensemble, ne recueillera pas la majorité des deux tiers des suffrages exprimés par les Membres présents peut faire l'objet d'une convention particulière entre ceux des Membres de l'Organisation permanente qui en ont le désir.

Toute convention particulière de cette nature devra être communiquée par les Gouvernements intéressés au Secrétaire général de la Société des Nations, lequel la fera enregistrer.

within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

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

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

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

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

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

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

ARTICLE 406.

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

ARTICLE 407.

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

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

ARTICLE 408.

Chacun des Membres s'engage à présenter au Bureau international du Travail un rapport annuel sur les mesures prises par lui pour mettre à exécution les conventions auxquelles il a adhéré. Ces rapports seront rédigés sous la forme indiquée par le Conseil d'administration et devront contenir les précisions demandées par ce dernier. Le Directeur présentera un résumé de ces rapports à la plus prochaine session de la Conférence.

ARTICLE 409.

Toute réclamation adressée au Bureau international du Travail par une organisation professionnelle ouvrière ou patronale et aux termes de laquelle l'un quelconque des Membres n'aurait pas assuré d'une manière satisfaisante l'exécution d'une convention à laquelle ledit Membre a adhéré, pourra être transmise par le Conseil d'administration au Gouvernement mis en cause et ce Gouvernement pourra être invité à faire sur la matière telle déclaration qu'il jugera convenable.

ARTICLE 410.

Si aucune déclaration n'est reçue du Gouvernement mis en cause dans un délai raisonnable, ou si la déclaration reçue ne paraît pas satisfaisante au Conseil d'administration, ce dernier aura le droit de rendre publique la réclamation reçue et, le cas échéant, la réponse faite.

ARTICLE 411.

Chacun des Membres pourra déposer une plainte au Bureau international du Travail contre un autre Membre qui, à son avis, n'assurerait pas d'une manière satisfaisante l'exécution d'une convention que l'un et l'autre auraient ratifiée en vertu des articles précédents.

Le Conseil d'Administration peut, s'il le juge à propos, et avant de saisir une Commission d'enquête selon la procédure indiquée ci-après, se mettre en rapports avec le Gouvernement mis en cause de la manière indiquée à l'article 409.

Si le Conseil d'administration ne juge pas nécessaire de communiquer la plainte au Gouvernement mis en cause, ou si cette communication ayant été faite aucune réponse ayant satisfait le Conseil d'administration n'a été reçue dans un délai raisonnable, le Conseil pourra provoquer la formation d'une commission d'enquête, qui aura mission d'étudier la question soulevée et de déposer un rapport à ce sujet.

La même procédure pourra être engagée par le Conseil, soit d'office, soit sur la plainte d'un délégué à la Conférence.

ARTICLE 408.

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

ARTICLE 409.

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

ARTICLE 410.

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

ARTICLE 411.

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

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

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

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

ARTICLE 408.

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

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

Lorsqu'une question soulevée par l'application des articles 410 ou 411 viendra devant le Conseil d'administration, le Gouvernement mis en cause, s'il n'a pas déjà un représentant au sein du Conseil d'administration, aura le droit de désigner un délégué pour prendre part aux délibérations du Conseil relatives à cette affaire. La date à laquelle ces discussions doivent avoir lieu sera notifiée en temps utile au Gouvernement mis en cause.

ARTICLE 412.

La Commission d'enquête sera constituée de la manière suivante :

Chacun des Membres s'engage à désigner, dans les six mois qui suivront la date de mise en vigueur du présent Traité, trois personnes compétentes en matières industrielles, la première représentant les patrons, la deuxième représentant les travailleurs et la troisième indépendante des uns et des autres. L'ensemble de ces personnes formera une liste sur laquelle seront choisis les membres de la Commission d'enquête.

Le Conseil d'administration aura le droit de vérifier les titres desdites personnes et de refuser, à la majorité des deux tiers des suffrages exprimés par les représentants présents, la nomination de celles dont les titres ne satisferaient pas aux prescriptions du présent article.

Sur la demande du Conseil d'administration, le Secrétaire général de la Société des Nations désignera trois personnes respectivement choisies dans chacune des trois catégories de la liste pour constituer la Commission d'enquête et désignera, en outre, l'une de ces trois personnes pour présider ladite Commission. Aucune des trois personnes ainsi désignées ne pourra relever d'un des Membres directement intéressés à la plainte.

ARTICLE 413.

Dans le cas où une plainte serait renvoyée, en vertu de l'article 411, devant une Commission d'enquête, chacun des Membres, qu'il soit ou non directement intéressé à la plainte, s'engage à mettre à la disposition de la Commission toute information qui se trouverait en sa possession relativement à l'objet de la plainte.

ARTICLE 414.

La Commission d'enquête, après un examen approfondi de la plainte, rédigera un rapport dans lequel elle consignera ses constatations sur tous les points de fait permettant de préciser la portée de la contestation, ainsi que les recommandations qu'elle croira devoir formuler quant aux mesures à prendre pour donner satisfaction au Gouvernement plaignant et quant aux délais dans lesquels ces mesures devaient être prises.

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

ARTICLE 412.

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

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

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

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

ARTICLE 413.

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

ARTICLE 414.

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

Ce rapport indiquera également, le cas échéant, les sanctions d'ordre économique contre le Gouvernement mis en cause que la Commission jugerait convenables et dont l'application par les autres Gouvernements lui paraîtrait justifiée.

ARTICLE 415.

Le Secrétaire général de la Société des Nations communiquera le rapport de la Commission d'enquête à chacun des Gouvernements intéressés dans le différend et en assurera la publication.

Chacun des Gouvernements intéressés devra signifier au Secrétaire général de la Société des Nations, dans le délai d'un mois, s'il accepte ou non les recommandations contenues dans le rapport de la Commission, et, au cas où il ne les accepte pas, s'il désire soumettre le différend à la Cour permanente de Justice internationale de la Société des Nations.

ARTICLE 416.

Dans le cas où l'un des Membres ne prendrait pas, relativement à une recommandation ou à un projet de convention, les mesures prescrites à l'article 405, tout autre Membre aura le droit d'en référer à la Cour permanente de Justice internationale.

ARTICLE 417.

La décision de la Cour permanente de Justice internationale concernant une plainte ou une question qui lui aurait été soumise conformément aux articles 415 ou 416 ne sera pas susceptible d'appel.

ARTICLE 418.

Les conclusions ou recommandations éventuelles de la Commission d'enquête pourront être confirmées, amendées ou annulées par la Cour permanente de Justice internationale, laquelle devra, le cas échéant, indiquer les sanctions d'ordre économique, qu'elle croirait convenable de prendre à l'encontre d'un Gouvernement en faute, et dont l'application par les autres Gouvernements lui paraîtrait justifiée.

ARTICLE 419.

Si un Membre quelconque ne se conforme pas dans le délai prescrit aux recommandations éventuellement contenues soit dans le rapport de la Commission d'enquête, soit dans la décision de la Cour permanente de Justice internationale, tout autre Membre pourra appliquer audit Membre les sanctions d'ordre économique que le rapport de la Commission ou la décision de la Cour auront déclarées applicables en l'espèce.

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

ARTICLE 415.

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

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

ARTICLE 416.

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

ARTICLE 417.

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

ARTICLE 418.

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

ARTICLE 419.

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

ARTICLE 420. (34.)

Le Gouvernement en faute peut, à tout moment, informer le Conseil d'administration qu'il a pris les mesures nécessaires pour se conformer soit aux recommandations de la Commission d'enquête, soit à celles contenues dans la décision de la Cour permanente de Justice internationale, et peut demander au Conseil de bien vouloir faire constituer par le Secrétaire général de la Société des Nations une Commission d'enquête chargée de vérifier ses dires. Dans ce cas les stipulations des articles 412, 413, 414, 415, 417 et 418 s'appliqueront, et si le rapport de la Commission d'enquête ou la décision de la Cour permanente de Justice internationale sont favorables au Gouvernement en faute, les autres Gouvernements devront aussitôt rapporter les mesures d'ordre économique qu'ils auront prises à l'encontre dudit État.

CHAPITRE III.

PRESCRIPTIONS GÉNÉRALES.

ARTICLE 421.

Les Membres s'engagent à appliquer les conventions auxquelles ils auront adhéré, conformément aux stipulations de la présente Partie du présent Traité, à celles de leurs colonies ou possessions et à ceux de leurs protectorats qui ne se gouvernent pas pleinement eux-mêmes, cela sous les réserves suivantes :

- (1) Que la convention ne soit pas rendue inapplicable par les conditions locales ;
- (2) Que les modifications qui seraient nécessaires pour adapter la convention aux conditions locales puissent être introduites dans celle-ci.

Chacun des Membres devra notifier au Bureau international du Travail la décision qu'il se propose de prendre en ce qui concerne chacune de ses colonies ou possessions ou chacun de ses protectorats ne se gouvernant pas pleinement eux-mêmes.

ARTICLE 422.

Les amendements à la présente Partie du présent Traité, qui seront adoptés par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents, deviendront exécutoires lorsqu'ils auront été ratifiés par les États dont les représentants forment le Conseil de la Société des Nations et par les trois quarts des Membres.

ARTICLE 420.

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

CHAPTER III.

GENERAL.

ARTICLE 421.

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:—

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

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

ARTICLE 422.

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

ARTICLE 423.

Toutes questions ou difficultés relatives à l'interprétation de la présente Partie du présent Traité et des conventions ultérieurement conclues par les Membres, en vertu de la présente Partie du présent Traité, seront soumises à l'appréciation de la Cour permanente de Justice internationale.

CHAPITRE IV.

MESURES TRANSITOIRES.

ARTICLE 424.

La première session de la Conférence aura lieu au mois d'octobre 1919. Le lieu et l'ordre du jour de la session sont arrêtés dans l'Annexe ci-jointe.

La convocation et l'organisation de cette première session seront assurées par le Gouvernement désigné à cet effet dans l'Annexe susmentionnée. Le Gouvernement sera assisté, en ce qui concerne la préparation des documents, par une Commission internationale dont les membres seront désignés à la même annexe.

Les frais de cette première session et de toute session ultérieure jusqu'au moment où les crédits nécessaires auront pu être inscrits au budget de la Société des Nations, à l'exception des frais de déplacement des délégués et des conseillers techniques, seront répartis entre les Membres dans les proportions établies pour le Bureau international de l'Union postale universelle.

ARTICLE 425.

Jusqu'à ce que la Société des Nations ait été constituée toutes communications qui devraient être adressées, en vertu des articles précédents, au Secrétaire général de la Société seront conservées par le Directeur du Bureau international du Travail, lequel en donnera connaissance au Secrétaire général.

ARTICLE 426.

Jusqu'à la création de la Cour permanente de Justice internationale, les différends qui doivent lui être soumis en vertu de la présente Partie du présent Traité seront déférés à un tribunal formé de trois personnes désignées par le Conseil de la Société des Nations.

ARTICLE 423.

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

CHAPTER IV.

TRANSITORY PROVISIONS.

ARTICLE 424.

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

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

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

ARTICLE 425.

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

ARTICLE 426.

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

ANNEXE.

PREMIÈRE SESSION DE LA CONFÉRENCE DU
TRAVAIL, 1919.

Le lieu de la Conférence sera Washington.

Le Gouvernement des États Unis d'Amérique sera prié de convoquer la Conférence.

Le Comité international d'organisation sera composé de sept personnes désignées respectivement par les Gouvernements des États-Unis, de la Grande-Bretagne, de la France, de l'Italie, du Japon, de la Belgique et de la Suisse. Le Comité pourra, s'il le juge nécessaire, inviter d'autres Membres à se faire représenter dans son sein.

L'ordre du jour sera le suivant :

- 1° Application du principe de la journée de 8 heures ou de la semaine de 48 heures ;
- 2° Questions relatives aux moyens de prévenir le chômage et de remédier à ses conséquences.
- 3° Emploi des femmes :
 - (a) Avant ou après l'accouchement (y compris la question de l'indemnité de maternité) ;
 - (b) Pendant la nuit ;
 - (c) Dans les travaux insalubres.
- 4° Emploi des enfants :
 - (a) Age d'admission au travail ;
 - (b) Travaux de nuit ;
 - (c) Travaux insalubres.
- 5° Extension et application des conventions internationales adoptées à Berne en 1906 sur l'interdiction du travail de nuit des femmes employées dans l'industrie et l'interdiction de l'emploi du phosphore blanc (jaune) dans l'industrie des allumettes.

SECTION II.

PRINCIPES GÉNÉRAUX.

ARTICLE 427.

Les Hautes Parties Contractantes, reconnaissant que le bien-être physique, moral et intellectuel des travailleurs salariés est d'une importance essentielle au point de vue international, ont établi pour parvenir à ce but élevé, l'organisme permanent prévu à la Section I et associé à celui de la Société des Nations.

Elles reconnaissent que les différences de climat, de mœurs et d'usages, d'opportunité économique et de tradition industrielle rendent difficile à atteindre, d'une manière immédiate, l'uniformité

ANNEX.

FIRST MEETING OF ANNUAL LABOUR CONFERENCE,
1919.

The place of meeting will be Washington.

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

The International Organising Committee will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda—

- (1) Application of principle of the 8-hours day or of the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment—
 - (a) Before and after child-birth, including the question of maternity benefit ;
 - (b) During the night ;
 - (c) In unhealthy processes.
- (4) Employment of children—
 - (a) Minimum age of employment ;
 - (b) During the night ;
 - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II.

GENERAL PRINCIPLES.

ARTICLE 427.

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

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attain-

absolue dans les conditions du travail. Mais, persuadées qu'elles sont que le travail ne doit pas être considéré simplement comme un article de commerce, elles pensent qu'il y a des méthodes et des principes pour la réglementation des conditions du travail que toutes les communautés industrielles devraient s'efforcer d'appliquer, autant que les circonstances spéciales dans lesquelles elles pourraient se trouver le permettraient.

Parmi ces méthodes et principes, les suivants paraissent aux Hautes Parties Contractantes être d'une importance particulière et urgente.

1. Le principe dirigeant ci-dessus énoncé que le travail ne doit pas être considéré simplement comme une marchandise ou un article de commerce.

2. Le droit d'association en vue de tous objets non contraires aux lois, aussi bien pour les salariés que pour les employeurs.

3. Le paiement aux travailleurs d'un salaire leur assurant un niveau de vie convenable tel qu'on le comprend dans leur temps et dans leur pays.

4. L'adoption de la journée de huit heures ou de la semaine de quarante-huit heures comme but à atteindre partout où il n'a pas encore été obtenu.

5. L'adoption d'un repos hebdomadaire de vingt-quatre heures au minimum, qui devrait comprendre le dimanche toutes les fois que ce sera possible.

6. La suppression du travail des enfants et l'obligation d'apporter au travail des jeunes gens des deux sexes les limitations nécessaires pour leur permettre de continuer leur éducation et d'assurer leur développement physique.

7. Le principe du salaire égal, sans distinction de sexe, pour un travail de valeur égale.

8. Les règles édictées dans chaque pays au sujet des conditions du travail devront assurer un traitement économique équitable à tous les travailleurs résidant légalement dans le pays.

9. Chaque État devra organiser un service d'inspection qui comprendra des femmes, afin d'assurer l'application des lois et règlements pour la protection des travailleurs.

Sans proclamer que ces principes et ces méthodes sont ou complets ou définitifs, les Hautes Parties Contractantes sont d'avis qu'ils sont propres à guider la politique de la Société des Nations; et que, s'ils sont adoptés par les communautés industrielles qui sont membres de la Société des Nations, et s'ils sont maintenus intacts dans la pratique par un corps approprié d'inspecteurs, ils répandront des bienfaits permanents sur les salariés du monde

ment. But, holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

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

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

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

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

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

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

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

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

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

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

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

Vœux adoptés par la Commission de la Législation Internationale du Travail de la Conférence de la Paix.

I. *Vœu présenté par les Délégations belge, française et italienne.*

La Commission émet le voeu que, dès qu'il sera possible, un accord intervienne entre les Hautes Parties Contractantes aux fins de doter la Conférence internationale de législation du Travail, sous les auspices de la Société des Nations, du pouvoir de prendre, dans des conditions à déterminer, des résolutions ayant force légale internationale.

II. *Vœu présenté par les Délégations belge, française et italienne.*

La Commission, considérant qu'une législation internationale du travail vraiment efficace ne peut être établie sans le concours de tous les pays industriels, émet le voeu qu'en attendant que la signature du Traité de Paix permette de faire appel à tous ces pays, la Conférence de la Paix communique aux Puissances neutres, à titre d'information, le présent projet de convention avant de l'adopter définitivement.

III. *Vœu présenté par la Délégation française.*

La Commission estime que les questions très spéciales relatives au minimum d'avantages à assurer aux marins doivent éventuellement faire l'objet d'une session spéciale de la Conférence internationale du Travail réservée au travail des marins.

Resolutions adopted by the Commission on International Labour Legislation of the Peace Conference.

I. Resolution proposed by the Belgian, French and Italian Delegations.

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

II. Resolution proposed by the Belgian, French and Italian Delegations.

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

III. Resolution proposed by the French Delegation.

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

Règlement de la Conférence, **adopté par la Conférence générale de Washington** **le 21 Novembre 1919.**

ARTICLE 1.

Composition de la Conférence.

La Conférence se compose de tous les délégués, régulièrement désignés par les Membres de l'Organisation internationale du Travail.

Chaque délégué pourra être accompagné par des conseillers techniques dont le nombre pourra être de deux au plus pour chacune des matières distinctes inscrites à l'ordre du jour de la session.

Les places sont attribuées dans la salle des séances aux délégués et conseillers techniques par les soins du Conseil d'administration.

ARTICLE 2.

Bureau provisoire.

La Conférence est ouverte par le Président du Conseil d'administration du Bureau international du Travail, assisté des membres du bureau du même Conseil. Ce bureau provisoire reste en fonctions jusqu'à l'élection du bureau définitif par la Conférence.

ARTICLE 3.

Vérification des Pouvoirs.

Les pouvoirs des délégués et conseillers techniques sont déposés au Secrétariat du Bureau international du Travail 15 jours au plus tard avant la date fixée pour l'ouverture de la session de la Conférence.

Un rapport sommaire est présenté par le Président du Conseil d'administration. Ce rapport et les pouvoirs sont soumis à l'examen des délégués la veille de la séance d'ouverture.

Les protestations éventuelles concernant la désignation des délégués et conseillers techniques sont déposées entre les mains du bureau provisoire de la Conférence au cours de la séance d'ouverture et transmises par lui à une Commission de vérification, élue par la Conférence et composée d'un délégué gouvernemental, d'un délégué patronal et d'un délégué ouvrier.

Cette Commission examine immédiatement les cas visés soit dans le rapport du Président du Conseil d'administration, soit dans les protestations individuelles, et présente un rapport d'urgence.

Le délégué ou conseiller technique dont la désignation est ainsi

Standing Orders of the Conference.

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

ARTICLE 1.

Composition of the Conference.

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

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

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

ARTICLE 2.

Provisional Officers of the Conference.

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

ARTICLE 3.

Verification of Credentials.

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

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

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

This Commission shall immediately examine those cases to which attention has been drawn in the report of the President of the Governing Body, or by individual objections, and shall present an early report.

Any delegate or adviser to whose nomination objection has been

contestée, conserve les mêmes droits que les autres délégués et conseillers techniques, jusqu'à ce qu'il soit définitivement statué sur son admission.

ARTICLE 4.

Bureau définitif.

Le bureau définitif se compose d'un Président et de trois vice-présidents élus par l'ensemble des délégués à la Conférence. Les trois vice-présidents sont choisis respectivement parmi les délégués des Gouvernements, des organisations patronales et des organisations ouvrières.

Le Président et les trois vice-présidents devront être de nationalité différente.

Les délégués femmes peuvent être élus à l'une quelconque des fonctions ci-dessus désignées dans les mêmes conditions que les hommes.

ARTICLE 5.

Secrétariat.

Les travaux du Secrétariat de la Conférence sont exécutés par les fonctionnaires du Bureau international du Travail désignés à cet effet par le Conseil d'administration du dit bureau.

Le Secrétariat est placé sous le contrôle et la responsabilité du Directeur du Bureau international du Travail, qui remplit lui-même les fonctions de Secrétaire général de la Conférence. Il peut être assisté dans cette mission par un ou plusieurs secrétaires généraux adjoints désignés par le Conseil d'administration du Bureau international du Travail.

Le Secrétariat de la Conférence est chargé notamment de la réception, de l'impression, de la distribution et de la traduction des documents, rapports et résolutions; de la traduction des discours en séance; de la sténographie des délibérations, de l'impression et de la distribution des comptes-rendus sténographiques des séances; de la tenue des archives de la Conférence; de la publication du compte-rendu des sessions, et d'une manière générale de tous autres travaux que la Conférence jugera à propos de lui confier.

ARTICLE 6.

Ordre des Travaux de la Conférence.

La Conférence statue, après audition du rapport présenté par le Conseil d'administration, et dans les conditions prévues à l'article 402 (XVI)¹ du Traité de Paix, sur le maintien à l'ordre du jour d'un sujet dont l'inscription a fait l'objet d'une opposition de la part du Gouvernement d'un Membre de l'Organisation internationale du Travail.

¹ Les chiffres entre parenthèses sont les numéros des articles dans le texte adopté par la Commission de la Législation internationale de la Conférence de la Paix.

taken retains the same rights as other delegates and advisers, until the question of his admission has been finally decided.

ARTICLE 4.

Officers of the Conference.

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

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

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

ARTICLE 5.

Secretariat.

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

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

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

ARTICLE 6.

Order of Procedure of the Conference.

After consideration of the report presented by the Governing Body, and as provided in Article 402 (XVI)¹ of the Convention, the Conference will decide as to the retention on the agenda of any item to which objection has been lodged by the Government of a Member of the International Labour Organisation.

¹ The figures between parentheses are the figures of the Articles in the corresponding text prepared by the Commission on International Labour Legislation of the Peace Conference.

La Conférence détermine ensuite, dans un délai qui ne peut dépasser sa troisième séance, l'ordre dans lequel les divers sujets inscrits à l'ordre du jour seront discutés; dans le même délai elle règle les questions diverses, telles que la désignation du Comité de proposition et du Comité de rédaction.

L'un des délégués peut présenter, dans les conditions déterminées à l'article 13 du présent règlement, une résolution tendant à adopter, comme base de la discussion, un projet de convention ou une recommandation relatifs à un sujet porté à l'ordre du jour, que ce projet ou cette recommandation émane ou non du Conseil d'administration.

La discussion relative à une telle résolution est limitée aux principes généraux du projet de convention ou de la recommandation. Si une telle résolution est adoptée, la Conférence décidera alors si le projet de convention ou la recommandation doit être discuté en séance plénière ou s'il doit être renvoyé à une commission.

S'il a été décidé que le projet de convention ou la recommandation doit être discuté en séance plénière, chaque disposition dudit projet ou de ladite recommandation est soumise pour adoption à la Conférence. Dans la discussion du projet de convention ou de la recommandation, aucune motion autre qu'une motion comportant un amendement d'une disposition du projet de convention ou de la recommandation, ou une motion d'ordre, ne peut être examinée par la Conférence jusqu'à ce qu'il ait été statué sur toutes les dispositions du projet de convention ou de la recommandation.

Si le projet de convention ou la recommandation a été renvoyé à une commission, la Conférence, au reçu du rapport de la commission, discutera ledit projet de convention ou ladite recommandation, article par article, conformément aux dispositions ci-dessus.

Au cours de la discussion des articles d'un projet de convention ou d'une recommandation, la Conférence peut renvoyer à une commission un ou plusieurs articles.

Les dispositions du projet de convention ou de la recommandation, telles qu'elles ont été adoptées par la Conférence, sont alors soumises, si cela est nécessaire, au Comité de rédaction pour la préparation d'un texte définitif du projet de convention ou de la recommandation, et ce texte ainsi préparé est distribué aux délégués.

En principe, aucun amendement ne pourra plus être admis à ce texte. Toutefois le Président, après avoir consulté les trois vice-présidents, pourra soumettre à l'Assemblée les amendements qui auraient été déposés au Secrétariat le lendemain de la distribution du texte revu par le Comité de rédaction.

Après discussion de ces amendements, la Conférence procède à un vote final sur l'adoption du projet de convention ou de la recommandation, dans les conditions prévues à l'article 405 (XIX) du Traité de Paix.

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

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

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

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

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

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

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

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

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

ARTICLE 7.

Commissions.

La Conférence peut décider d'instituer des Commissions spéciales sur tous les objets pour lesquels elle le juge utile.

Un Comité de proposition composé de 12 délégués gouvernementaux, 6 délégués patronaux et 6 délégués ouvriers, déterminera les résolutions à discuter à chaque séance, sous réserve de l'approbation de la Conférence, et présentera à l'agrément de celle-ci les noms des membres des Commissions.

Les membres du Comité de proposition seront élus par la Conférence, sur la proposition des délégués des gouvernements, des délégués patronaux et des délégués ouvriers, respectivement, à raison d'un au plus dans chaque catégorie pour un même pays.

Un fonctionnaire du Secrétariat de la Conférence est adjoint à chaque commission en qualité de Secrétaire.

Chaque commission élit un président et désigne un rapporteur pour présenter à la Conférence le résultat de ses délibérations. Ce rapporteur peut être un conseiller technique.

En règle générale, les séances des Commissions ne peuvent avoir lieu en même temps que les séances plénières de la Conférence. Les délégués peuvent toujours désigner des suppléants pour les représenter aux Commissions.

ARTICLE 8.

Droit d'entrée aux séances de la Conférence.

Les séances de la Conférence sont publiques, sauf celles pour lesquelles il en aura été expressément décidé autrement.

Dans les séances publiques, des places seront réservées par le Secrétaire de la Conférence pour les personnes spécialement autorisées et pour la presse.

Les seules personnes autorisées à pénétrer dans la salle des séances de la Conférence, en dehors des délégués et conseillers techniques, sont :—

- (1) les secrétaires ou interprètes des Délégations, à raison d'un seul par Délégation ;
- (2) le Directeur du Bureau international du Travail et les fonctionnaires de ce Bureau désignés pour faire partie du Secrétariat de la Conférence.

ARTICLE 9.

Tenue des séances : Rôle du Président.

Le Président ouvre et lève la séance. Avant de passer à l'ordre du jour, il donne connaissance à la Conférence des communications qui la concernent.

Il dirige les délibérations, veille au maintien de l'ordre et à

ARTICLE 7.

Commissions.

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

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

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

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

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

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

ARTICLE 8.

Right of Admission to Sitzings of the Conference.

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

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

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

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

ARTICLE 9.

Procedure : Functions of the President.

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

He shall direct the debates, maintain order, and ensure the

l'observation du règlement par telle mesure que les circonstances exigeront, accorde ou retire le droit de prendre la parole, met les propositions aux voix et proclame le résultat des scrutins.

Le Président ne peut participer ni aux discussions ni aux votes. Si le Président est lui-même délégué, il peut désigner un délégué suppléant dans les conditions prévues à l'article 18 ci-après.

Il en sera de même des vice-présidents pendant qu'ils exercent les fonctions de Président.

Les vice-présidents présideront, à tour de rôle, les séances ou fractions de séances que le Président sera dans l'impossibilité de présider.

ARTICLE 10.

Droit de Parole.

Aucun délégué à la Conférence ne peut parler sans avoir demandé la parole au Président et l'avoir obtenue.

La parole est accordée dans l'ordre des demandes.

Aucun délégué ne peut parler plus d'une fois sur la même résolution, sur le même amendement ou sur la même motion sans permission spéciale de la Conférence ; toutefois l'auteur d'une résolution aura le droit de parler deux fois, à moins que la clôture n'ait été adoptée, conformément à l'article 14 du présent règlement.

La parole peut être retirée par le Président si l'orateur s'écarte du sujet en discussion.

A tout moment, un délégué peut soulever une question d'ordre, sur laquelle le Président devra se prononcer immédiatement, conformément au règlement.

Chaque discours ne peut, sans l'assentiment de l'Assemblée, excéder 15 minutes, non compris le temps de la traduction.

Les interruptions et les conversations à haute voix sont interdites.

Le Directeur, ou tel autre fonctionnaire du Bureau international du Travail, peut prendre la parole lorsqu'il y est invité par le Président.

ARTICLE 11.

Langues.

La langue française et la langue anglaise sont les langues officielles de la Conférence.

Les discours prononcés en français sont résumés en anglais, et réciproquement, par un interprète appartenant au Secrétariat de la Conférence.

Chaque délégué peut parler dans sa langue maternelle, mais la Délégation doit pourvoir à la traduction résumée de son discours dans l'une des deux langues officielles par un interprète attaché à la Délégation.

observance of the Standing Orders by such means as circumstances may demand, accord or withdraw the right to address the Conference, put questions to the vote, and announce the result of the vote.

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

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

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

ARTICLE 10.

Right to address the Conference.

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

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

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

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

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

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

Interruptions and audible conversation are not permitted.

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

ARTICLE 11.

Languages.

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

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

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

Cette traduction résumée est ensuite reproduite dans l'autre langue officielle par un interprète appartenant au Secrétariat.

La traduction et la distribution des documents sont confiés au Secrétariat, et la pratique suivie à la Conférence de Washington, en ce qui concerne la traduction et la distribution des documents en langue espagnole, sera continuée à l'avenir.

ARTICLE 12.

Comité de Rédaction.

La Conférence nomme un Comité de rédaction chargé de rédiger sous forme de projets de conventions ou de recommandations les décisions adoptées par la Conférence.

Le même Comité assure la concordance des textes français et anglais de ces projets de conventions ou de ces recommandations dont la traduction est établie par le Secrétariat. Ce Comité est nommé par le Comité de Proposition conformément aux dispositions de l'article 7.

ARTICLE 13.

Résolutions, Amendements, Motions.

Tout délégué peut présenter des résolutions, amendements ou motions, conformément aux dispositions ci-après.

(a) Aucune résolution ne peut être présentée à une séance de la Conférence si le texte n'en a pas été déposé au Secrétariat de la Conférence deux jours au moins à l'avance.

Une telle résolution doit être distribuée par les soins du Secrétariat au plus tard le jour suivant celui du dépôt.

(b) Les amendements à une résolution peuvent être présentés sans avis préalable, pourvu que le texte en soit remis par écrit au Secrétaire de la Conférence.

S'il a été présenté un amendement à une résolution, il ne peut en être présenté d'autres avant qu'il ait été statué sur le premier, à moins que le second amendement ne constitue qu'une modification du premier.

Un délégué peut retirer un amendement qu'il a proposé lui-même, à moins qu'un amendement constituant une modification au sien ne soit en discussion ou n'ait été adopté.

(c) Il n'est pas nécessaire de donner un avis préalable des motions d'ordre au Secrétariat de la Conférence ni de lui en remettre le texte.

Ces " motions d'ordre " sont les suivantes : motion tendant au envoi de la question ; motion tendant à remettre l'examen de la

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

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

ARTICLE 12.

Drafting Committee.

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

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

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

ARTICLE 13.

Resolutions, Amendments, Motions.

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

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

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

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

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

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

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

“Motions as to procedure” include the following: a motion to refer the matter back; a motion to postpone consideration of the

question à une date ultérieure ; motion tendant à lever la séance ; motion tendant à remettre la discussion de la question particulière ; motion tendant à passer à l'examen de la question suivante inscrite à l'ordre du jour de la séance.

Aucune résolution ou motion et aucun amendement ne peuvent être discutés s'ils n'ont été appuyés.

ARTICLE 14.

Clôture des Discussions.

Un délégué peut, à quelque moment que ce soit, proposer la clôture d'une discussion, même s'il reste encore des orateurs inscrits, et le Président doit mettre aux voix la proposition de clôture si vingt délégués l'appuient en se levant à leur place. Si la parole est demandée contre la clôture, elle ne peut être accordée qu'à un seul orateur.

On ne peut demander la clôture de la discussion tant qu'un orateur a la parole et que son discours n'a pas été traduit.

ARTICLE 15.

Modes de Votation.

La Conférence vote à main levée ou par appel nominal.

Le vote à main levée est de droit dans tous les cas où le vote par appel nominal n'est pas exigé par le présent règlement.

Le vote à main levée est constaté par le Secrétariat et proclamé par le Président.

En cas d'incertitude sur le résultat, le Président a le droit de faire procéder à un vote par appel nominal.

Le vote par appel nominal est de droit dans tous les cas, déterminés par la Convention, où la majorité des deux tiers des suffrages est requise.

Le vote par appel nominal peut également avoir lieu en toute matière s'il fait l'objet d'une demande écrite de 20 délégués au moins remise au Président.

Il est procédé au vote par appel nominal des délégués, individuellement, par délégation et dans l'ordre alphabétique français des noms des Membres de l'Organisation internationale du Travail.

Le vote est constaté par le Secrétariat et proclamé par le Président.

Les noms des votants par appel nominal sont insérés au compte-rendu sténographique de la séance.

Le Président ne peut prendre l'initiative de proposer le vote par appel nominal, si ce n'est au cas prévu au 4^{ème} alinéa du présent article.

question ; a general motion of adjournment ; a motion to adjourn a debate on a particular question ; a motion that the Conference proceed with the next item on its programme for the sitting.

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

ARTICLE 14.

Closure.

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

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

ARTICLE 15.

Methods of Voting.

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

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

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

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

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

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

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

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

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

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

ARTICLE 16.

Quorum.

Conformément à l'article 403 (XVII) du Traité de Paix, aucun vote n'est acquis si le nombre des suffrages exprimés est inférieur à la moitié du nombre des délégués présents à la session de la Conférence. Ce nombre est déterminé après le dépôt du rapport sommaire prévu au deuxième alinéa de l'article 3. Si un délégué n'est pas définitivement admis, le nombre des délégués sera modifié en conséquence pour les séances suivantes.

ARTICLE 17.

Majorités.

Sous réserve des dispositions de l'article précédent, la simple majorité des suffrages exprimés par les délégués présents à la séance décide dans tous les cas où une majorité plus forte n'est pas spécialement prévue par d'autres articles de la Convention.

La Conférence ne peut décider qu'une majorité supérieure à la majorité simple sera nécessaire en dehors de ces cas.

ARTICLE 18.

Suppléants.

Conformément à l'article 389 (III) du Traité de Paix, un délégué peut, par une note écrite adressée au Président, désigner l'un de ses conseillers techniques comme son suppléant. Une telle note doit être adressée au Président avant la séance, à moins qu'une nouvelle question vienne en discussion au cours de la séance. Cette note doit préciser la ou les séances auxquelles s'applique la suppléance.

Les suppléants prennent part aux délibérations et aux votes dans les mêmes conditions que les délégués.

ARTICLE 19.

Comptes-rendus sténographiques.

Un compte-rendu sténographique est imprimé à l'issue de chaque séance par les soins du Secrétariat. Il est annexé à ce compte-rendu la liste des délégués ayant assisté à la séance, ainsi que les textes adoptés, avec le résultat des votes.

Chaque délégué peut demander à revoir avant l'impression définitive, la partie du compte-rendu reproduisant le discours qu'il a prononcé. Pour qu'il soit tenu compte des corrections proposées, elles doivent être déposées au Secrétariat dans la soirée qui suit la séance.

Les comptes-rendus sténographiques sont revêtus des signatures du Président de la Conférence et du Secrétaire général.

ARTICLE 16.

Quorum.

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

ARTICLE 17.

Majorities.

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

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

ARTICLE 18.

Substitutes.

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

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

ARTICLE 19.

Verbatim Reports.

A verbatim report shall be printed at the conclusion of each sitting by the Secretariat. There shall be appended to the report the list of delegates present at the sitting, together with the texts adopted and the results of the votes.

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

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

ARTICLE 20.

Désignation des membres du Conseil d'administration du Bureau international du Travail.

La Conférence procède tous les trois ans, au cours de sa session, aux opérations relatives à la désignation des membres du Conseil d'administration du Bureau international du Travail conformément à l'article 393 (VII) du Traité de Paix.

A cet effet les délégués gouvernementaux de tous les Membres, à l'exception de ceux des huit Membres dont l'importance industrielle est la plus considérable, dans le sens dudit article, se réunissent pour désigner quatre Membres dont les Gouvernements auront chacun à nommer un représentant au Conseil d'administration.

Les délégués patronaux et les délégués ouvriers se réunissent séparément pour désigner respectivement leurs six représentants au Conseil d'administration. Ces désignations sont faites nominativement.

Lorsque des sièges sont devenus vacants au Conseil d'administration parmi les représentants des organisations patronales et ouvrières, et s'il n'a pas été pourvu à ces vacances par le Conseil dans les conditions prévues à l'article 393 (VII) du Traité de Paix, les délégués à la Conférence appartenant à la catégorie intéressée se réunissent au cours de la prochaine session pour compléter leur représentation au Conseil d'administration.

Lorsqu'il a été pourvu, par le Conseil d'administration, aux vacances qui s'étaient produites, dans les conditions prévues au même article de la Convention, la Conférence procède à l'approbation des décisions prises par le Conseil à cet égard.

Si ces décisions ne sont pas approuvées par la Conférence, il est procédé immédiatement à de nouvelles désignations dans les mêmes conditions que pour le renouvellement général du Conseil d'administration.

ARTICLE 20.

Election of the Members of the Governing Body of the International Labour Office.

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

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

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

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

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

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

Règlement du Conseil d'Administration,

adopté par le Conseil le 23 Mars 1920.

ARTICLE 1.

Bureau.

Le Bureau du Conseil d'administration se compose d'un Président et deux vice-présidents, choisis dans les trois groupes du Conseil. Le Président et les deux vice-présidents doivent être de nationalité différente.

En cas d'absence du Président, les séances sont présidées alternativement par chacun des deux vice-présidents.

Le mandat du Président et des deux vices-présidents est de trois ans ; il est renouvelable.

Un Secrétariat du Conseil d'administration sera constitué par les soins du Directeur du Bureau international du Travail.

ARTICLE 2.

Président.

Le Président peut prendre part aux discussions et aux votes. Il n'a pas voix prépondérante.

ARTICLE 3.

Suppléants.

Pour assurer l'exacte répartition des représentants de Gouvernements, de patrons ou d'ouvriers, prévue à l'article 393 du Traité de Paix, en cas d'absence, les membres titulaires seront remplacés par des suppléants.

En ce qui concerne les représentants des Gouvernements, chaque Gouvernement peut désigner un suppléant chargé de remplacer aux réunions du Conseil d'administration son représentant titulaire en cas d'empêchement de la part de ce dernier.

En ce qui concerne les représentants non gouvernementaux, la Conférence de 1921 statuera sur le point de savoir si les délégués désigneront, au moment de l'élection de leurs représentants au Conseil d'administration, un nombre égal de suppléants, ou si les délégués laisseront aux titulaires nommés par eux le soin de choisir leurs suppléants.

Chaque représentant titulaire pourra autoriser son suppléant à le remplacer aux réunions du Conseil d'administration, en cas d'empêchement de sa part.

Standing Orders of the Governing Body.

Adopted by the Governing Body on March 23, 1920.

ARTICLE 1.

Officers.

The officers shall consist of a Chairman and two Vice-Chairmen chosen from among the three groups of the Governing Body.

The Chairman and the Vice-Chairmen should be of different nationalities.

In the absence of the Chairman the two Vice-Chairmen shall preside at alternative sittings.

The Chairman and the Vice-Chairmen shall hold office for three years, but shall be eligible for re-election.

The Director of the International Labour Office will undertake the formation of a Secretariat for the Governing Body.

ARTICLE 2.

Chairman.

The Chairman shall have the right to take part in the discussions and to vote. He shall not have a casting vote.

ARTICLE 3.

Appointment of Substitutes.

In order to ensure the proportional representation of Government, Employers and Workers, as laid down in Article 393 of the Treaty of Peace, members may be replaced in case of absence by substitutes.

In the case of Government members, each Government is entitled to appoint a substitute to replace its member at the meeting of the Governing Body, should he be unable to attend.

In the case of non-Government members, the Conference of 1921 shall decide whether the Delegates shall nominate an equal number of substitutes at the time of the election of their representatives on the Governing Body or will leave the members nominated by them free to select their own substitutes.

A member is entitled to authorise his substitute to replace him at meetings of the Governing Body which he is unable to attend.

Tout suppléant prenant part à une réunion du Conseil d'administration, conformément aux dispositions des alinéas précédents, doit remettre au Président ses pouvoirs sous la forme d'un document écrit.

Par mesure transitoire, jusqu'à la Conférence de 1921, les représentants patronaux et ouvriers seront invités à désigner eux-mêmes les suppléants chargés de les remplacer en cas d'empêchement. Ils devront remettre au Bureau les noms de ces suppléants.

ARTICLE 4.

Vacances.

Lorsqu'une vacance se produit par suite du décès ou de la démission d'un membre gouvernemental du Conseil, la place de ce dernier est occupée par son suppléant, désigné conformément à l'article 3 du présent règlement.

Si la vacance se produit parmi les représentants non gouvernementaux, elle est remplie provisoirement par le suppléant désigné conformément à l'article 3 du présent règlement, jusqu'à la prochaine session de la Conférence générale, au cours de laquelle un nouveau représentant titulaire est élu dans les conditions déterminées à l'article 20 du règlement intérieur de la Conférence.

ARTICLE 5.

Admission aux Séances.

Les séances ne sont pas publiques. Le Conseil se réserve de statuer sur la présence à ses séances de toute personne autre que ses membres et le Directeur du Bureau.

ARTICLE 6.

Ordre du jour.

L'ordre du jour de chaque session est établi par le Président d'accord avec le Directeur.

Toute question que le Conseil d'administration a décidé, au cours d'une de ses sessions, d'inscrire à son ordre du jour, est mise à l'ordre du jour de sa prochaine session.

L'ordre du jour doit être communiqué aux membres du Conseil assez tôt pour leur parvenir au moins 14 jours avant l'ouverture de la session.

ARTICLE 7.

Procès-verbaux.

Après chaque séance, le secrétaire rédige un procès-verbal, qui n'est pas publié. Ce procès-verbal est soumis à l'approbation du Conseil au début de la session suivante. Il ne doit être distribué qu'aux membres, sauf autorisation expresse du Président.

Any substitute attending a meeting of the Governing Body in accordance with the above provisions is required to furnish the Chairman with his credentials of appointment in writing.

As a transitory measure until the meeting of the Conference of 1921, the Employers' and Workers' members shall be entitled to nominate their own substitutes, in the event of their being unable to attend any meeting. They will be required to communicate the names of their substitutes to the Chairman.

ARTICLE 4.

Filling of Vacancies.

In the event of a vacancy arising owing to the decease or resignation of any Government member, his place shall be taken by a substitute appointed in accordance with Rule 3 above. In the case of such a vacancy among the non-Government members, the vacancy will be filled by a substitute appointed in accordance with Rule 3 above until the next meeting of the General Conference, in the course of which a new member will be elected in accordance with the provisions of Article 20 of the Standing Orders of the Conference.

ARTICLE 5.

Admission to Meetings.

The sittings of the Governing Body are not public. The Governing Body may at any time decide as to the admission to its sittings of any person other than its members and the Director of the Office.

ARTICLE 6.

Agenda.

The agenda for each session shall be drawn up by the Chairman in agreement with the Director. Any subject which the Governing Body shall have decided at its last session to include in the agenda shall be included in the agenda for the next session.

The agenda shall be circulated to the members so as to reach them not less than 14 days before the date of the meeting.

ARTICLE 7.

Minutes.

The Secretary shall keep the minutes of the meetings. They shall not be published. At the commencement of each session the minutes of the previous session shall be confirmed. They shall only be circulated to the members, except by the express authorisation of the Chairman to the contrary.

ARTICLE 8.

Votes.

Les votes ont lieu à main levée, sauf dans les cas où un scrutin secret est prévu par le présent règlement.

Un vote au scrutin secret est nécessaire pour l'élection du Président ou du Directeur du Bureau international du Travail, et dans tout autre cas où une demande est présentée à cet effet par dix des membres présents.

ARTICLE 9.

Quorum.

Aucun vote n'est valable si 15 membres au moins ne sont présents à la séance.

ARTICLE 10.

Sessions.

Le Conseil d'administration se réunira en session régulière tous les trois mois au moins.

Sans préjudice de ce qui est stipulé au dernier alinéa de l'article 393 du Traité de Versailles, le Président peut également convoquer une session extraordinaire quand cela lui paraît nécessaire, et il est tenu de convoquer une session spéciale lorsqu'il a reçu à cet effet une demande signée par six membres du même groupe.

ARTICLE 11.

Lieu de Réunion.

Le Conseil tiendra ses sessions au Bureau international du Travail, à moins qu'il n'en décide autrement d'une manière expresse.

ARTICLE 12.

Comité du Budget.

Il sera constitué un Comité du Budget composé de 4 membres dont le Président.

Il devra comprendre un membre patron et un membre ouvrier.

Il sera chargé d'examiner les comptes et le budget du Bureau.

ARTICLE 8.

Voting.

Voting shall be by show of hands, except in cases where a ballot is required by the present Rules.

A ballot vote is required in the case of the election of the Chairman and of the Director of the International Labour Office, and in any other case where it shall be demanded by 10 of the members present.

ARTICLE 9.

Quorum.

No vote shall be valid unless at least 15 members are present at the sitting.

ARTICLE 10.

Times of Meeting.

A general session of the Governing Body shall take place at least once every three months. Without prejudice to the provisions of Article 393 of the Treaty of Versailles the President may also summon a special meeting, should it appear necessary to him to do so, and shall be bound to summon a special meeting on receipt of a written request to that effect signed by six members of the same group.

ARTICLE 11.

Place of Meeting.

The meetings of the Governing Body shall be held at the International Labour Office, unless the Governing Body shall otherwise expressly determine.

ARTICLE 12.

Finance Committee.

A Finance Committee shall be appointed consisting of four members, including the Chairman and one representative of the Employers' and Workers' members respectively. It will examine the estimates and expenditure of the Labour Office.

Membres de l'Organisation Permanente du Travail.

Albanie.	Haiti.
Allemagne.	Hedjaz.
Argentine.	Honduras.
Autriche.	Italie.
Belgique.	Japon.
Bolivie.	Lettonie.
Brésil.	Libéria.
Empire Britannique.	Lithuanie.
Afrique du Sud.	Luxembourg.
Australie.	Nicaragua.
Canada.	Norvège.
Inde.	Panama.
Nouvelle Zélande.	Paraguay.
Bulgarie.	Pays-Bas.
Chili.	Pérou.
Chine.	Perse.
Colombie.	Pologne.
Costa Rica.	Portugal.
Cuba.	Roumanie.
Danemark.	Salvador.
Équateur.	État Serbe-Croate-Slovène.
Espagne.	Siam.
Esthonie.	Suède.
Finlande.	Suisse.
France.	Tchéco-Slovaquie
Grèce.	Uruguay.
Guatémala.	Vénézuéla.

Members of the Permanent Labour Organisation.

Albania.	Haiti.
Argentine Republic.	Hedjaz.
Austria.	Honduras.
Belgium.	Italy.
Bolivia.	Japan.
Brazil.	Latvia.
British Empire.	Liberia.
Australia.	Lithuania.
Canada.	Luxembourg.
India.	Netherlands.
New Zealand.	Nicaragua.
South Africa.	Norway.
Bulgaria	Panama.
Chili.	Paraguay.
China.	Persia.
Colombia.	Peru.
Costa Rica.	Poland.
Cuba.	Portugal.
Czecho-Slovakia.	Roumania.
Denmark.	Salvador.
Ecuador.	Serb-Croat-Slovene State.
Esthonia	Siam.
Finland.	Spain.
France.	Sweden.
Germany.	Switzerland.
Greece.	Uruguay.
Guatemala.	Venezuela.

Conseil d'Administration du Bureau International du Travail.

A la suite des délibérations de la Conférence de Washington, la composition du Conseil d'Administration du Bureau international du Travail a été arrêtée comme suit :

(a) Un représentant du Gouvernement de chacun des douze Membres ci-après de l'Organisation permanente du Travail :

Allemagne.	France.
Argentine.	Grande-Bretagne.
Belgique.	Italie.
Canada.	Japon.
Danemark. ¹	Pologne.
Espagne.	Suisse.

(b) Six représentants patronaux désignés par les délégués patronaux à la Conférence générale de Washington (novembre 1919) :

M. Carher (Belgique).
 M. Guérin (France).²
 M. Hodacz (Tchéco-Slovaquie).
 M. Pirelli (Italie).
 M. Schindler (Suisse).³
 Sir Allan Smith (Grande-Bretagne).

(c) Six représentants ouvriers désignés par les délégués ouvriers à la Conférence générale de Washington (novembre 1919) :

M. Stuart Bunning (Grande-Bretagne).
 M. Draper (Canada).
 M. Jouhaux (France).
 M. Legien (Allemagne).⁴
 M. Lindquist (Suède).
 M. Oudegeest (Pays-Bas).

Président du Conseil d'Administration :—

M. Arthur Fontaine, représentant du Gouvernement français.

DIRECTEUR DU BUREAU INTERNATIONAL DU TRAVAIL,

Élu par le Conseil d'Administration au cours de sa séance du
27 janvier 1920, à Paris :

M. Albert Thomas.

DIRECTEUR-ADJOINT :

M. H. B. Butler.

¹ Jusqu'à l'entrée des États-Unis d'Amérique dans l'Organisation permanente du Travail.

² Décédé : remplacé par M. Pinot.

³ Démissionnaire : remplacé par M. Colomb.

⁴ Décédé : remplacé par M. Leipart.

Governing Body of the International Labour Office.

The Governing Body of the International Labour Office was constituted as follows by the Washington Labour Conference :—

- (a) One representative of the Government of each of the following twelve Members of the Permanent Labour Organisation :—
- | | |
|-----------------------|----------------|
| Argentine Republic. | Great Britain. |
| Belgium. | Italy. |
| Canada. | Japan. |
| Denmark. ¹ | Poland. |
| France. | Spain. |
| Germany. | Switzerland. |
- (b) Six representatives of the Employers chosen by the Employers' delegates at the Washington Conference of November, 1919 :—
- Mr. Carlier (Belgium).
 - Mr. Guérin (France).²
 - Mr. Hodacz (Czecho-Slovakia).
 - Mr. Pirelli (Italy).
 - Mr. Schindler (Switzerland).³
 - Sir Allan Smith (Great Britain).
- (c) Six representatives of the Workers, chosen by the Workers' delegates at the Washington Conference of November, 1919 :—
- Mr. Stuart Bunning (Great Britain).
 - Mr. Draper (Canada).
 - Mr. Jouhaux (France).
 - Mr. Legien (Germany).⁴
 - Mr. Lindquist (Sweden).
 - Mr. Oudegeest (Netherlands).

Chairman of the Governing Body :—

Mr. Arthur Fontaine, representative of the French Government.

DIRECTOR OF THE INTERNATIONAL LABOUR OFFICE.

Elected by the Governing Body at its meeting in Paris of the
27th January, 1920 :—

Mr. Albert Thomas.

DEPUTY-DIRECTOR :

Mr. H. B. Butler.

¹ Until the United States of America shall have become a Member of the Permanent Labour Organisation.

² Deceased : succeeded by Mr. Pinot.

³ Resigned : succeeded by Mr. Colomb.

⁴ Deceased : succeeded by Mr. Leipart.

Appendices.

1. Pacte de la Société des Nations.

LES HAUTES PARTIES CONTRACTANTES,

Considérant que, pour développer la coopération entre les Nations et pour leur garantir la paix et la sûreté, il importe :

d'accepter certaines obligations de ne pas recourir à la guerre, d'entretenir au grand jour des relations internationales fondées sur la justice et l'honneur,

d'observer rigoureusement les prescriptions du Droit international, reconnues désormais comme règle de conduite effective des Gouvernements,

de faire régner la justice et de respecter scrupuleusement toutes les obligations des Traités dans les rapports mutuels des peuples organisés,

Adoptent le présent Pacte qui institue la Société des Nations.

ARTICLE PREMIER.

Sont Membres originaires de la Société des Nations, ceux des Signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les États, également nommés dans l'annexe, qui auront accédé au présent Pacte sans aucune réserve par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux Membres de la Société.

Tout État, Dominion ou Colonie qui se gouverne librement et qui n'est pas désigné dans l'annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires et navals.

Tout Membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli à ce moment toutes ses obligations internationales y compris celles du présent Pacte.

ARTICLE 2.

L'action de la Société, telle qu'elle est définie dans le présent Pacte, s'exerce par une Assemblée et par un Conseil assistés d'un Secrétariat permanent.

ARTICLE 3.

L'Assemblée se compose de Représentants des Membres de la Société.

Appendices.

1. The Covenant of the League of Nations.

THE HIGH CONTRACTING PARTIES,
 In order to promote international co-operation and to achieve international peace and security,
 by the acceptance of obligations not to resort to war,
 by the prescription of open, just and honourable relations between nations,
 by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and
 by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,
 Agree to this Covenant of the League of Nations.

ARTICLE 1.

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex, may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

ARTICLE 2.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE 3.

The Assembly shall consist of Representatives of the Members of the League.

Elle se réunit à des époques fixées et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu qui pourra être désigné.

L'Assemblée connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde.

Chaque Membre de la Société ne peut compter plus de trois Représentants dans l'Assemblée et ne dispose que d'une voix.

ARTICLE 4.

Le Conseil se compose de Représentants des Principales Puissances alliées et associées,¹ ainsi que de Représentants de quatre autres Membres de la Société. Ces quatre Membres de la Société sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir. Jusqu'à la première désignation par l'Assemblée, les Représentants de la Belgique, du Brésil, de l'Espagne et de la Grèce sont Membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres Membres de la Société dont la représentation sera désormais permanente au Conseil. Il peut, avec la même approbation, augmenter le nombre des Membres de la Société qui seront choisis par l'Assemblée pour être représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an, au siège de la Société ou en tel autre lieu qui pourra être désigné.

Le Conseil connaît de toute question rentrant dans la sphère d'activité de la Société ou affectant la paix du monde.

Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil.

Chaque Membre de la Société représenté au Conseil ne dispose que d'une voix et n'a qu'un Représentant.

ARTICLE 5.

Sauf disposition expressément contraire du présent Pacte ou des clauses du présent Traité, les décisions de l'Assemblée ou du Conseil sont prises à l'unanimité des Membres de la Société représentés à la réunion.

¹ Les Principales Puissances alliées et associées sont les suivantes : les États-Unis d'Amérique, l'Empire Britannique, la France, l'Italie et le Japon. (Voir préambule du Traité de Paix avec l'Allemagne.)

The Assembly shall meet at stated intervals and from time to time as occasion may require, at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

ARTICLE 4.

The Council shall consist of Representatives of the Principal Allied and Associated Powers,¹ together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain, and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE 5.

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

¹ The principal Allied and Associated Powers are the following: The United States of America, the British Empire, France, Italy and Japan. (See the Preamble to the Treaty of Peace with Germany.)

Toutes questions de procédure qui se posent aux réunions de l'Assemblée ou du Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des Membres de la Société représentés à la réunion.

La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des États-Unis d'Amérique.

ARTICLE 6.

Le Secrétariat permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

Le premier Secrétaire général est désigné dans l'annexe. Par la suite, le Secrétaire général sera nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

Les secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

Le Secrétaire général de la Société est de droit Secrétaire général de l'Assemblée et du Conseil.

Les dépenses du Secrétariat sont supportées par les Membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

ARTICLE 7.

Le siège de la Société est établi à Genève.

Le Conseil peut à tout moment décider de l'établir en tout autre lieu.

Toutes les fonctions de la Société ou des services qui s'y rattachent y compris le Secrétariat, sont également accessibles aux hommes et aux femmes.

Les Représentants des Membres de la Société et ses agents jouissent dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

Les bâtiments et terrains occupés par la Société, par ses services ou ses réunions, sont inviolables.

ARTICLE 8.

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale et avec l'exécution des obligations internationales imposée par une action commune.

Le Conseil, tenant compte de la situation géographique et des conditions spéciales de chaque État, prépare les plans de cette réduction, en vue de l'examen et de la décision des divers Gouvernements.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE 6.

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 7.

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

ARTICLE 8.

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Ces plans doivent faire l'objet d'un nouvel examen et, s'il y a lieu, d'une revision tous les dix ans au moins.

Après leur adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut être dépassée sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et du matériel de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures propres à en éviter les fâcheux effets, en tenant compte des besoins des Membres de la Société qui ne peuvent pas fabriquer les munitions et le matériel de guerre nécessaires à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires et navals et à la condition de celles de leurs industries susceptibles d'être utilisées pour la guerre.

ARTICLE 9.

Une Commission permanente sera formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 8 et, d'une façon générale, sur les questions militaires et navales.

ARTICLE 10.

Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

ARTICLE 11.

Il est expressément déclaré que toute guerre ou menace de guerre, qu'elle affecte directement ou non l'un des Membres de la Société, intéresse la Société tout entière et que celle-ci doit prendre les mesures propres à sauvegarder efficacement la paix des Nations. En pareil cas, le Secrétaire général convoque immédiatement le Conseil, à la demande de tout Membre de la Société.

Il est, en outre, déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales et qui menace par suite de troubler la paix ou la bonne entente entre nations, dont la paix dépend.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

ARTICLE 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8, and on military, naval and air questions generally.

ARTICLE 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 11.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE 12.

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à la procédure de l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

ARTICLE 13.

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise intégralement à l'arbitrage.

Parmi ceux qui sont généralement susceptibles de solution arbitrale, on déclare tels les différends relatifs à l'interprétation d'un Traité, à tout point de droit international, à la réalité de tout fait qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

La Cour d'arbitrage à laquelle la cause est soumise, est la Cour désignée par les Parties ou prévue dans leurs Conventions antérieures.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'effet.

ARTICLE 14.

Le Conseil est chargé de préparer un projet de Cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour connaîtra de tous différends d'un caractère international que les Parties lui soumettront. Elle donnera aussi des avis consultatifs sur tout différend ou tout point, dont la saisira le Conseil ou l'Assemblée.

ARTICLE 12.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13.

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE 15.

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit que l'un d'eux avise de ce différend le Secrétaire général, qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

Dans le plus bref délai, les Parties doivent lui communiquer l'exposé de leur cause avec tous faits pertinents et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé relatant les faits, les explications qu'ils comportent et les termes de ce règlement.

Si le différend n'a pu se régler, le Conseil rédige et publie un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour faire connaître les circonstances du différend et les solutions qu'il recommande comme les plus équitables et les mieux appropriées à l'espèce.

Tout Membre de la Société représenté au Conseil peut également publier un exposé des faits du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, le vote des Représentants des Parties ne comptant pas dans le calcul de cette unanimité, les Membres de la Société s'engagent à ne recourir à la guerre contre aucune Partie qui se conforme aux conclusions du rapport.

Dans le cas où le Conseil ne réussit pas à faire accepter son rapport par tous ses membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire pour le maintien du droit et de la justice.

Si l'une des Parties prétend et si le Conseil reconnaît que le différend porte sur une question que le droit international laisse à la compétence exclusive de cette Partie, le Conseil le constatera dans un rapport, mais sans recommander aucune solution.

Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. L'Assemblée devra de même être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté devant le Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du

ARTICLE 15.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this

présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil, s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des Membres de la Société représentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des Représentants des Parties, a le même effet qu'un rapport du Conseil adopté à l'unanimité de ses membres autres que les Représentants des Parties.

ARTICLE 16.

Si un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 ou 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Ceux-ci s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

En ce cas, le Conseil a le devoir de recommander aux divers Gouvernements intéressés les effectifs militaires ou navals, par lesquels les Membres de la Société contribueront respectivement aux forces armées destinées à faire respecter les engagements de la Société.

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter. Ils se prêtent également un mutuel appui pour résister à toute mesure spéciale dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour faciliter le passage à travers leur territoire des forces de tout Membre de la Société qui participe à une action commune pour faire respecter les engagements de la Société.

Peut être exclu de la Société tout Membre qui s'est rendu coupable de la violation d'un des engagements résultant du Pacte. L'exclusion est prononcée par le vote de tous les autres Membres de la Société représentés au Conseil.

ARTICLE 17.

En cas de différend entre deux États, dont un seulement est Membre de la Société ou dont aucun n'en fait partie, l'État ou les États étrangers à la Société sont invités à se soumettre aux

Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 16.

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE 17.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the

obligations qui s'imposent à ses Membres aux fins de règlement du différend, aux conditions estimées justes par le Conseil. Si cette invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et propose telle mesure qui lui paraît la meilleure et la plus efficace dans le cas particulier.

Si l'État invité, refusant d'accepter les obligations de Membre de la Société, aux fins de règlement du différend, recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes propositions de nature à prévenir les hostilités et à amener la solution du conflit.

ARTICLE 18.

Toute traité ou engagement international conclu à l'avenir par un Membre de la Société devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré.

ARTICLE 19.

L'Assemblée peut, de temps à autre, inviter les Membres de la Société à procéder à un nouvel examen des traités devenus inapplicables ainsi que des situations internationales, dont le maintien pourrait mettre en péril la paix du monde.

ARTICLE 20.

Les Membres de la Société reconnaissent chacun, en ce qui le concerne, que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter à l'avenir de semblables.

Si avant son entrée dans la Société, un Membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE 18.

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

ARTICLE 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

ARTICLE 20.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE 21.

Les engagements internationaux, tels que les traités d'arbitrage et les ententes régionales, comme la doctrine de Monroe, qui assurent le maintien de la paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte.

ARTICLE 22.

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient d'incorporer dans le présent Pacte des garanties pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux nations développées qui en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité et qui consentent à l'accepter : elles exerceraient cette tutelle en qualité de Mandataires et au nom de la Société.

Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'un Mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris d'abord en considération pour le choix du Mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le Mandataire y assume l'administration du territoire à des conditions qui, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, garantiront la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des bonnes mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

Enfin, il y a des territoires, tels que le Sud-Ouest africain et

ARTICLE 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

ARTICLE 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain

certaines îles du Pacifique austral, qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de leur contiguïté géographique au territoire du Mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois du Mandataire, comme une partie intégrante de son territoire, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas le Mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a la charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par le Mandataire n'a pas fait l'objet d'une Convention antérieure entre les Membres de la Société, il sera expressément statué sur ces points par le Conseil.

Une Commission permanente sera chargée de recevoir et d'examiner les rapports annuels des Mandataires et de donner au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

ARTICLE 23.

Sous la réserve, et en conformité des dispositions des Conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les Membres de la Société :

- (a) s'efforceront d'assurer et de maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, d'établir et d'entretenir les organisations internationales nécessaires ;
- (b) s'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration ;
- (c) chargent la Société du contrôle général des accords relatifs à la traite des femmes et des enfants, du trafic de l'opium et autres drogues nuisibles ;
- (d) chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où le contrôle de ce commerce est indispensable à l'intérêt commun ;
- (e) prendront les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement du commerce de tous les Membres de la Société, étant

of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

ARTICLE 23.

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

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

entendu que les nécessités spéciales des régions dévastées pendant la guerre de 1914-1918 devront être prises en considération ;

(f) s'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

ARTICLE 24.

Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des parties, placés sous l'autorité de la Société. Il en sera de même de tous autres bureaux et de toutes Commissions pour le règlement des affaires d'intérêt international qui seront créés ultérieurement.

• Pour toutes questions d'intérêt international réglées par des conventions générales, mais non soumises au contrôle de Commissions ou de bureaux internationaux, le Secrétariat de la Société devra, si les parties le demandent et si le Conseil y consent, réunir et distribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou Commission placée sous l'autorité de la Société.

ARTICLE 25.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales de la Croix-Rouge, dûment autorisées, qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

ARTICLE 26.

Les amendements au présent Pacte entreront en vigueur dès leur ratification par les Membres de la Société, dont les Représentants composent le Conseil, et par la majorité de ceux dont les Représentants forment l'Assemblée.

Tout Membre de la Société est libre de ne pas accepter les amendements apportés au Pacte, auquel cas il cesse de faire partie de la Société.

devastated during the war of 1914-1918 shall be borne in mind ;

- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

ARTICLE 24.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE 26.

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

2. Membres de la Société des Nations.

MEMBRES ORIGINAIRES.

(ANNEXE AU PACTE DE LA SOCIÉTÉ DES NATIONS, PARTIE I
DES TRAITÉS DE PAIX.)

Signataires du Traité de Paix.

États-Unis d'Amérique.	Haïti.
Belgique.	Hedjaz.
Bolivie.	Honduras.
Bésil.	Italie.
Empire Britannique.	Japon.
Canada.	Libéria.
Australie.	Nicaragua.
Afrique du Sud.	Panama.
Nouvelle-Zélande.	Pérou.
Inde.	Pologne.
Chine.	Portugal.
Cuba.	Roumanie.
Équateur.	État Serbe-Croate-Slovène.
France.	Siam.
Grèce.	Tchéco-Slovaquie.
Guatémala.	Uruguay.

États invités à accéder au Pacte.

Argentine.	Pays-Bas.
Chili.	Perse.
Colombie.	Salvador.
Danemark.	Suède.
Espagne.	Suisse.
Norvège.	Vénézuéla.
Paraguay.	

2. Members of the League of Nations.

ORIGINAL MEMBERS.

(ANNEX TO THE COVENANT OF THE LEAGUE OF NATIONS, PART I
OF THE TREATIES OF PEACE.)

Signatories of the Treaty of Peace.

United States of America.	Haiti.
Belgium.	Hedjaz.
Bolivia.	Honduras.
Brazil.	Italy.
British Empire.	Japan.
Canada.	Liberia.
Australia.	Nicaragua.
South Africa.	Panama.
New Zealand.	Peru.
India.	Poland.
China.	Portugal.
Cuba.	Roumania.
Czecho-Slovakia.	Serb-Croat-Slovene
Ecuador.	State.
France.	Siam.
Greece.	Uruguay.
Guatemala.	

States invited to accede to the Covenant.

Argentine Republic.	Persia.
Chile.	Salvador.
Colombia.	Spain.
Denmark.	Sweden.
Netherlands.	Switzerland.
Norway.	Venezuela.
Paraguay.	

*États admis par la première Assemblée de la Société des Nations,
Genève 1920.*

Albanie.	Costa Rica.
Autriche.	Finlande.
Bulgarie.	Luxembourg.

*États admis par la seconde Assemblée de la Société des Nations,
Genève 1921.*

Esthonie.	Lithuanie.
Lettonie.	

Premier Secrétaire Général de la Société des Nations :

SIR JAMES ERIC DRUMMOND, K.C.M.G., C.B.

*States admitted by the First Assembly of the League, Geneva,
1920.*

Albania	Costa Rica.
Austria.	Finland.
Bulgaria.	Luxemburg.

*States admitted by the Second Assembly of the League, Geneva,
1921.*

Esthonia.	Lithuania.
Latvia.	

First Secretary-General of the League of Nations :

SIR JAMES ERIC DRUMMOND, K.C.M.G., C.B.

**INTERNATIONAL LABOUR CONFERENCE.
THIRD SESSION.
GENEVA, OCTOBER, 1921.**

**SUPPLEMENTARY REPORT
ON
ITEMS II, III, IV, V, VI, VII
AND VIII
OF THE AGENDA.**

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INTERNATIONAL LABOUR OFFICE.
1921.**

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PRELIMINARY NOTE.

It was stated in the Preliminary Notes at the beginning of the Reports already issued on the different items of the Agenda that the replies of the Governments received after the 23rd July would be published in a Supplementary Report to be distributed immediately before the Conference. The present Report accordingly includes the replies to certain items of the Agenda of Albania, Australia, Chile, China, Czecho-Slovakia, France, Germany, Italy, the Netherlands, the Kingdom of the Serbs, Croats and Slovenes and Uruguay.

A number of these replies were received by the Office in time for their examination prior to the final drafting of the conclusions reached in the separate Reports on each item of the Agenda, and these conclusions would not appear, in general, to require modification in the light of the replies contained in this Report.

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CHAPTER I.

ADAPTATION TO AGRICULTURAL LABOUR OF THE WASHINGTON DECISIONS CON- CERNING THE REGULATION OF HOURS OF WORK.

The Questionnaire drawn up by the International Labour Office on this item was as follows :

A. — Are you in favour of the adoption of a draft international Convention regulating the hours of work in Agriculture ?

B. — If so, what special provisions should be provided in view of the peculiar conditions of agricultural production ?

(1) Do you consider it possible to limit the working day and the working week in agriculture to a maximum period, as has been done in industry ?

(2) Do you consider it preferable to fix the maximum period of agricultural work on the basis of a longer period (e. g., year or season) ?

(a) if so, what should the period be ?

(b) what maximum durations of work do you suggest during [the whole period] selected as the basis ?

(c) if a period longer than a week has been adopted as a basis, do you consider that the duration of the work during a day or a week ought not to exceed certain specified limits ? Would you agree to 10 hours per day or 60 hours per week ?

C. — How do you consider that the duration of the working day should be calculated ?

- (1) Should it, for example, include time spent on care of cattle and horses ?
- (2) Should it include certain additional tasks such as heating and cleaning ?
- (3) Similarly, should it include the time required for the workers to reach the place of their work and to return to their houses ?
 - (a) If so, should the distance be fixed beyond which time so spent should be included in the period of work ?
 - (b) What in your opinion should that distance be ?

D. — Do you consider that the Draft Convention, if any, could be applied to all agricultural businesses (*entreprises*) irrespective of the number of workers employed, or only to businesses employing a stated number of workers ? In the latter case, what in your opinion should be fixed by the Draft Convention as the minimum number of workers ?

E. — What exceptions, definite or permissible, should be admitted to the normal period as laid down by the draft ?

- (1) What categories of workers do you consider should not be subject to the Convention ?
- (2) Are you of opinion that tasks of a preparatory and supplementary nature should be allowed to constitute exceptions ? (If so, please state what, in your opinion, are these preparatory and supplementary tasks respectively, giving a detailed list.)
- (3) Do you agree that the National Authorities should be authorised to allow temporary exceptions to permit overtime during the day, in certain special cases ?

F. — What method of control do you suggest over the application of the terms of such a Convention (inspection, keeping of registers, etc.) ?

ALBANIA.

The Albanian Government has informed the International Labour Office that in its opinion the organisation of agriculture in Albania is such as to render useless any law limiting hours of work in agriculture. It is further stated that in Albania workers on the land are not, properly speaking, wage-earners, for they have a direct share, namely a third, in the profits of agricultural undertakings. In these circumstances the adoption of special protective measures would be of no value, since the peasants regulate their own conditions of work.

CHILE.

The Chilean Government prefaces its reply by giving an outline of the present economic position of agriculture in Chile, further details of which will be found in the Technical Survey of Agricultural Questions issued by the International Labour Office. The outline concludes by stating that it is considered that "Chilean agricultural industry has reached a stage of development capable of satisfying within a short time the national requirements" and that "with a wise agrarian policy 25,000,000 hectares might be devoted to production which are at present unproductive but capable of cultivation, while at the same time cultivation might be intensified on the 10 millions and upwards of hectares which at present belong to agricultural exploitations, but are either abandoned or given over to extensive cultivation."

The reply to the Questionnaire is as follows :

A. The agricultural work which employs the greatest number of workers is the harvest which takes place in summer. The working day at that period lasts from sunrise to sunset, that is, from 5 a. m. to 7 p. m., making a total of 14 hours, from which must be deducted 1 ½ hours for lunch and ½ hour for breakfast, or *12 hours effective work*.

For other work carried out at other periods of the year the working day is generally 10 hours.

Although it is true that the nature of the work involves health conditions superior to those in industrial work, it is equally true that women and children are employed in this class of work as much as in any other, and when consideration is further given to the introduction of a large number of machines in agricultural labour it is quite clear that there is an urgent necessity for regulating the hours of work and shortening them, and that the Washington Draft Convention concerning hours of work should consequently be adapted to agriculture.

B. Our Government, realising the necessity of limiting the hours of work in all industries, has introduced a Bill relating to the reduction of the working day to 8 hours in all industrial occupations, including agriculture.

(1.) As above indicated, our Government considers that the hours of work in agriculture should be limited in the same manner as they have already been limited in industry.

(2.) Our Government considers that it is more practicable to fix the maximum duration of the working day in accordance with the seasons.

(a.) (b.) (c.) (d.) In accordance with the considerations put forward above our Government, in the Code of Labour and Social Welfare presented to Congress in June of the present year, has proposed the following provisions with regard to agricultural labour.

“ Section 172. The working day in agriculture shall not exceed 10 hours in spring and summer and 9 hours in winter. Regulations, to be issued by the President of the Republic, may fix a longer period for work of a special character such as that carried out by persons looking after cattle and plantations. ”

C. (1.) In view of the minimum expenditure of muscular and cerebral energy involved in the care of cattle and horses, an exception might be established fixing the period between sunrise and sunset for this class of work.

(2.) We also consider that such additional tasks should be included in the working day.

(3.) In view of the difficulty of fixing a maximum and minimum time for workers to reach the place of their work, we do not consider that this time should be included in the working day. It should be borne in mind that certain forms of work require uniformity in the time of commencement and termination, or that the number of workers allotted to such tasks should all be present at the same time at the commencement and end of the task, which would not be possible if they arrived at their work at different times.

D. We consider that the Draft Convention should be applied to all agricultural undertakings irrespective of the number of workers employed. We think that the policy of protection of agricultural workers should be as broad as possible, especially in view of the fact that these workers have been most neglected by the interventionist policy of modern States.

The same principle which has been applied in the limitation of the hours of work in manufacturing industries, in which only home work and work carried on by members of the same family are exempted from the Draft Convention, should be applied to agricultural workers.

E. (1.) As regards the first question, we consider that the limitation of the working day should not be applied in an absolute manner to workers looking after cattle, enclosures for horses (*chacras*), vineyards and other agricultural plantations.

(2.) With regard to the second question, we think that tasks of a preparatory and supplementary nature should not be excepted.

(3.) In regard to the third point, the national authorities should be authorised to allow exceptions, as there may be cases of *force majeure* and other cases which affect public and national security which would necessitate the temporary extension of the working day.

F. The most effective method of control which is considered suitable is control by labour inspectors. In fact, with energetic sanctions against infringements, with a good system of inspection and expeditious methods for imposing fines and the establishment of "popular action" for taking legal measures against infringements, good results might be obtained.

Note: For further information contained in the reply of the Chilean Government concerning agricultural questions and the action being taken or proposed by the Government in this matter reference should be made to the Technical Survey of Agricultural Questions issued by the International Labour Office.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

A. The Government of the Czecho-Slovak Republic considers that it will be possible to adopt an international Draft Convention regulating hours of work in agriculture. By agriculture is understood the cultivation of field products, including the cultivation and harvesting of crops, and the preliminary stages of their preparation for home consumption or for sale, stock-rearing, bee-keeping, silk cultivation, and accessory work, as well as the working up of the produce. The regulation of working hours in agriculture is considered necessary at the present juncture, because the introduction of the eight hour day in industry is likely to affect the conditions of rural labour in a way which might give rise to the danger of an exodus of agricultural workers to the towns and industrial centres.

B. The hours of work could only be fixed by general and elastic regulations, and not according to the rigid methods applied to industry.

In fixing hours of work, the day should be taken as the fundamental basis. In making the calculation it would, however, be necessary to select a longer period (perhaps 4 to 12 weeks), or, if necessary, some other period corresponding to the length of the season of work. Thus, taking the eight hour day as a basis, it might be possible to fix the hours to be worked during four weeks at 192, or during 12 weeks at 576. •

It is not recommended that the working day should be fixed at 10 hours or the working week at 60 hours, as it is always possible to accomplish the necessary work by a liberal use of overtime.

C. The hours of work should include all actual work, not excepting the time spent in looking after cattle and horses, and in performing various accessory work such as heating and cleaning. The latter occupation should, however, be counted as overtime. The time required by the workers to go to and from their place of work should not be included in the hours of work.

D. The regulations concerning hours of work should apply to the larger undertakings only. Properties cultivated by their owners, with the assistance of their families and of resident servants, should be excluded.

Special attention should be given to the time required for looking after animals. This work requires 14 hours *per* day, with certain intervals.

In Czecho-Slovakia a rest-period of 12 hours is laid down for small properties on which only servants domiciled in their employer's house are employed. If the rest-periods taken during work are also added, a maximum actual working day of 10 ½ hours results. These regulations have, however, been found too narrow in practice.

E. Exceptions to the normal working hours in the form of overtime should be allowed at seed time and at harvest time, and in the case of necessary work which is dependent on the weather, as well as in the case of work dependent on natural forces which are not subject to human control.

The legal regulation of working hours should be applied to all kinds of agricultural workers, but there should be differentiation in the hours to be worked, as was explained above.

Special exceptions should be allowed for preparatory and supplementary work. This should include the care of animals at morning and evening, and the task of getting them ready for work, as well as the work of getting ready machinery, etc.

The Czecho-Slovak Government agrees that the authorities should allow exceptions to normal working hours after previous agreement between the employers' and the workers' organisations.

F. The supervision of working hours might be entrusted to the Labour Inspectorate under the local authorities.

GERMANY.

The reply of the German Government is as follows :

A. Germany has already regulated the hours of work in agriculture by the Provisional Order concerning agriculture. The German Government has no objection to international agreements for the regulation of hours of labour provided that the particular conditions in the various countries are sufficiently taken into account. In the case of Germany the dispositions of the Provisional Order on agricultural work should in principle be maintained as a basis.

It is doubtful whether such international agreements should take the form of a Convention or of a Recommendation. Agricultural conditions are so different not only in different countries but also in different parts of the same country that it will be difficult to arrive at an international settlement in the form of a Convention. The negotiations themselves will make this point clear.

B. It will not be possible to do without special provisions.

(1.) Generally speaking, the answer is in the negative. It would, however, be possible to regulate the hours worked in agriculture *per day* and *per week* by fixing a maximum number of working hours within certain limits. It would be best to leave this to collective agreements between the parties concerned. Legal regulation on the basis of an international Convention does not appear practicable.

(2.) It would be preferable to fix the maximum working hours for comparatively long periods of time.

(a) The period cannot be less than a year, and in limiting the hours it must be understood that overtime can be demanded if this is urgently required in the interests of production.

(b) The German Provisional Order concerning agricultural work of the 24th January, 1919, would in the opinion of the German Government be a suitable basis for international regulation. Section 3 of the Order provides that the maximum

daily working hours should be on an average 8 for 4 months, 10 for 4 months, and 11 for 4 months. This gives a yearly total of 2,900 hours. The distribution of these hours over the various months and weeks is settled by agreement between the parties concerned, and is applied with discrimination to the special conditions prevailing in each district. In many cases these maximum hours have been further reduced by collective agreement.

(c) cf. B (1.)

(d) cf. B (1.)

C. The amount of work accomplished during the day varies according as the hours of work include actual work only or whether they consist to a large extent in mere presence.

1. Ordinary care of live-stock, including horses, should not be included in the hours of work.

2. Subsidiary work, such as heating and cleaning, should not be included.

3. The time occupied by the worker in going from his house to the farm should not be included in the hours of work, because, generally speaking, the men are not given their work till they arrive at the farm.

D. There are certain objections to limiting the international regulation of hours of work to large estates, as countries where small properties are in the majority would be placed in a position of unfair advantage by not being bound by international agreements. International agreements should therefore be applicable to all agricultural workers. Special provisions should, however, be laid down for so-called farm servants, as the conditions of their work are peculiar (inclusion in the household).

E. An exhaustive list of exceptions cannot be given.

Examples are given below under headings (1) to (3).

(1.) Household servants should be excepted from any international regulation.

(2.) It is necessary to allow exceptions and modifications as regards the normal working hours in the case of the necessary preparatory and supplementary work. Work of this kind includes the care of cattle, milking, stoking and preparation of agricultural machinery (*e. g.* threshing machines, tractors and steam ploughs), before the general

working hours begin : *cf.* the explanations under headings C (1) and (2).

(3.) The German Provisional Order concerning agricultural work allows overtime and merely prescribes that it must be paid for separately. This principle could be followed by the international agreement.

F. The measures for the supervision of the application of the provisions concerning hours of work cannot be settled in detail by international regulation.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The Government is not in favour of the adaptation to agricultural labour of the Washington decisions concerning the regulation of the hours of work, the means of preventing and providing against unemployment or the protection of women and children.

The Minister for Social Affairs in communicating the reply of his Government to the agricultural questions figuring on the Agenda of the Conference stated that, in his opinion, the adaptation to agricultural labour of the Washington decisions concerning the regulation of hours of work, the protection of women and children and living-in conditions of agricultural workers would be premature for the Kingdom of the Serbs, Croats and Slovenes, as well as for the majority of the Members of the International Labour Organisation, in view of the great diversity of climatic conditions, soil, education and technical equipment. Further, the impossibility of reconciling the divergent and often opposing interests of countries in which agriculture is, as it were, industrialised and countries in which manual labour still predominates in agriculture would render fruitless all efforts towards the unification of national legislation in the sphere of agriculture.

CHAPTER II.

MEANS OF PREVENTING AND PROVIDING AGAINST UNEMPLOYMENT.

The Questionnaire drawn up by the International Labour Office was as follows :

I. — Do you consider that a Recommendation should be submitted to the Conference with regard to the special measures to be taken to prevent and provide against unemployment in agriculture ?

II. — Are you of opinion that the adoption of the following measures should be recommended :—

- (1) Increase of the area under cultivation, either by rendering land susceptible of cultivation which is not so at the present time, or by exploiting land at present uncultivated or insufficiently cultivated ;
- (2) The transformation of extensive cultivation into intensive ; increase of the labour employed per unit of cultivated land ;
- (3) Creation of small landed properties or landed farms by the development of agricultural credits ;
- (4) Improvement of general facilities ;
- (5) Facilities for transport and the organisation of workmen's trains ;
- (6) Home-work in the country during the winter ;
- (7) Creation of agricultural workers' co-operative societies for the working and purchase or renting of land ;
- (8) Other measures ?

III. — Are you of opinion that all members of the Organisation should be asked to provide an Annual Report dealing both with the application to agricultural workers of the Draft Conventions and Recommendations on unemployment adopted at Washington, and with the steps taken as regards the various measures set out in paragraph II above ?

CHILE.

The reply of the Chilean Government is as follows :

I. The Government considers it not only desirable but indispensable that a special Recommendation should be adopted with regard to the prevention of unemployment in agriculture. The variation of the prices of agricultural products in the markets produces a repercussion in the number of hectares cultivated annually, and, consequently, in the employment of a greater or less number of workers.

II. (1) The Government of Chile has considered this aspect of the problem, and in a Bill has provided for the sub-division of properties with a view to increasing the area under cultivation.

It is known that a minuter division of agricultural property involves a greater production of commodities directly or indirectly derived from agriculture.

(2) In view of the enormous extent of uncultivated land existing in our country, owing to lack of labour and ways and means of communication and transport, the problem of intensive cultivation does not present any immediate urgency. Nevertheless we consider it necessary to adopt means for transforming extensive cultivation into intensive.

(3) Our Government has specially interested itself in this point, not only by means of the development of agricultural credit, but chiefly by means of special legislation concerning the subdivision of property with a view to increasing the number of cultivable estates, developing agricultural property, and giving employment to the greatest possible number of workers.

In Chile agricultural mortgage credit has been greatly promoted by the Mortgage Credit Bank of Chile (*Caja de Crédito Hipotecario de Chile*) created by the Act of the 29th August, 1855, amended and supplemented by an Act of the 16th June, 1859, an Order of the 11th May, 1860, a decree of the 10th September, 1883, an Act of the 10th January, 1884, and Acts of the 7th December, 1882, the 20th February, 1906, and the 9th November, 1908.

(4) The Government is equally interested in the colonisation of the enormous agricultural areas in the south of the country, and would accordingly support any proposal

made with a view to adopting a general plan of colonisation for agricultural countries. A Regulation of the 1st September, 1899, is at present in force in Chile.

(5) We consider it of importance that the State should itself transport workers gratuitously to their places of agricultural work, or should at least contribute 50 % for this purpose. In the latter case the employer should repay to the Employment Office the respective amounts which he might deduct from the wages of the worker. The Government of Chile during the recent industrial crisis granted free transport to workers who desired to enter agricultural employment. Passages were granted to 31,144 workers at an average cost of 15 *pesos*, or a total of 471,660 *pesos*, not including the expense of transport of the workers from the employment from which they had been dismissed in the centre of the country, which represents more than 2,000,000 Chilean *pesos*.

(6) It would naturally be useful to recommend the adoption of this measure, but we do not consider that it would produce appreciable results except in regard to a limited number of workers, since such work by its very nature could not employ all or even the majority of the workers employed in extraordinary agricultural work, such as harvesting. What it would be desirable to recommend is that the industries engaged in the transformation of certain agricultural products should be associated with agricultural production. This system, which is already adopted by other industrial establishments, might in our opinion be adopted in agriculture.

(7) We consider these proposals of the highest importance, but at the same time we think it indispensable to begin by developing the co-operative spirit among workers. For this purpose the teaching of co-operative methods in agriculture should be introduced into higher elementary education, together with the practical agricultural instruction which is given in some countries, including Chile. By this means future generations would be prepared for activities of this nature.

(8) Among other measures which in our opinion might contribute to remedy unemployment in agriculture is the assignment of a certain sum in the annual budget of each nation to emergency work such as irrigation, planting, con-

struction and repair of roads, which should be carried out during periods of unemployment.

It is also desirable to prohibit the existence of properties exceeding a certain number of hectares, and to impose taxes on large estates. By these means medium and small holdings would be encouraged, as well as the subdivision of property, which would involve the employment of a larger number of hands in agricultural undertakings.

III. It is very desirable to carry out such investigations with a view to a thorough verification of the application of these Conventions, and the practical results which they may produce in combating unemployment in agriculture.

Note : See also note on page 14.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

I. Suitable measures should be taken to remedy agricultural unemployment. In Czecho-Slovakia there is an excessive number of agricultural workers in the provinces of Slovakia and Ruthenia. In all other districts there is a shortage of agricultural labour.

II. The following measures against unemployment appear to be desirable :

(1.) Increase of the area under cultivation. This would not, however, produce great results in Czecho-Slovakia, as there is very little uncultivated land which could be brought under cultivation.

(2.) The transformation of extensive cultivation into intensive. This could be carried out by the transformation of the public forests and pasture lands into arable land. The increase of the number of workers employed *per* unit of cultivated area depends on the settlement of workers on the land and also on the question whether intensive cultivation is more or less profitable than extensive cultivation.

(3.) Agricultural credit on favourable terms. The value of this system has long been recognised in Czecho-Slovakia. Encouragement is given both to mortgage loans and to other loans intended to assist agriculture.

The oldest agricultural bank in the country, the Czech Agricultural Bank, was founded in 1864, and similar institutions have been set up in Moravia and Silesia. The Czech Provincial Bank has allowed loans for terms of several years since 1889. The agricultural societies have set up a close network of loan funds on the Raiffeisen and Schulze-Delitzsch systems.

(4.) The settlement of workers on large estates has been carried on ever since the Republic was set up, both by the partitioning of estates and by the formation of agricultural co-operative societies working either on an individual or on a collective system. Immediately after the war and the subsequent *coup d'Etat*, a number of important laws on agrarian reform were passed.

(5.) Transport facilities for agricultural workers are of great importance, not only as regards the emigration of seasonal workers, but also to enable the workers to go to their daily work, as agricultural workers are employed in the towns during the winter when field work is over.

(6.) Small proprietors should be provided with employment during the winter in seasonal industries, such as sugar-refining, malt-roasting and starch manufacture. They might also be employed in the forests. Encouragement should further be given to home-work such as the manufacture of toys and lace, weaving, etc.

(7.) Co-operative societies of agricultural workers which engage in production exist in Czecho-Slovakia. In particular, there are agricultural societies which work either on the individual or collective system. This movement is due to the recent agrarian reforms and is still in its infancy.

III. The Czecho-Slovak Government agrees that the Members of the Organisation should make an annual report on the application of the Washington Conventions and Recommendations concerning unemployment and the action taken with regard to the various measures referred to in paragraph II.

GERMANY.

The reply of the German Government is as follows :

I. The German Government has no objection to this proposal. In view, however, of the different conditions prevail-

ing in different countries it will be difficult to arrive at uniform principles.

II. (1)-(7.) Yes. The proposed measures are well-fitted to further the desired end. Some of them are already in process of application in Germany, especially as regards points 1, 3, and 4.

III. There is no objection to the sending of an annual report.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The Government is not in favour of the adaptation to agricultural labour of the Washington decisions concerning measures for preventing and providing against unemployment.

The Minister for Social Affairs in communicating the reply of his Government observed that the measures proposed with regard to unemployment in agriculture by the International Labour Office in the Questionnaire might, in general, produce much benefit in all countries ; on the other hand, the scope of these measures and the heavy financial charges which they involve would make it very difficult, if not impossible, for a large number of States to apply them systematically and regularly. The Minister expressed the opinion that excellent results could be obtained by means of these same measures if the States were free to apply either all of them or some of them so that each country could choose those which were in conformity with its special conditions. It would, therefore, be preferable to propose to the Conference the adoption of the measures suggested by the International Labour Office in the form of a Recommendation rather than in the form of a Draft Convention.

CHAPTER III.

ADAPTATION TO AGRICULTURAL LABOUR OF THE WASHINGTON DECISIONS CONCERNING THE PROTECTION OF WOMEN AND CHILDREN.

PART I. — PROTECTION OF WOMEN BEFORE AND AFTER CHILDBIRTH.

The Questionnaire drawn up by the International Labour Office was as follows :

A.—Do you consider it possible that women employed in agriculture should benefit by the measures passed at Washington for the protection of women before and after childbirth?

B.—To what categories of female agricultural workers do you think that these protective measures should be extended?

C.—Do you consider that a distinction can usefully be drawn between businesses (*entreprises*) employing only a few women separately, and those which employ female labour in groups of several women ?

CHILE.

The reply of the Chilean Government is as follows :

A. The Government of Chile considers it absolutely necessary that the Convention adopted at the Washington Conference concerning the employment of women before and after childbirth should be extended to women employed in agriculture, and is of opinion that there is no valid consideration in support of an exception.

B.—Protective measures should apply to all agricultural women workers without distinction.

C. No distinction whatever should be made. The life of a woman (and of the child which she is about to give to the world) employed separately is quite as important as that of a woman working among a group of other women.

Note. See also note on page 14.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

A. The protection of women employed in industry and commerce before and after childbirth was laid down at Washington in so definite a manner that it appears very difficult not to extend it to women employed in agriculture. It must be remembered that it is not only the mother who requires protection, but also the child who needs particular care during the first period of its existence.

B. Protective measures should be applied to all categories of agricultural workers without exception, as the dangers to mother and child are the same for all.

C. There is no sufficient reason for differentiating between undertakings employing only a few women separately and those which employ female labour in groups.

GERMANY.

The reply of the German Government is as follows :

A. Increased protection for women employed in agriculture before and after childbirth is desirable. It will not, however, be possible or necessary to apply all the measures adopted at Washington to agriculture.

B. Any protective measures should apply to all women employed for pay.

C. No distinction can be usefully drawn between undertakings employing only a few women separately and those employing female labour in groups.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

See page 18.

PART II. — NIGHT WORK OF WOMEN IN AGRICULTURE.

The Questionnaire drawn up by the International Labour Office was as follows :

A.—Do you consider that the Draft Convention adopted at Washington as regards the employment of women during the night should be adapted to cover the case of women employed in agriculture ?

B.—By what measures, with what modifications, and to what extent do you consider that the Draft Convention regarding employment of women at night, which was adopted at Washington and which was largely identical with the Berne Convention of 1906, should be applied, if at all, to agricultural workers ?

C.—What meaning, in your opinion, should be attached to the term “ night ” when applied to agricultural labour, and what hours should constitute the period so described ?

D.—To what categories of agricultural women workers do you consider that such a Convention should apply ?

E.—What measures of control would you suggest in case of such a Convention ?

CHILE.

The reply of the Chilean Government is as follows :

A. Notwithstanding that night work in agriculture is very restricted, and almost exclusively limited to men, it is desirable to extend the Washington Convention concerning the night work of women to agriculture, especially with a view to making the protection of women's labour as complete as possible.

B. Our opinion on this point is embodied in the Bill relating to the work of women and children presented to Congress in January, 1920, which is practically identical with the provisions of the draft Code of Labour and Social Welfare. The Bill prohibits the employment of children

under twelve years, and imposes certain limits on the employment of children, of young persons above that age and of women.

C. The term " night " in our opinion should in this case comprise the hours between 8 p. m. and 6 a. m.

D. and E. As regards questions D. and E. we consider, as in the previous case, that no distinction should be made in the categories of women workers, and that the most efficacious measure of control is labour inspection. Supervisory powers should also be granted to the agricultural organisations.

Note. See also note on page 14.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

A. It is desirable that the prohibition of night work for women which was adopted at Washington as regards industry, should be extended to agriculture. Work of this kind was prohibited in Czecho-Slovakia by the Act of the 19th December, 1918, No. 91.

B. Night work may be allowed as an exceptional temporary measure for a shorter number of hours in the case of women over 18 in businesses and undertakings which work up raw materials or perishable articles. The Government might also allow certain kinds of undertakings as an exceptional measure to employ women over eighteen at night, if this is necessary for the continuous working of the undertaking, or if considerations of the public interest so require. In these cases the work on which the women are to be employed should not be of a heavy nature.

C. By night work is understood the time between 10 p. m. and 5 a. m.

D. The prohibition of night work for women should apply to all classes of agricultural workers.

E. The Factory Inspection Department could be entrusted with the necessary measures for the supervision of the application of these provisions.

GERMANY.

The reply of the German Government is as follows :

A. A rigid application of the Washington Draft Convention is not possible. Night work does not as a rule take place in agriculture ; women in particular, however, are often obliged to work during the hours of the night in the sense of the Washington decisions, *e. g.* as regards the farrowing of sows, the milking of cows when the milk has to be sent away by a special early train, and attendance on workers who arrive home late. Instead of a rigid definition of the term " night " it would be better to provide for such cases by fixing a minimum rest-period.

B. This question must be settled in the future Agricultural Workers' Code, of which the Provisional Order concerning agricultural work of the 24th January, 1919, (*Reichsgesetzblatt*, page 111) is the forerunner.

C. It is difficult to fix the hours in a uniform manner. Account must be taken of differences of climate, agricultural methods and geographical situation.

D. The categories of workers to be covered should be women who are regularly employed, and, in many districts, also women day-labourers who are not regularly employed.

E. Supervision in each country should be entrusted to labour associations or joint committees of agricultural employers and workers.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

See page 18.

PART III. — ADMISSION OF CHILDREN TO EMPLOYMENT IN AGRICULTURE.

The Questionnaire drawn up by the International Labour Office was as follows :

A.—Are you of opinion that the Draft Convention adopted at Washington fixing the minimum age of admission of children to industrial labour should be applied to agricultural labour ?

B.—Do you consider that, during the period when schools are open, child-labour should be forbidden on the land ?

- (1) Should this prohibition be absolute ?
- (2) Could child-labour be authorised during a certain number of hours before and after the time of the opening of the school ? If so, for how many hours ?
- (3) Until what age do you propose that child-labour should be forbidden in the fields ?
 - (a) absolutely ;
 - (b) for a limited amount of work performed after school.

C.—Ought the prohibition to apply to children employed by their parents on land which is worked with no outside assistance ?

D.—Do you consider that the age of admission generally authorised should be raised for certain types of labour ? If so for what types of labour ?

E.—Do you consider that during the holidays the children should be allowed to accompany their parents to work in the fields ? If so, from what age ?

F.—What measures of control do you propose ?

CHILE.

The reply of the Chilean Government is as follows :

A. In the matter of labour legislation and of the intervention of the State in industrial and economic matters,

there are certain principles which are finally established, and which constitute incontestible doctrines, and give rise to principles of positive legislation universally accepted. Among those principles few are so clear as that which confirms the right and duty of the State to provide by all means in its power that the work of women and children shall be carried on under conditions favourable to health, security and morality...

B. (1.) Undoubtedly. In order to comply with the Act relating to compulsory elementary education, which has been in force in our country since the 1st March, 1921, it is indispensable to prohibit child labour in agriculture, at least during the hours when schools are open.

The prohibition in question would not prejudice Chilean agriculture, as the work in which children are employed on the largest scale (namely, work connected with the harvest) is carried out in Chile during the school holidays, that is, after the 15th December.

(2.) With regard to paragraph 2, such labour should only be authorised after school hours, since, if work is permitted before the commencement of school, it will happen that the child will not be able to reach school in proper time, owing to the distance, often considerable, between the country schools and the farms, or will arrive exhausted, and be unable to profit by the instruction owing to fatigue resulting from the work.

(3.) Child labour should be absolutely prohibited up to 12 years of age.

The employment of children between 12 and 14 years of age in agricultural labour might be authorised, but only during the hours after the close of school.

C. We do not think that this class of labour should be subjected to any other obligation than that imposed by the compulsory elementary education law.

The law should always respect family labour. If such labour has so far been excluded from the general regulations established for industrial labour, we consider that the same principle should be followed in regard to agriculture. There is moreover in this case a reason of a psychologico-social character for such exclusion, namely the difficulty of controlling its infringement. Where such control cannot be established in an effective form, it is preferable to suppress

the sanction, since the fact that legal provisions for the protection of workers can be violated with impunity would lead to disparagement of State action in favour of the workers, a disparagement which it would be prudent to avoid.

D. The age of admission to agricultural labour should be raised to 18 years in the case of work having the characteristics of industrial work, or in other words where machinery is employed, whether in the actual gathering of crops or in the transformation of the products of the harvest, *e. g.* in the harvesting of wheat and other cereals, when industries for transforming cereals are connected therewith ; if machines are employed in harvesting ; in the work of vintage and wine production ; and, generally speaking, in all work in which machinery is employed.

E. During the holidays it is natural, and even beneficial, that children should accompany their parents to work in the fields, but care should be taken that children are not so employed below 12 years of age, and that the restrictions already mentioned are observed in all cases.

F. The most effective measure of control in our judgment is Government inspection of labour, and the obligation which should be imposed on employers to keep a register recording the ages of the workers employed in their undertakings.

Since, however, the nature of the work and the area of undertakings might render such inspection illusory, the supervision of the carrying out of conventions might be confided to the agricultural workers' organisations.

Note. See also note on page 14.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

A. The Government of the Czecho-Slovak Republic agrees that the employment of children should be prohibited in agriculture as well as in industry.

The Czecho-Slovak Act of the 19th December, 1918, concerning the eight hour day and the Act of the 17th July, 1919, concerning the employment of children, absolutely

prohibit the employment of children for a regular wage or any other form of remuneration. An exception is allowed with regard to agricultural and household work, which children over 10 may be employed on the express condition that the work is of a light nature. There can, of course, be no question of a labour contract or of hired work.

B. The Czecho-Slovak Government considers that agricultural work for children should be prohibited during the school year.

(1) This prohibition should not be absolute as regards paid work.

(2) The above-mentioned Act concerning the employment of children on light work without a labour contract permits the employment of children for two hours on school days. It is prohibited to employ them before school in the morning or for the two hours immediately preceding the beginning of afternoon school. In the case of agricultural and domestic work the prohibition is limited in general to the two hours before school begins. A rest period of one hour must be allowed after the end of school hours.

During the holidays, children may not be employed for more than four hours in agriculture or six hours in domestic work. They may not be employed on Sundays or on the hol days prescribed by their religion.

Children employed in agricultural and domestic work must be allowed an unbroken rest-period of ten hours. By the nightly rest-period is meant the time between 8 p. m. and 6 p. m. The authorities may as an exception fix different limits for the rest-period, but they may not decrease the unbroken period to be allowed according to law.

The employment of children on other kinds of work is prohibited between 8 p. m. and 7 a. m.

Temporary exceptions are allowed in the case of urgent work which is necessary in the public interest, especially when it is a question of getting in the crops. Children may be employed regularly in agricultural and household work on Sundays and public holidays in cases of urgent work.

(3) The employment of children is subject to the express condition that the work should not be injurious to their health or to their physical and moral development. The provisions laid down by law concerning education must also be observed.

In industry the employment of children under fourteen

is prohibited. In agricultural and domestic work, however, the age limit is reduced to ten on the express condition that the children are only employed on light work and that the provisions concerning school attendance, nightly rest and Sunday rest are observed.

C. This prohibition includes not only employers but also proprietors who work their land with the assistance of members of their family.

D. If the principle of the employment of children over ten in agricultural and domestic work is adopted in international legislation, the age limit should not be further reduced.

E. During the holidays the employment of children with their parents on agricultural work is authorised, subject to the conditions mentioned under heading B, *i. e.*, the employment of children over ten on light work without a labour contract is permitted in agricultural and domestic work on condition that the provisions concerning night and Sunday rest are observed, and that the hours worked *per* day do not exceed ten.

F. The supervision of the application of the laws could be carried out by the Factory Inspectors, local authorities and education authorities, with the support of public and private organisations for the protection of children.

GERMANY.

The reply of the German Government is as follows :

A. It is considered that the Washington Convention should apply to children employed in agriculture, but the age of admission to light work might be lower than 14. A list of the kinds of light work allowed might be drawn up with the collaboration of the representatives of the interests concerned. The regulations should, in general, apply only to children not belonging to the family who are employed for pay or for other remuneration.

B. (1) There should be limited prohibition of child-labour on the land during the period when the schools are open.

(2) Such labour could be authorised during a certain

number of hours before and after the time of the opening of the schools.

(3) It is difficult to lay down general rules with regard to a minimum age limit for work in the fields. It depends on the state of physical development of the child and also on the more or less heavy nature of the work (see also A). Careful investigation in each country would therefore first be required. The hours of work during the holidays might be longer, while the hours worked before and after school must be limited.

C. The prohibition should not apply to children employed by their parents on land which is worked with no outside assistance.

D. The age of admission should be raised in the case of certain kinds of work which should be specified for each country, and if possible for each district. It is therefore desirable to leave a settlement of this question to the administrative officials who should consult the representatives of the employers and workers.

E. Children should be allowed to accompany their parents to work in the fields. (See reply to Question A.)

F. This should be done in each country by the authorities dealing with education, welfare and the protection of children as well as the authorities mentioned in reply to Question E concerning night work for women.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

See page 18.

PART IV. — NIGHT WORK OF YOUNG PERSONS IN AGRICULTURE.

The Questionnaire drawn up by the International Labour Office was as follows :

A.—Do you consider that the Draft Convention adopted at Washington concerning the night work of children should be adapted to the case of children working in agriculture ?

B.—What, in your opinion, is the meaning to be attached to the term “ night ” as applied to child-labour in agriculture, and what are the hours which should constitute the period so described ?

C.—Until what age do you consider that the employment of children during the night should be prohibited ? What measures of control do you advocate ?

CHILE.

The reply of the Chilean Government is as follows :

A. We consider it indispensable to apply to agriculture the general provisions of the Washington Conference concerning the night work of children. Although the number of children employed in night work in agriculture is small, we think the same reasons which exist for prohibiting night work in industry deserve consideration in regard to agriculture.

B. We have already defined the term “ night. ” We mean by this term the period between 8 p. m. and 6 a. m. It might, however, in some cases be applied to the time between sunset and sunrise, or 7 p. m. and 5 a. m. in the summer and 6 p. m. and 6 a. m. in the winter.

C. We consider that the age should be fixed at 18 years for the reasons already given.

D. The same measures as have been indicated in the reply to question E, relating to the night work of women.

Note. See also note on page 14.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

A. In the Czecho-Slovak Republic night work for young persons of the male sex under 16 years of age is prohibited in all kinds of work including agriculture. In the opinion of the Czecho-Slovak Government it would be desirable that a similar prohibition should also be issued in other countries. From the point of view of humanity it is absolutely necessary to prohibit the employment of children on any kind of night work. Night work is prohibited for women of all ages.

There are, however, exceptions in the case of women over 18 whom it is necessary to employ in agriculture because it is technically impossible to interrupt the continuous working of the undertaking or on account of considerations of public interest. Such employment is in all cases subject to the condition that the work in question is of a light nature.

B. Night work in all branches of industry is understood to mean work between 10 p. m. and 5 a. m.

C. The prohibition of night work might be applied to young persons under 16.

The supervision of the execution of the necessary provisions might be entrusted to the Labour Inspectorate, assisted by the worker's organisations.

GERMANY.

The reply of the German Government is as follows :

A. The Washington Convention should be adapted to the case of young persons employed in agriculture.

B. This depends on the climate and geographical position of the country. In the case of Germany "night" should in general be defined as the time from 8 p. m. to 6 a. m.

for young persons. Exceptions must be allowed for certain kinds of night work.

C. Night work of children in agriculture should be prohibited, if possible, until the age of 16. Exceptions should be allowed in certain conditions (small peasant properties). Control should be exercised by authorities dealing with welfare and protection of children. (*Cf.* also reply to Question F concerning the admission of children to employment in agriculture.)

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

See page 18.

CHAPTER IV.

19

SPECIAL MEASURES FOR THE PROTECTION
OF AGRICULTURAL WORKERS.

PART I.

TECHNICAL AGRICULTURAL EDUCATION.

The Questionnaire drawn up by the International Labour Office was as follows :

1. Are you ready to support a Recommendation aiming at the development of technical agricultural education in all countries ?

2. What special measures do you consider should be brought to the notice of the Members of the International Labour Organisation ?

(a) The organisation of technical agricultural education in primary schools ?

(b) The organisation of practical agricultural education for town children during their school holidays ?

(c) The organisation of extension and continuation courses ?

(d) The organisation of higher schools for the training of agricultural engineers and directors of enterprises (*exploitations*) ?

(e) The organisation of special free courses for adults ?

(f) The organisation of schools of domestic science ?

3. Do you consider it advisable that a report, containing full information as to the application of the laws, the money expended and the measures taken, be required to be made annually to the International Labour Office in order that the experience gained and the progress made could be placed on record ?

CHILE.

The reply of the Chilean Government is as follows:

1. The Government of Chile is prepared to support a Convention aiming at the development of technical agricultural education, a subject to which it has given considerable attention during recent years.

2. (a.) There exists at present in Chile in every elementary school a class in agriculture and a field for agricultural experiment, in which the fundamental notions of the classes of cultivation appropriate to the regions in which the school is carried on are taught to the children theoretically and practically. As regards the organisation of technical agricultural education in primary schools, we consider that it would not be wise to do this except in the final course of the superior primary schools in agricultural districts, since it would require qualifications of a superior order.

For the purpose of diffusing agricultural instruction among the teaching staffs of elementary schools, the Government of Chile has established annual courses of agricultural instruction given by professors of the Agronomic Institute.

(b.) As regards this point, we consider that it would be very useful for town children to be practically instructed in agricultural questions during their holidays....

(c.) This would be another wise measure for encouraging agriculture.

(d.) As regards this point, Chile has for many years given special attention to the creation of higher schools of agricultural engineers and directors of agricultural undertakings. The State has given special attention to such instruction.

(e.) Our country considers a Convention on these subjects very desirable and has repeatedly organised special free courses both in agriculture and its derivative industries,—poultry farming, horticulture, viticulture and dairy work.

(f.) The Government has, moreover, organised itinerant courses in agriculture which have been held throughout the various regions of the country and are equipped with complete material, technical staff and laboratories. There is a special train for the purpose, with laboratories and equipment, which goes every year to the various parts of the country for the purpose of courses on various agricultural subjects.

3. We consider that an annual report of this nature would be in the highest degree useful.

Note : See also note on page 14.

CHINA.

The reply of the Chinese Government is as follows :

Technical agricultural education in China has been very widely extended in recent years. The Ministry of Agriculture and Commerce has established many experimental stations on agriculture and afforestation, on cotton, tea, and sugar plantations and on cattle breeding. They are all under the control of the Central Government. Different provincial authorities have also established stations of their own. The result of any experiment made is always published for the benefit of farmers.

An annual exhibition of farm products is held in every station and farmers are also encouraged to exhibit their own products for which prizes are given.

There is a Bureau of Extension Work on Agriculture and Forestry in Peking and also in eight other districts. Members of these bureaux often tour farming districts to give demonstration lectures.

There are fifty-four agricultural schools of high-school standing, with more than six thousand students. The number of graduates is about nine hundred every year. In addition, there are two hundred and forty agricultural schools of grammar school standing, with nine thousand eight hundred students. The annual number of graduates is about one thousand one hundred. Middle schools and normal schools maintained by the Government also give courses on agriculture. All these graduates are employed either on farming or in one of the agricultural institutions.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

1: The Czecho-Slovak Government would be prepared to accept a decision of the International Labour Conference

recommending the development of technical agricultural education in all countries.

2. (a.) and (b.) For this purpose the attention of the Members of the Organisation should be drawn to the necessity of giving agricultural instruction both in the elementary and in the secondary schools. It may be added that adult students in the large towns might undertake agricultural work during the harvest season. This system attained considerable success during the war.

(c.) The institution of continuation courses to provide supplementary instruction for farmers or for persons who have attended the special agricultural schools is to be recommended. Courses of this kind were instituted some time ago in Czecho-Slovakia and have been very successful.

(d.) There are also in Czecho-Slovakia higher schools for the training of agricultural engineers and managers of estates. There are two schools of this kind for the training of agricultural and forestry engineers at Prague and Brno (the Polytechnical School). At Liebverda near Decin there is a high school for the training of German agricultural engineers. These schools will be sufficient for the requirements of the country for a long time to come.

(f.) A model organisation of housewifery schools has been set up in Czecho-Slovakia. Co-education has been introduced in all the agricultural schools and in addition independent housewifery schools have been instituted. These include secondary housewifery schools with a course lasting one or two years, regular summer courses lasting five months, which are connected with the agricultural schools, and a large number of periodical itinerant courses lasting three months.

3. The Czecho-Slovak Government would be prepared to send annual reports to the International Labour Office containing information as to the application of the laws, the money expended, the results achieved and the experience gained.

GERMANY.

The reply of the German Government is as follows :

The questions cannot be satisfactorily answered individually and in the order of the Questionnaire. A general

review of the development and condition of agricultural education in Germany is therefore given below.

This review is dealt with in the Technical Survey of Agricultural Questions issued by the International Labour Office, to which reference should be made. It would, however, appear from the review that the German Government would be in favour of a Recommendation aiming at the development of technical agricultural education in all countries.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The reply of the Government is as follows :—

1. Yes.

2. (a) It would be desirable to combine elementary education in all country primary schools with the general principles and practice of agricultural instruction, in order to take advantage of the facilities for demonstration in fields, meadows, gardens, etc., which are always to be found within reach of such schools. To encourage children's natural love of nature and country occupations, it would be useful to furnish each country primary school with a small garden designed according to a special plan in order that the children may have constantly before their eyes the principal agricultural objects, — the earth, agricultural implements, animals and plants — and may accomplish, under the supervision of their masters, the simplest and easiest agricultural tasks suitable to their age and physical development.

(b) The organisation, in country districts adjoining towns, of practical agricultural courses for town children during their holidays would be of great utility from the point of view of their health and of the success of agricultural instruction. In many towns, the custom is to send children to spend their summer holidays in the country, where they indulge in sports and gymnastic exercises, and undertake excursions, all of which contribute greatly to re-establish their health, compromised by a prolonged stay in the town. If small groups of these children were sent to different villages, with a certain amount of agricultural labour to perform

during the summer season, this would benefit their health and at the same time would be profitable both to the children and to the farmers by whom they were employed. Another result of this method, much more important than the first two, would be the love of agricultural work which the children would thus acquire, and which would create a preference for agriculture and consequently a growing demand for the introduction of agricultural instruction in schools as well as an increase in the number of pupils in agricultural schools of all classes.

(c) The organisation of extension and continuation courses.

(i) For children living in the country with their parents the organisation of courses on the model of the American agricultural boys' and girls' clubs after they have left the primary schools would be of great utility. As heads of these institutions there might be appointed, in the first place, the teachers of country schools, and in the second place clergymen and young people who have received an agricultural education. This staff would be charged, in collaboration with the local organs of agricultural administration, with the education of the members of these clubs, with a view to preparing them fully for agricultural, social and economic work. In order that the teachers may be able to carry out this task well, agricultural instruction should occupy quite an important place in teachers' training schools and in theological schools.

(ii) For children who desire to avail themselves of agricultural instruction after leaving the primary schools there should be created in the towns secondary schools with a system of instruction adapted to the conditions of agriculture. Another alternative designed to produce the same result would consist in the utilisation of the first four classes in the grammar schools and public schools, by adapting them to the agricultural requirements of the districts. It would further be necessary to arrange schools for practical instruction in agriculture of a lower grade, for the study of agriculture in general and of its different branches.

(iii) Besides the lower-grade agricultural schools it would be necessary to create also middle-grade schools, either independent or attached to grammar schools, public schools and colleges in the towns of secondary importance, after the fashion of those which exist already to prepare students

for other professions, with a view to qualifying them as directors of medium-sized agricultural enterprises and as itinerant teachers of agriculture.

(d) These duties should be entrusted to the agricultural faculties at the universities.

(e) Courses of this kind should be organised in every province or district. The special staff should include a director and several specialists for the different branches of agriculture, and in each district there should be a special institution for technical agricultural education. All the staff should be mobile in order to be capable of meeting on the spot all the needs of the district to which they are attached and to contribute to the extension of agricultural knowledge amongst the rural population by means of practical instruction and of courses accompanied by demonstrations.

(f) Such an organisation would be desirable for the instruction of girls in those branches of agriculture which relate to housekeeping in general, and in particular to the management of a farm household. The measures mentioned regarding the agricultural instruction of boys are also desirable. In the case of girls, the organisation should comprise both a stationary institution and an itinerant system. Consequently, it would be advisable to create schools of domestic science designed to educate village girls in agricultural and household management, to make them good housekeepers, and to establish also courses of domestic economy. Similarly, it would be necessary for each district to have a special representative on the administration which deals with agriculture, and that this representative should propagate agricultural knowledge amongst young men. A specially qualified woman would likewise be required to instruct village girls in domestic economy.

3. Yes.

PART II.

LIVING-IN CONDITIONS OF AGRICULTURAL WORKERS.

The Questionnaire drawn up by the International Labour Office was as follows :

1. Are you of opinion that the Conference should adopt a draft international Convention regulating the living-in conditions of agricultural workers ?
2. If so, to what categories of workers should such a Convention be applied ?
 - (a) To all workers provided with accommodation by their employers, whether individually or by groups ?
 - (b) To all workers lodging in the house or adjoining buildings of their employers ?
 - (c) To all workers living elsewhere than in the houses and farms of their employers ?
3. Do you consider that sanitary measures similar to those introduced for industry should be introduced for land workers provided with accommodation by their employers ?
 - (a) Prohibition of the lodging of agricultural workers in stables or out-houses.
 - (b) Measures with regard to the cubic space of sleeping accommodation.
 - (c) Measures of ventilation ; what measures do you suggest ?
 - (d) Measures as regards protection against changes of temperature and as regards heating, etc.
 - (e) Measures as regards sleeping accommodation ; one bed per worker.
 - (f) Measures as regards washing and sanitation ; drinking water, lavatories, etc.
4. Are you of opinion that this Convention should provide sanitary regulations for places of work and farm buildings, similar to the regulations relating to industrial premises ?
5. What methods of control do you suggest for the application of such a Convention ?

CHILE.

The reply of the Chilean Government is as follows :

1. We are strongly in favour of a Draft Convention of this character. Chile has already given attention to this subject. A Bill has been prepared dealing with the improvement of workers' dwellings in agriculture and the same provisions are included in similar terms in the Draft Code of Labour and Social Welfare presented by the Government. We consider it desirable to adopt a model type for agricultural workers' dwellings.

2. (a)(b)(c)(d). We consider it indispensable to regulate the hygienic conditions of the housing of all agricultural workers, whether housed separately with their families or in groups. Such regulation could only be effectively carried out for workers lodging in buildings adjoining the houses of their employers. As regards those lodging in the houses of their employers it would be desirable to adopt a Recommendation for the application of the minimum necessary hygienic and sanitary conditions required by the laws in force for town dwellings.

In view of the tendencies of the interventionist policy which the Government of Chile has followed since 1906 (embodied in the law on this subject) which has gone so far as to require the demolition of unhealthy dwellings in towns, we consider that the same provisions should be extended to rural dwellings by whomsoever owned and in whatsoever district situated... We consider that minimum regulations concerning hygiene and health should be applied to all dwellings without exception.

3. The agricultural industry employs a great number of workers, who up to now have been almost entirely neglected by the interventionist policy of the State. The lives of the agricultural workers being as important as those of the workers in any industry, we consider it eminently desirable to improve as far as possible their conditions of life and especially their housing. In view of the introduction of machinery, the establishment of intensive cultivation, and the industries connected with agriculture, agricultural industry is losing more and more its character of an industry *sui generis* and patriarchal and is approximating to the character of manufacturing industry. All these reasons must weigh in

favour of extending to agriculture all the protection which the law affords to industrial labour.

(a.) For the reasons already explained, we consider that the lodging of agricultural workers in stables or outhouses should be prohibited.

(b.) We also consider that the cubic space of sleeping accommodation should be regulated, and that, as a general rule, it should not be less than 12 cubic metres *per* person.

(c.) With regard to measures of ventilation, these should be fixed by a technical commission, taking into consideration the climate and special conditions of each country, and for this reason we do not propose concrete measures.

(d.) In all buildings intended for workers' dwellings in countries with a cold climate, measures should undoubtedly be taken for avoiding sudden changes and maintaining the necessary heat. In agriculture a system of heating by wood or charcoal stoves would be comparatively easy.

(e.) It is clearly indispensable that each worker should have his own bed. For this purpose the employer should supply him at least with a wool or straw mattress.

(f.) As regards measures of sanitation, every dwelling should be provided with drinking water, washing basins and sanitary arrangements sufficient for the number of persons accommodated in it.

4. As we have already said, agriculture is acquiring more and more every day the characteristics of manufacturing industry, with the installation of machinery and the establishment of derivative industries : consequently we consider that the same sanitary regulations should be applied to agricultural places of work and farm buildings.

5. The first measure of control which we propose is that by the labour inspectorate, but as agricultural employment is so extensive, and its immediate control by the State would require an increased number of inspectors, we consider that in addition to such inspection the agricultural workers' associations should supervise the application of the provisions introduced, and notify infringements, in order that the administrative authorities may enforce the observation of such provisions.

Note. See also note on page 14.

CHINA.

The reply of the Chinese Government is as follows :

Small farming is a typical institution in China. Few farmers own more than a few scores of *mow* (about one-sixth of an acre) of land. Most of them own from ten to twenty *mow*. The landlord works with labourers just as with members of his family. In addition to food, wages are paid to them which vary in different districts. On the average, the daily wage is about twenty cents.

Big landlords usually rent their land to tenants and the general system of tenure is to pay in kind according to crops. A fixed sum of rent is paid in some cases and often reduced in years of bad harvest. Rarely has there been any conflict between landlords and tenants.

To take steps against the pressure of congestion of population in China, the Government has promulgated a Reclamation Act by which a farmer may claim lots of waste land in Manchuria and Jehol on the payment of ten cents *per* lot as security. The number of years during which cultivation should be accomplished varies with the quality and acreage of the land claimed, and the price of land ranges from 30 cents to \$ 1.50 *per mow*. Should cultivation be accomplished in a less number of years than that agreed upon, the price would be reduced.

Farming corporations or individuals who are well equipped to cultivate many lots of land may so claim and transport agricultural labourers thither for the purpose, but the same system of tenure is always adopted as that prevailing in the interior of China, and the labourers at once become tenants. There have been a few cases of refusal to pay rent on the part of tenants, but no case of ill-treatment of them by their corporations has ever arisen.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

1. The Government of the Czecho-Slovak Republic considers that it would be difficult to conclude obligatory international Conventions regulating living-in conditions of

agricultural workers, especially at the present time when building is very difficult. It would therefore be desirable to adopt either Recommendations or a draft international Convention which should not become obligatory until 1930. By the latter date the housing shortage would probably have come to an end and the expenses of building would not be so great.

2. If this question were decided in the affirmative, the Convention should apply :

(a) to all workers provided with accommodation by their employers whether individually or by groups ;

(b) to all workers lodging in the house or adjoining buildings of their employers.

(c) Persons living elsewhere than in the houses and farms of their employer should not be included.

3. It is desirable that the sanitary measures applying to agricultural workers should be the same as those applying to industrial workers.

(a) The lodging of agricultural workers in stables or out-houses should be absolutely prohibited except in the case of persons whose presence is necessary in order to look after the animals. The beds provided for these workers should fulfil the necessary sanitary conditions.

(b) As regards the cubic air space of sleeping accommodation the same conditions should be required as in case of other houses. In Czecho-Slovakia two cubic metres *per* person are required.

(c) The measures of ventilation depend on the nature of the building.

(d) As regards heating, all houses should be built in a way corresponding to the climate of the country.

(e) It is absolutely necessary that one bed *per* worker should be provided. No exception to this rule should be allowed.

(f) All houses should of course contain drinking water, lavatories, etc.

4. Sanitary measures similar to those relating to industrial premises cannot be laid down for places of work in the case of agriculture. For instance, large quantities of dust are produced at harvest time during the threshing of the corn, the cleaning of flax, etc. This work does not, however, last long, and the dust is not of a very injurious nature. It is thus not necessary to lay down regulations.

5. The factory inspection service could undertake the necessary supervision of the observation of the above-mentioned provisions.

GERMANY.

The reply of the German Government is as follows :

In Germany the employer is obliged according to Section 618 of the Civil Code to arrange and maintain the place of work in such a way that the worker is protected against danger to life and health as far as the nature of his work allows. If the worker forms part of his household the employer is obliged to make such arrangements in regard to the living and sleeping accommodation of the worker as are necessary for health and morality. If the employer does not fulfil these obligations he is obliged to pay compensation.

These compulsory regulations are supplemented in the case of agricultural workers by the following obligation which is laid down in Section 15 of the Provisional Order of the 24th January, 1919, concerning agricultural work.

“ Dwellings should be satisfactory from a moral and hygienic point of view and should be sufficient for married couples as regards the number and sex of the children. Dwellings for unmarried persons should have heating facilities, should be provided with locks and should be furnished at least with a bed, table, chair, locked cupboard, and washing facilities.” According to Section 16 of the Provisional order concerning agricultural work, the provision of accommodation which is not satisfactory from a sanitary point of view is a valid reason for the immediate dissolution of the labour contract by the worker. The Governments of the States, and in particular the Government of Prussia, have in addition issued various police regulations dealing with the question of accommodation.

These provisions have so far worked well and proved quite sufficient. There appears to be no need for them to be altered or supplemented and no claim of this kind can be admitted. The recognition of the right of the worker to compensation either by itself or in conjunction with the right to break the labour contract immediately if the required protective measures are not observed is sufficient provision for the interests of agricultural workers. The various questions may therefore be answered as follows :

1.—There is no objection if the protective measures are internationally regulated in this sense.

2.—If the proposed international regulation is adapted to the existing German regulations a Convention of this kind would be acceptable to Germany, both as regards :

- a. workers for whom accommodation is provided individually or collectively by their employers ;
- b. workers who are accommodated in the houses of their employers or in adjoining buildings.

The regulation of accommodation should, however, not apply to agricultural workers for whom accommodation is not provided by their employers, as in this case the question is part of the general housing problem which is not at present under discussion.

3.—If the international regulations are adapted to the existing German regulations it is only necessary to decide on detailed sanitary measures similar to those introduced for industry in the case of land workers provided with accommodation by their employers.

4.—The same applies to sanitary regulations for places of work and farm buildings.

In any case it is undesirable to institute regulations which attempt to settle details depending on the state of the building industry in each country. In Germany in particular the situation of the building industry is at present so bad that no obligations to set up new buildings can be undertaken except in so far as they are already provided for by existing legislation.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The Government is not of the opinion that the Conference should adopt a Draft Convention regulating the living-in conditions of agricultural workers.

See also page 18.

PART III.

GUARANTEE OF THE RIGHT OF ASSOCIATION AND COMBINATION FOR AGRICULTURAL WORKERS.

The Questionnaire drawn up by the International Labour Office was as follows :

Are you of opinion that a Draft Convention should be drawn up establishing the right of association and co-operation for agricultural, as well as for industrial, workers ?

CHILE.

The reply of the Chilean Government is as follows:

We consider that the right of association and combination should be recognised for agricultural workers in the same manner as it is recognised for industrial workers.

The political constitution of the Republic of Chile fully recognises the right of association and combination without making distinctions of any kind (Article 10 of the Constitution). On the other hand, the example of Italy and Spain should induce all countries to accept a Draft Convention on this subject.

Two Bills have been introduced in Chile with regard to trade unions.

Note : See also note on page 14.

CHINA.

The reply of the Chinese Government is as follows :

Agricultural conditions in China are such that there has never been a case of a strike by agricultural labourers. They appear contented and do not feel any grievance. The Government has recently instructed the provinces to establish agricultural associations with subsidiary associations in districts and villages. These associations, under the direct-

ion of men of character and ability, discuss all sorts of problems connected with agriculture. Through them, the farmers enjoy freedom of association.

In the South-Western districts of China, where political conditions are not yet settled, farmers organise voluntary bodies for self-protection. The Government not only shows no opposition to the organisations, but actually acknowledges their benefit to the community by giving them necessary assistance.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

In the Czecho-Slovak Republic the right of association and combination is guaranteed by the Act of the 7th April, 1870, No. 43, to all workers employed not only in industrial undertakings, but also in mines, agriculture and other occupations.

In the opinion of the Czecho-Slovak Government this means of defence is indispensable for workers at the present time, and the Government is prepared to accept a Convention guaranteeing this right to all workers.

GERMANY.

The reply of the German Government is as follows :

Agricultural workers in Germany have the same right of association and combination as industrial workers. This has proved satisfactory and the apprehensions which were entertained as regards equality of treatment in this respect have proved to be unfounded. The preparation of a Draft Convention giving the agricultural workers of all countries the same right of association and combination as the industrial workers is regarded as desirable.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The reply of the Government is in the affirmative.

PART IV.

PROTECTION OF AGRICULTURAL WORKERS AGAINST ACCIDENT, SICKNESS, INVALIDITY AND OLD AGE.

The Questionnaire drawn up by the International Labour Office was as follows :

1. Do you consider that a Draft Convention should be adopted containing an obligation to include agricultural, as well as industrial, workers in social insurance laws ?

2. If so, do you consider that the rule should be absolute and should apply equally to accident, sickness, invalidity and old age : or do you consider that the application must be limited to one or more of the insurance laws ?

3. What categories of wage-earners should benefit by such an extension of the insurance laws to agricultural workers, day labourers, farm servants, (*métayers*), produce-sharing farmers (*colons*), or even rent-paying tenants (*fermiers*) and proprietors employing no outside labour ?

CHILE.

The reply of the Chilean Government is as follows:

1. In our opinion there is no reason for making any distinction between agricultural and industrial workers in regard to the interventionist policy of the State, and especially in regard to social insurance.

2. We consider that this rule should be extended in an absolute form, or in other words that all the social insurance laws should be applied to agricultural workers.

3. All agricultural workers, day-labourers, farm servants, produce sharing farmers, rent-paying tenants and small proprietors should directly benefit. As a matter of fact, the industrial accident law in force in our country is under revision by Congress, with a view to extending its benefits

to all workers without distinction of the number employed or the nature of the employment.

In the Draft Code of Labour and Social Welfare which the Executive has submitted to the consideration of Congress will be found the provisions for the reform of the industrial accidents law extending the benefits of this law to agricultural workers (see pages 52 and 53 of the printed Draft Code of Labour and Social Welfare).

Note : See also note on page 14.

CHINA.

The reply of the Chinese Government is as follows :

Farmers in China usually stay in one locality from generation to generation and are on cordial terms with their neighbours. They help each other in times of need. The richer ones among them contribute to the maintenance of charitable institutions, which provide against accident, sickness, invalidity and old age.

As a rule, landlords give tenants something in addition to their wages in times of need ; and the aged are always supported by their children in accordance with the creed of filial piety. In short, protection against accidents, etc., is already provided by farmers themselves without any intervention from the Government.

CZECHO-SLOVAKIA.

The reply of the Czecho-Slovak Government is as follows :

1.— In the Czecho-Slovak Republic agricultural as well as industrial workers are included in compulsory sickness insurance. In the opinion of the Czecho-Slovak Government it is desirable that the same state of affairs should prevail in other countries, and it agrees that an international Convention on these lines should be concluded.

2. — The Czecho-Slovak Government considers that agricultural workers should also be included in all other kinds of insurance : accident, sickness, invalidity and old age insurance. No limitation is desirable, for the protection

given to agricultural workers should be the same as that given to industrial workers.

3. — In Czecho-Slovakia all agricultural workers are compulsorily insured against accident in the manner stated under heading A, and against illness. Small proprietors may insure themselves voluntarily. The general introduction of insurance is recommended.

The compulsory accident insurance system includes workers in agricultural and forestry undertakings making use of machinery worked by steam or by natural power (wind, water, steam, gas, hot air, electricity) or by animal power. The Czecho-Slovak Government is, however, contemplating the extension of compulsory accident insurance to all agricultural workers.

GERMANY.

The reply of the German Government is as follows :

1. The question whether a Draft Convention should be adopted laying all countries under the obligation to include agricultural as well as industrial workers in their social insurance laws should be answered in the affirmative. Germany has already provided the fullest measure of protection for the rural population as regards insurance. In so doing it has merely fulfilled the requirements of justice, for it is unjustifiable that industrial workers should receive greater insurance benefits than land workers. If this principle is neglected, disturbances may arise in the economic life of each country, because the lack of a system of social insurance may lead or contribute to a migration of the less favourably treated agricultural workers into industry. The above-mentioned principle of justice must in any case carry more weight than the consideration that the institution of an insurance system may cause a rise in prices to compensate for the burden imposed on agriculture. This may make itself felt not only within an individual country, but in the relations between various States, some of which export while others import agricultural produce.

2. It does not appear desirable that the application should be limited to certain insurance laws.

In Germany agricultural workers were first (in 1886) made subject to accident insurance by a special Act. The Acts concerning insurance against invalidity and old age,

which were passed later (1889 and 1911), and the system of insurance for employees, were introduced simultaneously for industrial and agricultural workers. Finally, land workers, who had up till then only been insured according to the regulations, were, from the 1st January, 1914, also insured against sickness in accordance with the Imperial Order concerning insurance. The claims of such workers are however to some extent regulated in a particular way, so as to allow for the special conditions prevailing in agriculture. (Sections 417-434 of the Imperial Order concerning Insurance.)

3. There is no reason to except any particular classes of workers (servants, day labourers, etc.) from the benefits of social insurance. All persons who work for an employer in agriculture should be compulsorily insured, including farm officials. The latter should, however, not be insured if their salary exceeds a certain amount, above which public assistance is not needed. Small employers, including leasehold farmers, should to some extent be treated in the same way as labourers, as their economic position is often similar, and they frequently fall into great distress owing to a long illness or accident, etc. How far it can be left to such small employers to insure themselves voluntarily is a question which can only be answered if the general conditions in each country are borne in mind.

There then follows a review of German legislation concerning the matters in question, which is dealt with in the Technical Survey of Agricultural Questions issued by the International Labour Office, to which reference should be made.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The reply of the Government is as follows:

1. Yes, but not according to the same system as in industry.
2. Yes.
3. Day-labourers and farm servants.

CHAPTER V.

DISINFECTION OF WOOL INFECTED WITH ANTHRAX SPORES.

The text of the Questionnaire drawn up by the International Labour Office was as follows :

1. Does your Government consider that the Conference should adopt a Draft Convention to provide for the compulsory disinfection of wool exported from one country to another ?

2. Does your Government recognise that, as a result of the enquiries that have been made, disinfection of wool must be organised in the ports of exporting countries ?

If not, where and how should disinfection take place ?

3. Does your Government contemplate the prohibition of the transport and importation of non-disinfected wool ?

4. Would your Government agree to delegate to an International Commission the duty

- (a) of drawing up a schedule of the most suspected wools and of fixing the order of priority for disinfection ;
- (b) of fixing the ports where disinfection should take place ;
- (c) of organising the necessary financial and technical dispositions ;
- (d) of effecting the supervision necessary in order to ensure that disinfection is strictly carried out ;
- (e) of keeping abreast of the progress of science in order to be able to apply, in case of need, more efficient or more perfectly adapted methods ;
- (f) of collecting and disseminating all available information regarding the methods of prevention of anthrax adopted by individual States ?

If your Government does not accept the idea of an International Organisation, what satisfactory solution does it propose ?

5. How should the International Commission be composed? Does your Government accept the idea of having representatives of Governments, employers and workers, the representation to be divided equally between importing and exporting countries?

CHINA.

The reply of the Chinese Government is as follows :

According to the Regulations on the "Sanitation of Domestic Animals" enforced in China, wool infected with anthrax spores should be destroyed. Disinfection may, however, be effected by putting wool under high temperature, but it is spoiled in the process. China will consider carefully any recommendation that may be made by the International Conference on the subject.

ITALY.

The reply of the Italian Government is as follows :

(1) This Ministry considers that in the present condition of the wool industry in Italy the danger of contracting anthrax incurred by the workers employed in the industry is not sufficiently great to require the adoption of an international Convention providing for the compulsory disinfection of wool imported from abroad.

(2) The Italian State possesses laws and regulations authorising the Government to prohibit the importation of wool (whether washed or unwashed) from countries suspected of producing wool infected with anthrax spores, and also to limit its importation to certain ports and to prescribe medical inspection, methods of transport and, if necessary, further treatment, including disinfection, to prevent such wool becoming an infecting agent.

(3) The Italian State also possesses a sanitary department with a sufficient and competent staff and adequate means for carrying out, both at the land frontier stations and in ports, all measures (including disinfection) necessary in order to protect the country against the importation of wool containing anthrax spores.

(4) The Italian State also possesses laws and regulations authorising it to compel wool factories to make the necessary

provisions to protect the health of their workpeople against the danger of any anthrax infection which may be carried by means of wool. Italy also possesses a sanitary department for the interior of the country which is able to enforce the aforesaid provisions and to supervise their execution.

(5) After the results of the International Conference at Geneva are known, the Italian State will examine the question of the advisability of amending provisions at present in force in order to defend the country more efficaciously against the risk of the importation of anthrax by means of wool.

(6) Meanwhile, it considers that the legislative and technical measures at its disposal are sufficient for the application of any necessary prophylactic measures *within the State*, and that recourse should be had to these protective measures (which can give full guarantee of security) before adhering to provisions of an international character which would considerably restrict freedom of trade and would involve increased expenditure not required by the gravity of the danger which it is desired to avoid.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

(1) The reply of the Government is in the negative.

(2) The reply of the Government is as follows :

No. Disinfection should take place in factories and large commercial and industrial establishments in which imported wools are sorted, washed, manufactured, adapted and prepared for sale. The system of disinfection should be the one recognised as most efficient by the country in which disinfection is to take place, until such time as an International Commission has elaborated a method based upon the study of anthrax and of the best means of preventing its dissemination by infected wools.

(3) The reply of the Government is in the negative.

(4) The reply of the Government is in the negative as regards paragraphs (b), (c) and (d), and in the affirmative as regards paragraphs (a), (e) and (f).

(5) The reply of the Government is as follows :

The International Commission for the unification of the methods of disinfecting wools infected with anthrax spores should be composed of representatives of Governments, employers and workers, the representation to be divided equally between importing and exporting countries.

URUGUAY.

The Government of Uruguay forwards a general reply to the Questionnaire, prepared by the Veterinary Inspectorate of Uruguay. Whilst recognising that there are grounds for the adoption by the Conference of an International Convention containing provisions for ensuring that wool and hair exported from one country to another should be in good condition, for the protection of the worker, and for avoiding the carrying of infection from affected countries to countries hitherto free from anthrax, it is considered that the disinfection of wool, theoretically an ideal method, would be practically unrealisable and, were it feasible, would only produce mediocre results incommensurable with the technical and economic difficulties involved.

The following reasons are given for this opinion :

(1) It has not been definitely proved that wool acts as a carrier of anthrax germs. Although the disease exists in Uruguay, no single case of human anthrax contracted by the manipulation of wool or sheep skins has been reported.

(2) Methods of disinfection based on the use of chemical antiseptics are only effective when strong solutions are employed and in such cases it is dif-

difficult to avoid damage to the organic structure of the wool. Sterilisation is a process which does not commend itself in view of the difficulty of killing the spores, and the damage caused to the quality of hair and wool by high temperatures.

(3) In practice, the disinfection of wool would involve serious economic and commercial disturbance.

(4) The adoption by the Conference of the principle of the compulsory disinfection of wool would constitute an injustice to countries such as Uruguay, which have a perfectly organised system of veterinary inspection. The regulations of the Veterinary Inspectorate comprise laws, decrees and provisions which present the maximum guarantee for the cleanliness and immunity from infection of the animal products exported from this country to foreign markets. The prophylactic measures adopted, anti-anthrax vaccination, anti-scab and vermine baths, and compulsory treatment for tuberculosis on the sheep-farms within the infected zone, are of undeniable efficiency, and constitute in themselves a guarantee for the customers of Uruguay. The strict execution of these measures is supervised by the Veterinary Inspectorate, which has been engaged for many years in combating the diseases of sheep in Uruguay, and particularly anthrax. The means employed are the instruction of the proprietors in recognising the symptoms and characteristics of the more common and dangerous diseases, and in applying therapeutic and prophylactic treatment. These efforts have been crowned with the greatest success, and the proprietors take the necessary preventive

measures on the slightest suspicion of anthrax amongst their flocks.

The following statistics are given to show the decrease in the number of cases of human anthrax in Uruguay, thanks to the efforts of the Veterinary Inspectorate :

<i>Year</i>	<i>Cases notified</i>	<i>Deaths</i>
1916	558	77
1917	601	94
1918	351	56
1919	182	28
1920	146	12

(The apparent increase in 1917 is explained by the circumstance that the compulsory notification of anthrax was only introduced in May, 1916, so that the number of cases for that year appears to be smaller than it was in reality.)

For these reasons the Uruguayan Veterinary Inspectorate does not consider that the Third Session of the International Labour Conference at Geneva should adopt the principle of the disinfection of wools and skins exported from one country to another. The Conference should rather endeavour to ensure the innocuousness of wools for exportation by the organisation in each exporting country of a veterinary inspectorate invested with ample powers capable of execution and giving positive results. The measures proposed should take into account the interests of commerce and the economic situation.

CHAPTER VI.

PROHIBITION OF THE USE OF WHITE LEAD IN PAINTING.

The Questionnaire drawn up by the International Labour Office was as follows :

1. In view of the fact that it is now possible to replace white lead in painting by efficient substitutes, are you of opinion that a Draft Convention, prohibiting the use of white lead in painting, should be submitted to the Conference ?
2. If so, do you consider that a period should be allowed before the prohibition would come into force ? Please indicate what period you think necessary, and why ?
3. What measures of supervision and control in the application of this prohibition do you suggest ?
4. If your Government does not approve of a Draft Convention prohibiting the use of white lead in painting, what measures do you propose in order to meet the dangers arising from its manufacture and use ?

CHINA.

The reply of the Chinese Government is as follows :

Lead is not much employed in painting in China and there is no law to regulate its use, but it is well-known that lead when powdered may make the air impure and thus injure the health of workmen. It should be prohibited and some substitute be found. Zinc white, zinc sulphate, baryate, gypsum or China clay may be used instead.

FRANCE.

The Minister of Labour addressed the following letter, dated the 16th September, 1921, to Mr Arthur

Fontaine, the Delegate of the French Government on the Governing Body, in reply to the Questionnaire on white lead issued by the International Labour Office.

..... As you are aware, the employment of white lead in the painting of buildings has been prohibited in France by the Decree dated the 20th July, 1909 now incorporated in Articles 78 to 80 of Book II of the Labour Code.

These regulations, which came into legal force on the 1st January, 1915, are steadily and strictly applied by the Labour Inspection Services, and the reports which I have received show that the employment of white lead in the painting, of buildings after a rapid decrease, is on the road to disappearance. France has thus already greatly contributed in the struggle against plumbism by abolishing the danger of it among house-painters, who form a large majority of those exposed to the risk of plumbism from white lead.

This being the case, the French Government could not but be favourable to the principle of an international convention, as far as the prohibition of the use of white lead in the painting of buildings is concerned.

As regards the prohibition of the use of this article in forms of painting other than that of the painting of buildings, I have instructed my services to undertake an enquiry into this matter and have asked the other Ministers interested to forward their observations.... Further, I have submitted the question to the Commission on Industrial Hygiene attached to my Department. After an exhaustive discussion, this Commission expressed the following opinion :

“ As regards the question of an international convention to extend the prohibition of the use of white lead, the Commission, in the absence of precise information as to the extent of plumbism in the occupations where the employment of white lead continues to be authorised, and in particular in coach-painting, and in the absence, further, of information as to the technical conditions under which white lead could be replaced by substitutes, in particular in high-class coach-painting, expresses the opinion that it is advisable that for the present, in preference to the prohibition of the use

of white lead, the employment of it be strictly regulated in all work except that of the painting of buildings.”

I have the honour to inform you that I entirely agree with this opinion...”

Enclosed with this letter were a number of annexes, among which the following note on the application of the provisions regarding the prohibition of the use of white lead in the painting of buildings is reproduced in full.

Articles 78, 79 and 80 of Book II of the Labour Code referred to in this note run as follows :

Article 78. — In workshops, yards, or buildings in course of construction or under repair, and generally in all places where the work of house painters is carried on, contractors, directors, and managers shall be bound, without regard to the rules laid down in the first chapter of this Part, to conform to the following provisions.

Article 79. — From the 1st January, 1915, the use of white lead, of plumbiferous linseed oil, and of all specialised products containing white lead, shall not be allowed in any painting process, of whatsoever kind, executed by working painters, whether outside or inside buildings.

Article 80. — A public administrative regulation shall, if necessary, indicate the special processes for which exceptions to the above provisions may be granted.

The text of the above mentioned note is as follows :

The Act of the 20th July, 1909, concerning the use of white lead in processes of painting carried on both inside and outside buildings, was to come into force on the 1st January, 1915.

By a circular letter of the 21st October, 1909, the Minister of Labour requested inspectors of labour to inform all the employers they might meet during their tours of the text of the new Act and to remind them at intervals of its provisions. He further requested them, with a view to facilitating the putting into force of the new Act, to ensure strict application of the Decree of the 18th July, 1902, regulating the use of white lead in the painting of buildings.

This Decree, in consequence of the protective measures which it lays down, indirectly makes the use of white lead more difficult.

By the Act of the 26th November, 1912, the provisions of the Act of the 20th July, 1909, were codified in Articles 78, 79 and 80 of Book II of the Labour Code.

Prior to the expiration of the interval of five years provided before the provisions contained in the Act were to come into force, the Minister of Labour was engaged in making arrangements for the strict application of Articles 78 and 79.

In his circular letter of the 27th October, 1913, the Minister declared his intention of enforcing the provisions of the Act and of applying Article 79 of Book II of the Labour Code with effect from the 1st January, 1915, and he categorically repudiated the rumour which had been spread to the effect that this Article would not come into force on the date fixed, and that a further interval would be allowed. Further, he requested the Inspectorate to secure observance of the provisions of the Decree of the 1st October, 1913, concerning the use of white lead in painting (Decrees of the 18th July, 1902, and the 15th July, 1904).

A reply in this sense was communicated by a letter of the 10th August, 1914, to the Presidents of certain Chambers of Commerce, who requested that allowances should be made with regard to the eventual application of the Act of 1909. The Minister informed them that he could not give effect to their request in view of the fact that the measures which they proposed would merely tend to postpone, beyond the expiration of the long interval which the Legislature had considered adequate, the application of the provisions of Article 79 of Book II of the Labour Code. He added that the Act of the 20th July, 1909, had been passed both by the Senate and by the Chamber of Deputies only after repeated experience had definitely shown that it was possible with regard to both exterior and interior painting of buildings to replace white lead by substitutes which were harmless to the health of the workers. Moreover, the interval of five years had been allowed by the Legislature before the Act of 1909 should come into force for the definite purpose of avoiding any injury to the interests of manufacturers of white lead, and also in order to allow the persons concerned to make the necessary arrangements for suppressing the use of white lead in the painting of buildings.

When this interval of five years provided for in the Act of 1909 expired on the 1st January, 1915, the Inspectorate was unable, on account of the war, to apply the provisions contained in the Act in question with effect from this date, but in 1917 the Minister considered the possibility of putting the legal provisions concerning the use of white lead into force after a short interval, and by a circular of the 7th March, 1917, he ordered an enquiry to be made regarding the manufacture, production, source and price of white lead and zinc white with a view to collecting information with regard to the possibility of applying Articles 78 and 79 of Book II of the Labour Code. The information collected showed that there were stocks of harmless substitutes for white lead in sufficient quantity to allow manufacturers to secure an adequate supply of them.

Moreover the Minister of Labour consulted :

(1) The Minister of Munitions, who stated " that, in consequence not only of the recognised possibility of producing oxide of zinc by direct treatment of ores but also of the decreased requirements of white lead for the manufacture of munitions, he saw no objection to applying the Act prohibiting the use of white lead in the painting of buildings. "

(2) The other Government Departments concerned, which informed him that " the provision regarding the prohibition of the use of white lead had been maintained since the beginning of the war, and that no difficulty had been brought to their notice with regard to it. "

In view of the fact that it was not impossible owing to any case of *force majeure* to apply Articles 78, 79 and 80 of Book II of the Labour Code, the Minister was of opinion that it was desirable not to delay any longer the putting into force throughout the country of these provisions of the law, and he requested the Inspectorate to see that all employers in the painting industry carried out these provisions of the Labour Code.

These instructions were repeated in a circular letter of the 13th June, 1919, and on the 10th April, 1920, the Minister requested the Inspectorate to inform him as to the steps which had been taken to carry out the provisions of Article 79 of Book II of the Labour Code.

At the beginning of the present year, however, attention was drawn to the fact that the provisions in question had not been complied with in certain localities by the employers

concerned. With a view to checking as quickly as possible the omissions which had been brought to light in the provinces, the Minister addressed to the inspectors of labour circular letters of the 25th and 26th February, requesting them to get into touch with the organisations of employers in the districts where white lead was still used, and to secure their co-operation in the carrying out by their members of the legal provisions regarding the prohibition of the use of white lead. At the same time, the Minister addressed a letter to these organisations emphasizing the necessity of immediately putting into strict force the Act of the 20th July, 1909, and requesting their co-operation. He pointed out that the use of white lead rendered defaulting employers liable not only to penal sanctions, but also to civil actions by their employees, since the coming into force of the Act of the 25th October, 1919, extended workmen's compensation legislation to occupational diseases.

The results obtained have shown that this co-operation with employers' organisations has been effective, and the latest reports of divisional factory inspectors on this question indicate that the use of white lead is in course of rapidly decreasing, at least in the more important centres where the inspectors have been able to get into touch with the employers' organisations, or, failing this, with all the employers of the district.

In the case of the district of Paris, where the application of the provisions of the Labour Code prohibiting the use of white lead encountered more difficulty than in other localities, the Minister interviewed the President of the Union of Employers in the Painting and Glass industries, who was good enough to undertake to send a circular letter signed by himself to all the members of his organisation, with a view to drawing their attention to the rigorous control with which the inspectorate had been charged for the purpose of applying the legal provisions prohibiting the use of white lead in the painting of buildings.

This procedure of co-operation with employers' organisations with a view to securing through them application of the Act without recourse to legal sanctions has given very encouraging results.

ITALY.

The following is the text of the conclusions of the reply of the Italian Government :

1. Italy has a very good supply of ores of lead, zinc, metallic lead, metallic zinc, white lead, lead oxide and zinc white. It is also abundantly provided with all the other products which are most suitable for use in the manufacture of substitutes for white lead (and if necessary for lead oxides).

2. White lead factories employ about 100, and lead oxide factories about 50, workmen. Prohibition of the manufacture of white lead would not result in the unemployment of the men concerned, because, as a general rule, these workers are not skilled persons but unskilled labourers who could easily be taken on for other work. Indeed, these men are at the present time employed on various kinds of work in turn.

3. There are four white lead factories and two lead oxide factories, as well as two factories which are engaged in the preparation of both these products together.

The fact that there are factories turning out lead oxides and zinc white at the same time as white lead proves that the other factories will be able to modify their processes without any great difficulty.

4. The amount of white lead imported into Italy has not varied for many years, while, on the contrary, the amount of lead oxides and zinc white imported at present exceeds the amount exported. This does not, however, prove that an increased consumption of zinc white would make Italy more dependent than hitherto on foreign countries, since Italy possesses the necessary raw materials and her production of zinc white had before the war undergone a remarkably rapid development which was only arrested by the shortage of anthracite. This diminution in its production was transitory, and has probably now ceased. At the same time, our country possesses the raw materials which would be necessary if lead oxides were prohibited.

5. No hygienic or legislative measures or regulations which it might be desired to issue regarding the manufacture, sale and use of white lead (and possibly of lead oxides)

for painting could be applied with any success, because work in the painting industry is nearly always carried out by isolated workmen who frequently move from one place of work to another.

6. Whatever may be the solution of the problem as to “whether white lead and lead oxides are from the technical point of view absolutely superior to other products used in painting which may be substituted”, this cannot be regarded as a serious objection to the prohibition of the use of white lead. It has never been argued that there are no substitutes for white lead ; emphasis has merely been laid on its outstanding advantages over other products. Prohibition is justified, firstly because it would result in a great improvement in the health of the workers, and secondly because zinc white and other substitutes already compete successfully with white lead. Indeed, the consumption of this latter product has been regularly diminishing while the consumption of zinc white is increasing.

It may be anticipated that, as in the case of white phosphorus, the prohibition of white lead will be followed by the appearance of fresh substitutes as well as by the improvement of the substitutes already on the market.

7. In view of these considerations, the Italian Government is in favour of an international Convention prohibiting the use of white lead in the painting of buildings, ships, bridges, etc. It further proposes that the Third Session of the International Labour Conference discuss the desirability of extending such prohibition to the use of lead oxides (red lead, litharge, bi-oxide or oxide). It is of opinion that the prohibition should not come into force before an interval of two years after public notice of it has been given, in order that white lead manufacturers may be allowed sufficient time to change their equipment and make the adaptations required for the manufacture of other products.

CHAPTER VII.

THE WEEKLY REST-DAY IN INDUSTRIAL AND COMMERCIAL EMPLOYMENT.

The Questionnaire drawn up by the International Labour Office was as follows :

1. Is it considered that effective steps could be taken by means of an international agreement to regularise the adoption of the principle of the weekly rest-day ?

2. Is it considered that such agreement could take the form of a Draft Convention dealing with the application of the above principle to industrial undertakings, and of a second Draft Convention applying to commercial undertakings ?

3. Would the following bases for such Draft Conventions be considered acceptable ?

(a) The adoption of the principle of the weekly rest of 24 hours in industrial and commercial establishments without prejudice to the existence of any weekly rest of a longer period.

(b) The adoption of Sunday as, in principle, the weekly rest-day, full account being taken of the special conditions of certain countries.

(c) The accordance of exceptions under certain conditions and within certain limits.

4. Is it considered that the following constitute a satisfactory outline of the limitations to exceptions mentioned in question 3 (c) ?

(a) Industries in which the processes are required by reason of the nature of the process to be carried on continuously by a succession of shifts.

(b) Commercial establishments such as hotels, restaurants, etc.

(c) The transport industry.

(d) Preparatory or complementary work and work of an essentially intermittent character.

- (e) Industrial establishments of a seasonal character, or those which may be required to deal with periods of exceptional pressure of work.
 - (f) Commercial establishments dependent on seasonal conditions.
 - (g) Commercial establishments dealing with the preparation and distribution of foodstuffs.
 - (h) Industrial work carried on in the open air and dependent on conditions of weather.
 - (i) Work performed in cases of accident, of urgent work to be done on machinery or plant or of force majeure.
5. Is it considered in connection with question 3 (e) and question 4 that the following alternatives or combinations should form the bases of discussion for the conditions under which exceptions should be envisaged ?
- (a) Compensation for work done on Sunday :
 - (i) by higher wages ;
 - (ii) by accordance of a rest-day on a week-day ;
 - (iii) by accordance in the same week of a period of 24 hours' rest, or of two periods amounting to 24 hours, or of an equivalent period of rest ;
 - (iv) by accordance of monthly or tri-monthly holidays on full pay.
 - (b) Rotation of weekly rest-day.
 - (c) Limitation to such rotation, e.g., by provision that a given number of rest-days within a given period must fall on Sunday.
6. Are you of the opinion that the length of the weekly rest should exceed 24 hours (the Saturday half-holiday) ?

AUSTRALIA.

The replies of the Governments of New South Wales, South Australia, Tasmania and Western Australia are as follows ¹ :

New South Wales.

1 and 2. Without full information as to the varying world conditions—which is not available here but which pre-

¹ For the replies of the Governments of Queensland and Victoria see Report VII, already issued.

sumably the International Labour Office has—no opinion of any value can be expressed on these points.

The subsequent questions are answered upon the assumption that replies have been given to questions 1 and 2 in the affirmative.

3. (a), (b), (c) Yes.

4. (a), (b) Yes.

(c) Yes, as to rail and shipping transportation. Certain sections of land transport such as trolley draymen and other carters need no such exemption.

(d), (e), (f), (g), (h) Yes, but it is only in a very few cases and to a very limited extent that any need has been found to exclude operations within the groups from the provision of a six day week.

(i) Yes.

Generally. Except in some instances—mainly in connection with shipping—it has been found possible to secure to all employees a six day week even in continuous processes, railways, hotels, etc. A roster to secure each week to employees a day off in turn on different days can usually be adopted.

5. Yes, all methods noted will be found useful for consideration in connection with the differing conditions of employment and varying obligations of industrial activity.

6. Yes, in view of the existing law and custom.

Note on the customs observed in new South Wales.

No information available. The whole field is practically covered by statutory or award regulation, and customs, if any still persist, are practically negligible.

South Australia.

Wherever reasonably practicable a weekly rest-period from mid-day Saturday to Monday morning is adopted in South Australia. Whether effective steps can be taken by international agreement to regularise the principle of the weekly rest-day is a question that must depend on local circumstances, and can hardly be answered by those countries where the practice has been general for many years. If any action is taken in the direction indicated care must be taken to make the reference in item 4 wide enough to

cover essential operations. In South Australia for instance only such work as is absolutely necessary is carried out in connection with agricultural operations, but no international legislation can make it possible to avoid all Sunday work on farms, dairies, etc. There is comparatively little legislation enforcing the weekly rest-day, although under the Early Closing Acts provision is made in respect to all but a limited number of classes of shops being closed on Sunday. Further, in respect to a greater number of classes of these shops, a Saturday afternoon holiday is also enforced in the Metropolitan Area and in other localities where the Act is applied at the request of those interested. Where the Early Closing Acts do not apply, a weekly half-holiday in addition to the Sunday is almost invariably granted.

Tasmania.

1. Yes, — if such claim has the force of law in each country.
2. Yes, — when such commercial undertaking is subject to the necessities of the people.
3. (a) Yes. (b) Yes. (c) Yes.
4. All cases — Yes.
5. All cases — Yes. The principle in this State is chiefly by higher wages.
6. Provided Sunday is the rest-day, the 24 hours should be exceeded by the addition of the Saturday half-holiday.

Remarks. — Collective agreements in force under the Wages Boards Act, 1920, vary according to the trade covered by the Determination. There is a definite provision for certain public holidays throughout the year, but not for the weekly rest-day. The observance of Sunday as the weekly rest-day is universal in Tasmania, with the exception of some commercial undertakings, e.g., fruit shops, tobacconists, cafés, etc.

The week's work is generally performed from Monday morning until Saturday mid-day. Thus the Saturday half-holiday and Sunday rest-day are continuous. Sunday work, with the exception of those cases stated in item 4 of the questionnaire, is practically non-existent, and if an employee is called upon to perform Sunday work he (or she) is remunerated therefor.

Western Australia.

1. In regard to Western Australia the principle is recognised to the extent that there is no apparent need of further steps to regularise its adoption.

2. See 1.

3. The bases mentioned are acceptable in the event of action being taken in the direction suggested.

4. The limitations are considered satisfactory on the understanding that only commercial and industrial undertakings are concerned. If the proposed arrangement is to be extended beyond those two classes of undertakings, consideration should be given to the requirements of institutions such as hospitals, prisons, insane and benevolent asylums, homes, etc.

5. The suggested alternatives or combinations to form bases of discussion are considered satisfactory.

6. Generally speaking, and with but few exceptions, the hours of duty for workers in commercial and industrial undertakings do not exceed 48 *per* week, and in many cases are less. In the great majority of occupations Saturday is observed as the weekly half-holiday, either by Statute or by Industrial Agreement. In other cases some good reason of necessity or convenience has operated to fix some other day, either generally or by individual rotation : *i. e.*, employees of restaurants, hotels, sellers of perishable goods, etc.

Note.

The Industrial Arbitration Act, 1912; (No. 57 of 1912) provides for registration of Industrial Unions of Employers and Employees respectively, and of Associations of such Unions, for giving legal effect to the industrial agreements made in pursuance of the Act, and for the constitution of the "Court of Arbitration," having jurisdiction for the settlement and determination of any industrial dispute referred to it by any party under the Act, or by a President of a Conference convened in pursuance of the Act, and at which no agreement has been reached.

Industrial Agreements made in pursuance of the Act and Awards given by the Court invariably recognise the principle of the weekly rest, and the majority of them provide that work necessarily done on Sundays shall be paid for at higher rates, — usually half as much again as, or double, the

rates for week-days ; also in addition paid holidays are nearly always allowed varying in number from three days upwards *per annum*.

The Public Service Act, 1904, and regulations thereunder, which cover most of the permanent officers in the Administrative, Professionnal, Clerical and General Divisions of the State Public Service (exclusive of the Railway Service) provided that, where the nature of the work permits, hours of duty shall be :

Mondays to Fridays 9 a. m. to 5 p. m. (with 1 hr. for luncheon).

Saturdays 9 a. m. to noon.

An officer specially required for work on a Sunday is granted a day's leave at some other time. Public holidays—usually about ten in each year — are allowed on pay ; also annual leave on pay at the rate of two weeks *per annum*, with longer periods for officers located in the tropics, — and long service leave at the rate of three months on full pay for each completed seven years of service.

The custom observed in regard to the weekly rest by the trading and industrial community generally, with certain exceptions such as those indicated in No. 4 of the Questionnaire, is to observe Sunday as a day of rest, and also to observe a weekly half-holiday, usually on Saturday afternoon.

The ordinary hours of labour *per week* for certain classes of work have recently been reduced from 48 to 44, and in one or two cases a trial is being given of the arrangement of working the 44 hours on Monday to Friday inclusive, and allowing both Saturday and Sunday as full days of rest.

CHILE.

The reply of the Chilean Government is as follows :

I. — We consider a regulation of this character of unquestionable necessity and importance.

Our Government, by Act No. 3321 of the 5th November, 1917, has established a weekly rest-day. The following is the Act in question, with the regulations relating thereto :

“ *Act No. 3321 of the 5th November, 1917.*

Inasmuch as the National Congress has given its approbation to the following Bill :

Section 1. — The owners, managers, or directors of industrial or commercial undertakings including factories, manufacturing, workshops, warehouses, shops, mines, saltpetre mines, and other undertakings of every kind, public or private, including undertakings for vocational instruction and charitable institutions, shall allow a day of rest in every week to the manual and non-manual workers employed by them.

The day of rest shall be Sunday.

The holidays indicated by Act No. 2977 of the 28th January, 1915, shall also be days of rest.

The period of rest shall commence at 9 p. m. on the preceding day and end at 6 a. m. on the day following the day fixed as a day of rest.

Section 2. — The provisions of the preceding Section shall not apply to persons employed :

(a) in work for the purpose of repairing damage caused by *force majeure* or accident provided such repairs do not admit of delay ;

(b) in undertakings or operations which it is necessary to carry on continuously by reason of the needs which they are intended to meet or for reasons of a technical character or in order to avoid serious injury to the public interest or to the industry ;

(c) in operations which by their nature can only be carried out at stated seasons or which depend on the irregular action of natural forces ;

(d) in operations which the successful conduct of any undertaking renders necessary and incapable of postponement.

One day of rest at least every two weeks shall also be allowed to the persons above mentioned and such day of rest may be the same for all such persons or may be given in turns on different days in order not to interfere with the work of the undertaking.

In the case of persons employed in pharmaceutical establishments the weekly rest shall be so arranged as not to interfere with the work which such persons may be bound to carry out at night and on holidays, the times of which work shall be fixed in the principal communes of each department by the departmental governors, and in other communes by the mayor for the time being.

The President of the Republic shall determine the operations, undertakings, or establishments, to which the present Section shall apply.

Section 3. — In cases in which agreements or systems of rotation exist, the day of rest shall be notified by notices posted in the factory or workshop, or in some other conspicuous part of the establishment, and shall not be changed without one month's previous notice.

In order that such agreements or systems of rotation may be legally enforceable, they must be registered in the municipal office and shall indicate the nature of the work, the number of manual or non-manual workers employed therein, the exact ground of exception and the manner in which the day of rest will be allowed. For this purpose the municipal office shall keep a special register.

Section 4. — The mayors of communes shall be responsible for the application of this Act. It shall be the duty of the municipal inspectors and the police to notify infringements hereof.

Section 5. — Infringements of this Act shall be punishable by a fine of from 25-50 *pesos* payable to the municipality. Such fines shall be doubled in case of a second or subsequent offence.

Section 6. — Such fines shall be recoverable by administrative process. All actions arising out of the imposition of such fines shall be conducted in the ordinary courts by summary procedure.

Section 7. — Any person whatsoever may notify the mayor of any infringement of the present Act.

And inasmuch as, on the advice of the Council of State, I have thought fit to approve and sanction the same, the same shall be promulgated and carried into effect as a law of the Republic. Santiago, November 5th, 1917. Juan-Luis Sanfuentes. — Eliodoro Yanez. ”

“Supreme Decree regulating the application of the Act relating to Sunday rest.

No. 101 ; Santiago, the 16th January, 1918. — Whereas :

1. The Act No. 3321 of the 5th November, 1917, imposes upon the owners, managers, or directors of industrial or commercial establishments, including factories, manufactories, workshops, warehouses, shops, mines, saltpetre mines, and other undertakings of every kind, public or private,

including undertakings for vocational education and charitable institutions, the obligation to allow a day's rest to all manual and non-manual workers employed by them on Sunday in every week and on other legal holidays.

2. The second Section of the said Act excepts from such day of rest the persons employed in the tasks or operations enumerated in the said section and provides in the last paragraph thereof that the President of the Republic shall determine the operations, undertakings, or establishments to which such Section shall be applicable.

In pursuance of the provisions aforesaid, and in exercise of the power conferred upon me by the second paragraph of Article 73 (82) of the Political Constitution of the State:

I order that the persons employed in the following undertakings or operations shall be excepted from the weekly rest aforesaid :

Class I.

By reason of the needs which they are intended to satisfy or of the serious public inconvenience which would be caused by their interruption :

1. In railway undertakings : all services and operations necessary for the working of passenger and goods trains and the reception and delivery of mails, consignments, luggage and goods liable to deterioration ;

2. Tramway undertakings as regards services and operations necessary for the conveyance of passengers ;

3. Undertakings engaged in the furnishing of bicycles, motor cars, coaches, cabs, and carriages on hire ;

4. Services and undertakings engaged in maritime and inland navigation ;

5. In ports : the embarkation and disembarkation of passengers, mails, luggage, and cargo specially liable to deterioration ; the loading and unloading of cargo in cases of excessive accumulation ; in undertakings dealing with pleasure steamers, launches, and boats ;

6. Postal, telephonic, telegraphic, and submarine cable services and undertakings ;

7. Undertakings engaged in the production and distribution of motive force ;

8. Gas works, electric light undertakings, and, in general, all lighting undertakings ;

9. Services and undertakings engaged in the supply of drinking water ;

10. Public slaughter houses ;

11. Markets or fairs authorised by municipalities ;

12. Fairs for agricultural products and cattle requiring to be carried on on Sundays or holidays for reasons of manifest local convenience ;

13. Meat vending establishments and the distribution of meat ;

14. Stalls or shops for the retail sale of fish, poultry, game, fruit, and vegetables, for consumption only ;

15. Dairies and the distribution of milk and butter ;

16. Bakers' shops and the distribution of bread ;

17. Confectioners', pastry-cooks', and coffee establishments, solely in connection with the consumption of the articles dealt with ;

18. Establishments for the sale of natural flowers ;

19. Hotels ;

20. Restaurants, inns, and eating houses, solely for the purpose of serving meals ;

21. Establishments of newspapers and reviews published on days of public rest ; the distribution and sale of such publications ;

22. Theatres, circuses, cinemas, race-courses, and other undertakings for purposes of public entertainment ;

23. Public baths and bathing establishments ;

24. Hospitals, nursing homes, sanatoria, and dispensaries ;

25. Funeral undertakings ;

26. Savings banks ;

27. Museums and libraries.

Class II.

For reasons of a technical character or by reason of the serious inconvenience which their interruption would cause to industry :—

1. In general, undertakings involving continuous processes and the generation of the force necessary for the continuity of such processes ;

2. In the carrying on of saltpetre and other mines and in ore-dressing : all work which, by its nature, does not admit of interruption. In general, processes of extraction

and transport of minerals or manufactured products, and the carrying on of processes or workshops auxiliary or accessory to the principal undertaking, shall not be included in this class of work as regards work the carrying on of which may be delayed without prejudice to the regular conduct of the undertaking ;

3. In the manufacture of glass : the feeding and operation of furnaces, the preparation of the raw material, and the blowing and annealing of the glass ;

4. In the manufacture of porcelain and enamels : the feeding and working of the furnaces ;

5. In the manufacture of bricks and other pottery work : the feeding and working of furnaces and kilns ;

6. In the making of cement, lime, and gypsum : the feeding and working of kilns ;

7. In powder and explosives factories : the drying of materials ;

8. In metal foundries : the feeding and working of furnaces and work connected with the preparation of material, straining and rolling operations ;

9. In chemical works generally : work performed on roasting and oxidising furnaces and apparatuses for condensation, concentration, crystallisation, refrigeration, precipitation, desiccation, and compression ; the bottling and transport of deposits when the nature of the products renders it necessary ;

10. In manufactories of oxygen and compressed gases : the producing apparatus and compression pumps ;

11. In soap factories : the feeding of the fire in the melting works ;

12. In paper and cardboard mills : processes of desiccation and heating ;

13. In tanneries : processes for the finishing of rapid and mechanical tanning ;

14. In starch factories : the elimination of gluten and the finishing of work already commenced ;

15. In cigar factories : the surveillance and the graduation of the heating apparatus ;

16. In ice manufactories and refrigerating works : work necessary for the making of ice ;

17. In industrial and agricultural distilleries ; the germination of grain ; fermentation of must ; and distillation of alcohol ;

18. In undertakings engaged in refining oil cake and alimentary fats, and the making of margarine : the reception and melting of fatty material ;

19. In malt distilleries and breweries : the germination of barley, fermentation of must, and production of sufficiently cold temperature ;

20. In sugar refineries : refining operations ;

21. In mills : grinding operations ;

22. In condensed milk factories : the reception of milk and the manufacture of the product.

Class III.

Operations and undertakings which, by their nature, can only be carried out at certain seasons of the year or which depend upon the irregular action of natural forces :

1. In general, agricultural operations, properly so-called, such as sowing and gathering of grain, tubers, fruits, vegetables, or fodder : dairy work, vintage, irrigation work, and other similar work. In addition, all work necessary for the storing, preservation, and initial preparation of products liable to deterioration ;

2. The stock-raising industry in general, and especially the work of shearing and the initial preparation of wool and the working of salting tubs and refrigerators ;

3. Forestry operations, when indispensable for the purpose of sowing, planting, and cultivation ;

4. Work employing wind or hydraulic or electric motors, in the case of the last-named where worked by water power ;

5. Fishing undertakings : the preparation of dried fish and preserved fish or molluscs ;

6. Works for preserving fruit and vegetables, and the preparation of sweetmeats and dried fruits during the picking period.

Class IV.

Operations which the successful conduct of any undertaking renders necessary and incapable of postponement :

1. Work connected with the maintenance, cleaning, and surveillance of establishments which must necessarily be carried out on rest-days to avoid danger to the workers or interruption of the work ;

2. Work undertaken for the avoidance of damage and the prevention of accidents, or the reparation of damages already sustained by material, equipment, or buildings ;

3. The repairing and cleaning of engines and boilers, gas pipes, electric wires, drains, and other urgent operations of maintenance and repair so far as they are indispensable for the continuity of the undertaking ;

4. In the building and demolition of erections and buildings : the work necessary for ensuring the stability of constructions and preventing accidents ;

5. Work necessary for the preservation of raw materials or products liable to rapid deterioration or alteration, so far as they cannot be postponed without prejudice to the undertaking ;

6. Careening of ships and, in general, urgent repairs to vessels ;

7. Stocktaking in industrial and commercial undertakings.

Class V.

Work, which it is impossible to postpone, on repairing damage caused by *force majeure* or accident, and particularly damages occasioned by fire, railway accidents, shipwreck, landslips, inundations, hurricanes, earthquakes and other similar unforeseen causes.

VI

Limit of Exceptions.

In general, and without prejudice to the foregoing enumeration, all exceptions to the weekly rest shall apply exclusively :

1. In each undertaking, to the departments or branches in which the work giving rise to the exception is carried out ;

2. To the persons strictly necessary for carrying out the work in question.

VII

The provisions of the Act and of these regulations shall not apply to the following :

1. Masters working alone. To masters who habitually or provisionally work alone, that is to say, without the

assistance, paid or other wise, of persons in their employ, or apprentices, on days of public rest.

For the purposes of this provision, any relatives of the master who are engaged in the undertaking or establishment in any permanent occupation, and whose services are paid in money or kind, or in any other form of wages capable of valuation in money, shall be considered as in the employ of the master.

2. Domestic Service. To domestic service, provided that no work of any kind carried on in any industrial or commercial undertaking shall be considered as such. Sanfuentes-Eliodoro Yanez.

This decree shall be communicated, published and inserted in the Government Bulletin of Laws and Decrees."

The Draft Code of Labour presented recently to the Congress by the President of the Republic, two copies of which have been sent to your Office, contains a special section relating to the weekly rest (Title IV, Book II, Articles 231 to 236).

2. It would undoubtedly be more convenient to adopt two Draft Conventions in view of the different conditions of work in commercial and industrial undertakings.

3. (a) In regard to the question (a), we consider that the minimum weekly-rest should be twenty-four hours.

The Chilean Law quoted above establishes a rest of thirty-three hours since it commences at 9 p. m. on the day before the rest-day and continues till 6 a. m. on the following day.

As will be seen, our legislation goes beyond the minimum proposed by the questionnaire.

We should mention that in all State undertakings the Saturday half-holiday has been established for three years. The same is true of 70 *per cent* of the private factories and 50 *per cent* of the commercial establishments.

This is, in fact, equal to a continuous rest of forty-two hours.

(b) In reply to this question, we refer once more to our Law relating to weekly rest, which fixes Sunday as the rest-day as a general rule.

We accordingly consider that this day should be adopted as the weekly rest-day.

(c) Undoubtedly, in providing for a daily rest in each week, numerous exceptions must be contemplated in connection with certain industries : (a) by reason of the nature of the requirements which they satisfy or the serious loss which their interruption would involve ; (b) for reasons of a technical character or on account of the serious loss which would be occasioned by interruption to the industries themselves ; (c) for those processes which, by their nature, can only be carried out at certain seasons of the year, or which depend upon the irregular action of natural forces ; (d) in the case of work which the successful conduct of the undertaking renders necessary and incapable of postponement ; (e) in the case of work incapable of postponement for the purpose of repairing damage caused by *force majeure* or accident, and particularly damage produced by fire, railway accidents, shipwreck, landslips, floods, hurricanes and other similar unforeseen causes.

These are the exceptions which the Chilean Law relating to Sunday rest, which we have already quoted, allows, and which are the result of special technical studies on the subject.

4. In our reply to question 3, we have indicated our opinion as to the exceptional cases which are already dealt with by the Chilean law.

It would be desirable to indicate the limit of the exceptions, as is done in our legislation (VI and VII of the Regulation).

5. We are of opinion that in undertakings which, by their nature or from exceptional causes, are compelled to work on Sunday another day of rest should be given to the workers by way of compensation, and, if this is not possible, they should be paid additional wages equivalent to 100 *per cent.* of the daily wage.

In the latter event, we think it just that, in addition to the double wages paid to workers for Sunday work, two days monthly leave should be given with full wages.

6. The Chilean Law and Regulation relating to Sunday rest provide for a rest of thirty-three hours, as we have already indicated.

All undertakings carried out directly by or on account of the State (public works) have moreover established the English week. The same is true of wholesale trade and a large number of private industrial undertakings.

In our opinion the establishment of the English week is desirable in order that the workers may obtain their provisions on Saturday evening in the large shops, where articles are cheapest, and also to make it possible for them to live outside the towns, and at the same time to enable them to take a little continuous rest at pleasure resorts distant from populous centres.

The taste for country and seaside excursions has already developed in Chile, especially on Saturday evenings, and particularly in the summer months in which there is a veritable exodus of workers.

CHINA.

The reply of the Chinese Government is as follows :

The Chinese Government has so far enacted no law on the question of the rest-day in industrial and commercial employment. The custom varies in different places. Speaking generally, a weekly rest-day or a rest-day on the 1st and 15th of the month, or rest by turns is observed in industrial employments. In commercial establishments such as banks and modern companies a weekly rest-day is generally observed, but in other kinds of establishments, other systems of rest-day are adopted.

Owing to the imperfect system of communication, there is a great deal of divergence in local conditions in China and it is as yet premature to adopt one and the same rest-day for the whole country.

FRANCE.

The reply of the French Government is as follows :

1. The French Government is of opinion that it cannot but be advantageous to regularise the adoption of the principle of a weekly rest-day by means of an international agreement.
2. The French Government sees no inconvenience in the conclusion of two separate agreements, one for commerce and the other for industry. It would seem, however, that a single convention would have the advantage of avoiding the repetitions and differences of interpretation frequently occasioned by the delicate distinction between the terms

“ industry ” and “ commerce. ” French legislation, though it contains special provisions for certain categories of commercial establishments, is yet general in character and its provisions apply equally well to commerce as to industry. On the other hand, it is certain that, generally speaking, the question of the weekly rest is not the same for commerce as for industry.

3. No objection is made by the French Government to these essential principles.

4. The enumeration of the exceptions could be completed, in the sense of the provisions of the French Labour Code, by the addition of “ industries in which the raw material is of a highly perishable nature or in which any interruption of work would involve loss or depreciation of the article in course of manufacture ” (Labour Code, Book II, Article 38).

Moreover, the case of the rest-day coinciding with a local holiday has not been considered. In France, Article 44 of Book II of the Labour Code allows the weekly rest to be suspended in such cases. French law also provides (Article 49) the possibility of suspending the weekly rest to allow of work being carried out in the interests of national defence.

5. The principles admitted by French legislation might be taken as a basis. This legislation distinguishes two categories of exceptions :

- (1) to the weekly rest ;
- (2) to the Sunday rest.

Exception to the Sunday rest is compensated by a rest of the same duration during the week.

Exception to the weekly rest properly so-called is compensated by a collective rest only when it is of a permanent or regular character :—continuous processes (Article 2 of the Decree of the 31st August, 1910), Paris central markets (Article 51 (e) of Book II of the Labour Code). There is no necessity to give compensation in the other cases, that is to say, when an extraordinary and exceptional increase of work has to be dealt with. Such an increase extends over a considerable period, several weeks, or even two or three months. To require the employer to give compensation during all this period for the Sunday rest suppressed by allowing an equivalent rest-period during the week would render the exception illusory. On the other hand, to carry forward

the rest-period to another period of the year would lead to a complicated system of reckoning which it would be practically impossible to control.

6. The question of the English week should not in our opinion be linked with that of the weekly rest. In any case French legislation has prescribed one free afternoon a week in its laws regarding the duration of work (the eight-hour day). This is explained by the fact that the granting of a half day's rest on a working day affects the length of the working hours on other working days, in conformity with the Draft Convention adopted by the Washington Conference in 1919, whereas the granting of the weekly rest ought to be independent of the conditions regarding the length of the working hours on working days.

Generally speaking, the French Government is of opinion, after fifteen years' experience, that international regulation of the weekly rest could be worked out on the basis of French legislation.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows :

1. Yes.
2. International regulations with a view to regularising the adoption of the principle of a weekly rest-day should take the form of a single convention applying both to industrial and commercial undertakings.
3. (a), (b), (c) Yes.
4. (a), (b), (c), (e), (f), (g) Yes.
(h) No.
- (i) Yes.
5. (a) (i) Yes.
6. Yes.

The reply contains the following additional observations :

A bill concerning the weekly rest has lately been prepared. It will be incorporated in a law regarding hours of work, which will replace the regulation of the 12th September, 1919, the French text of which was communicated

to you on the 20th November, 1920, by the Ministry of Social Welfare and has been published by the International Labour Office.

The above-mentioned bill is under consideration at the present moment. According to its terms, all industrial and commercial undertakings will be obliged to suspend work

- (a) every Sunday ;
- (b) on the 1st December (anniversary of the meeting of the countries which constituted the State of Jugo-Slavia).

It will be optional to work or not to work on the recognised holidays and on the 1st May, according to the agreements concluded between employers and workers. The above dispositions will apply to industry, including trades, and to commerce. The collective agreements in force generally contain a clause concerning the weekly rest, and this principle is recognised by the law. It is the same as regards the customs followed in all parts of the Kingdom. The length of the rest usually exceeds twenty-four hours, and varies between thirty and thirty-eight. In the majority of undertakings work finishes every Saturday at 5 p. m., and begins again on Monday at 7 a. m.

CHAPTER VIII.

A. AGE OF EMPLOYMENT AS TRIMMERS OR STOKERS.

The Questionnaire drawn up by the International Labour Office was as follows :

Prohibition of the employment of any young person under the age of 18 years as trimmer or stoker on board ship :

Would your Government be prepared to adopt 18 years as the minimum age for admission to employment as a trimmer or stoker ?

CHILE.

The reply of the Chilean Government is as follows :

Chilean legislation prohibits the employment at sea of young persons under 18 years of age. The Regulations concerning the registration of seamen of the 14th June, 1918 do not admit of the registration or enrolment of persons under 18 years of age who volunteer for service as seamen.

Since no seamen under 18 years of age are employed in the Chilean mercantile marine, the Chilean Government would accept a Draft Convention prohibiting employment of persons under 18 years of age as stokers or trimmers.

ITALY.

The Italian Government is in favour of the adoption of 18 years as the minimum age for admission to employment as a trimmer or stoker.

THE NETHERLANDS.

Note : The Dutch Government, in communicating the replies to the Questionnaires, desired to remark that these replies repre-

sent the standpoint adopted by the Minister concerned in relation to the subjects covered. The Government, however, reserves the right to depart from that standpoint when dealing with Draft Conventions and Recommendations which may result from the Conference.

The reply of the Dutch Government is as follows :

The number of stokers and trimmers under 18 years of age employed in the mercantile navigation is very small. Enquiry shows that out of 5,066 registered stokers and trimmers only 48 were under 18 years of age. It is not so easy to ascertain the exact number employed on fishing vessels, but in any case it is not large.

It is considered that work as trimmers and stokers in mercantile navigation is very undesirable for young persons.

It would perhaps be desirable that boys of 16 and 17 years of age should be allowed to be employed on such work on fishing vessels, in order that they may train as mechanical engineers.

B. COMPULSORY MEDICAL EXAMINATION OF CHILDREN EMPLOYED AT SEA.

The Questionnaire drawn up by the International Labour Office was as follows :

Compulsory medical examination of all children employed on board ship :

- (1) Would your Government be prepared to adopt compulsory medical examination of all children employed on board ship ?
- (2) If so, is it considered that it should take place only on entrance into the mercantile marine, or that it should be repeated at definite intervals up to a fixed age, e.g., 18 years ?

CHILE.

The reply of the Chilean Government is as follows:

It is considered that the medical examination of children employed at sea is not only advisable but also indispensable, and that it could most conveniently take place each time that the vessel returned to the port of departure after a complete voyage.

ITALY.

The Italian Government is in favour of the compulsory medical examination of all children employed at sea.

THE NETHERLANDS.

See also note on page 92.

The reply of the Dutch Government is as follows :

Several shipping firms have, on their own initiative, introduced a general medical examination in addition to the compulsory examination of eyes and ears. Further, the *Scheepvaart Vereeniging Noord* and the *Scheepvaart Vereeniging Zuid*, shipping associations which include all the large shipping firms, are not unfavourable to medical examination of young persons on board ship. Some members of these associations are in favour of compulsory medical examination. The Central Union of Transport Workers has also declared itself in favour of compulsory medical examination of minors who are members of the crew, on condition that the examination is restricted to the establishment of the physical fitness for work at sea of the persons concerned.

Medical examination of young persons has already been prescribed for a large number of industries, so that it is possible to introduce compulsory medical examination for young members of the crew in this connection. It is not possible, however, to make a definite reply as to an international agreement on the subject. This also applies to Question B. 2.

REPORT I.

INTERNATIONAL LABOUR CONFERENCE.
THIRD SESSION.
GENEVA, OCTOBER, 1921.

REPORT
ON THE
REFORM OF CONSTITUTION
OF THE GOVERNING BODY
OF THE INTERNATIONAL
LABOUR OFFICE.

FIRST ITEM ON THE AGENDA.

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I. INTRODUCTION.

The present Report reproduces the observations which the Governments have communicated to the International Labour Office on the points to which attention was drawn in the Questionnaire relating to Item I of the Agenda of the Conference:— Reform of the Constitution of the Governing Body of the International Labour Office.

The principal of these points may be summarised as follows :

1. The Conference cannot decide either which are the eight States of chief industrial importance, or how the words " industrial importance " are to be interpreted. The provisions as to the eight States cannot be altered without revising the Treaty in accordance with Article 422. Without revision of the Treaty it is, therefore, as regards the Government group, only possible for the Conference to take into account the possibility of increased representation of extra-European States in the case of the four elected States.

2. As regards the complaints which were made as to the method of election of members, the Governing Body has decided to lay before the Conference an additional Article to the Standing Orders which shall regulate the procedure of elections to the Governing Body. The text of this Article, which

respects strictly the absolute autonomy of each of the groups, is as follows :

“*Article 21.* — The President of the Conference, or a person nominated by him, shall direct the actual procedure of voting in elections required for the appointment of Commissions or of the Governing Body; he shall convoke in due time the Delegates who have a right to vote, shall see that the scrutiny of votes is correctly carried out, shall make a report to the Conference and shall communicate to it the results of the elections.

“ At least twenty-four hours’ notice shall be given of meetings for the election of members of the Governing Body. ”

3. As regards any reform of the constitution of the Governing Body so as to give increased representation to the extra-European countries, it was pointed out that the question as to whether such reform should be effected with or without revision of the Treaty of Versailles must first be decided.

Revision of the Treaty has to be carried out by Article 422 : a two-thirds majority is required in the Conference, unanimity on the part of the States composing the Council of the League of Nations and a three-fourths majority of the other Members.

Without revision of the Treaty, reform can apparently be effected in only four practical ways, of which three can be mutually combined.

(a) A recommendation in general terms from the Conference to each of the groups that they

should bear in mind the importance of securing a reasonable proportion between the European and extra-European countries represented on the Governing Body. A recommendation to this effect has been drafted by the Governing Body in the following terms :

“ The Conference recommends to the three groups that on the expiration of the present mandate of the Governing Body, *i. e.* at the time of the 1922 election of the Governing Body, they take into account the importance of securing a reasonable representation as between the European and extra-European countries. ”

- (b) A recommendation in more precise terms from the Conference that a certain proportion of seats should be secured to extra-European countries. The employers' and workers' members on the Governing Body expressed their opposition to such a scheme. It might perhaps be considered in relation to the four elected States.
- (c) A recommendation from the Conference that, in the case of the four elected States, a system of *roulement* be observed, *e. g.*, whereby none of the four could be elected twice in succession.

It should be noticed that in all three cases the action of the Conference can only be in the nature of recommendations that the groups, or the Government group, should come to an unwritten under-

standing. Any more definite mode of action would be tantamount to changing the provisions of Article 393.

- (d) Approval by the Conference of a revised Article of the Standing Orders of the Governing Body dealing with substitutes and "waiting members."

The employers' and workers' members on the Governing Body are agreed that their substitutes may be of a nationality different from that of their titular members. Very strong objection was raised to the suggestion that substitutes of the representatives of the eight States of chief industrial importance should be appointed by other States.

There was a close division of opinion in the Governing Body as to whether the Government group at the Conference, exclusive of the eight States of chief industrial importance, might or might not be recommended to elect four States to appoint substitutes for the titular members appointed by the four States elected by the group.

There was, also, a close division of opinion in the Governing Body as to whether "waiting members" might or might not be given the right to speak. (To give them the right to vote would seem to involve a revision of Article 393.)

It was therefore decided to communicate to the Governments the two following texts dealing with substitutes and "waiting members", in order that observations should be made upon them.

The first text was as follows :

“ Members of the Governing Body may have substitutes.

In the case of the eight States of chief industrial importance, each Government is entitled to appoint a substitute to replace its member at the meeting of the Governing Body, should he be unable to attend. The Government group at the Conference, excluding the delegates of the eight Members mentioned above, may appoint four substitutes for the members representing the four elected States.

In the case of non-Government members, each group shall be free to determine the manner in which substitutes shall be provided for their members.

Substitutes may be of a nationality different from that of the members.

¹ Substitutes may be present at the sittings of the Governing Body and may speak even if the members for whom they are substitutes are present : when the members are so present, substitutes have not the right to put forward proposals or to vote.

In the absence of the member the substitute has all the rights of the member.

Each substitute shall deliver written credentials to the Chairman of the Governing Body.”

The second text was as follows :

“ The titular members of the Governing Body may have substitutes to replace them should they be unable to attend the meeting.

¹ The word “substitute” is here used in the sense of “waiting member”.

In the case of the Government representatives, each Government may appoint a substitute for its titular member.

In the case of the non-Government representatives, each group shall be free to determine the manner in which substitutes shall be provided for its titular members, and these substitutes may be of a nationality different from that of the titular members.

¹ A substitute may be present at the sittings of the Governing Body even if the titular member is present, but shall not have the right to speak or to vote.

In the absence of the titular member the substitute has all the rights of the titular member.

Each substitute shall deliver written credentials to the Chairman of the Governing Body.”

II. REPLIES TO THE QUESTIONNAIRE.

The following replies have been received in time for insertion in this Report.

CZECHO-SLOVAKIA.

The following observations have been received from the Minister for Social Affairs :

... The Government of the Czecho-Slovak Republic intends

¹ The word “substitute” is here used in the sense of “waiting member”.

to claim for the period of election of the Governing Body, that it to say for the years 1922 to 1925, its representation on the Governing Body among the Government representatives. The following are the grounds for its claim.

In comparison with the number of its population and in conformity with Article 393 of the Treaty of Peace, Czecho-Slovakia is a State of greater industrial importance than Italy, Japan, Canada, Spain or Poland. The question of representation on the Governing Body implies, however, consideration of other factors as well, — the interest of the State and its population in social policy and labour legislation: I would add that as regards social policy, Czecho-Slovakia is one of the most advanced States. It has always observed all the Conventions and Recommendations of the International Labour Conference, and will be also in the future, we hope, the pioneer of progress in labour legislation. The statistics which you have published with regard to workers organised in trade unions shew clearly that, after Germany, Great Britain, Russia, United States, Italy and France, Czecho-Slovakia possesses the greatest number of organised workers. Despite its relatively small population (13 millions) it is placed seventh, and with its two million organised workers maintains its place of honour among the greatest States.

I should be much obliged to you if you would ensure that the International Labour Office, in determining the principles regarding representation on the Governing Body, takes account of the above-mentioned considerations...

Note. As mentioned on page 13 of the Questionnaire, the Czecho-Slovak Government addressed itself to the Director of the International Labour Office in a letter dated 26 September 1920, in which it asked that the International Labour Office should propose to the Conference that Czecho-Slovakia should have a permanent Government representative on the Governing Body in view of her great industrial importance. This letter was laid before the Committee on Standing Orders and

the claim made in it was the subject of careful attention on the part of the Committee and of the Governing Body. It has also been closely considered by the joint Committee which is engaged in examining the meaning to be attributed to the words "industrial importance," (see page 13 of the Questionnaire).

DENMARK.

The Danish Government in reply to the Questionnaire states :

The Danish Government would accept the proposal contained in paragraph 19, page 21, (see page 1 of this Report) recommending a reasonable representation on the Governing Body as between the European and extra-European countries.

With regard to the question of substitutes for members of the Governing Body, the Danish Government would also support the first proposal contained in paragraph 24, (see page 9 of this Report).

FINLAND.

The following is the reply of the Finnish Government :

As the composition of the Governing Body of the International Labour Office raises just objections on the part of the States and groups of States not therein represented, a reform of the same is needed. But the difficulties inherent in the procedure of revision of the Treaty in accordance with Article 422 are considerable. The possibility of getting different States or groups of States and different parts of the world fairly represented on the Governing Body is also restricted by the fact that half of the members of the Governing Body, *viz.* twelve employers' and workers' delegates, are elected irrespective of nationality. The employers' and workers' groups in the Conference are hardly willing to disavow this principle. Thus a reform at this time seems possible

only in connection with the election of the four Governments, which have to appoint the remaining four members to the Governing Body of the International Labour Office.

As the eight States of chief industrial importance have permanent seats on the Governing Body, the above-mentioned four seats will be allotted to States of less industrial importance. In order that this selection among a large number of smaller States should not be made by mere chance, there should be established a procedure securing, as far as possible, a voice to different nations not otherwise represented in the Governing Body.

It is to be anticipated that on account of this and other reasons especially the smaller States will, in the Conference, co-operate in different votes and in elections. A common action of this kind has undoubtedly a sound and natural basis as far as the social conditions in the countries, that thus act together, are similar. Such groups of smaller States might represent social conditions on territories far larger and not less important than are some of the eight privileged States. Further, as the employers' and Workers' delegates on the Governing Body, even if it is admitted that they are not national representatives, are in their work influenced to some extent by national and regional interests, it would be fair and equitable, that the four Government seats should be allotted in the first place to States not represented among the employers' and workers' delegates. A practicable arrangement to this effect would be to proceed to the election of the four States after the appointment of employers' and workers' delegates has taken place and the nominees are known.

With regard to the detailed suggestions proposed by the Governing Body of the International Labour Office, the following remarks are suggested :

(i) Though the difficulties of a revision of Part XIII of the Peace Treaty are considerable, the Finnish Government are of the opinion that such a revision will, in the future, be rendered desirable in order to effect a more equitable distribution of the seats on the Governing Body.

(ii) The proposed new article of the Standing Orders of the Conference seems to be justified. The drafting of the proposed Article 21 might take account of what has been said above as to the desirability of electing the employers'

and workers' delegates before the allotment of the four seats among the Governments.

(iii) (a) With regard to the alternative proposals to effect a more reasonable representation between the European and extra-European countries in the Governing Body, a recommendation in general terms, such as proposed in paragraph (a) would hardly be of any practical value.

(b) Neither does it seem to lead to the purpose if the recommendation is accepted in the form given to it in paragraph (b). The final decision as to the number of seats to be reserved for extra-European countries might raise grave dissensions and beside this, the employers' and workers' delegates might oppose such arrangement.

(c) The *roulement* system, according to which none of the four elected States could be elected twice in succession, seems to be the best of the suggested methods and likely at least partially to lead to desired results. The periods of *roulement* ought to be so regulated that even the smaller countries or groups of States would get a chance to appoint representatives to the Governing Body.

(d) The aim involved in the suggestions dealing with the election of substitutes and their rights is evidently to create a procedure according to which as many countries as possible could, through their representatives, be present at the deliberations of the Governing Body without increasing the number of delegates. As the substitutes of the eight States of chief industrial importance would have no reason to take part in the actual discussions, except when the delegates are unable to attend, and as the employers' and workers' delegates usually announce their opinions according to joint decisions reached in the respective groups, the suggested right of the substitutes to speak at the sittings of the Governing Body would, in practice, effect only those substitutes of the four Government delegates which are elected from nationalities different from those of the members. This reform would, consequently, not lead to any greater difficulties in dealing with affairs nor to heavier expenses, and should be accepted. For these reasons, the first of the two texts suggested by the Governing Body seems to serve the purpose and is therefore recommended.

FRANCE.

The following letter addressed to Mr. Arthur Fontaine, the Delegate of the French Government on the Governing Body, by the French Minister of Labour was communicated to the International Labour Office by Mr. Fontaine, under date of 28 September :

... I have the honour to forward to you, after consultation with the President of the Council, the Minister for Foreign Affairs, the views of the French Government on the question of the reform of the Governing Body of the International Labour Office, which figures on the Agenda of the 1921 Session of the International Labour Conference.

The French Government has taken note of the report which sums up the work of the Committee of the Governing Body which studied this reform. The Government has examined the proposals contained therein, notably that concerning the representation of extra-European countries on the Governing Body. After studying the different aspects of the delicate problem involved in the advisability, recognised by the Washington Labour Conference, of giving to extra-European countries a larger representation on the Governing Body, the Government has been led to formulate the following observations.

With regard to the numerous solutions contemplated in order to provide extra-European countries with a larger representation on the Governing Body, none of them appears fully satisfactory. To abandon the provision as to "the eight States of chief industrial importance" would doubtless allow to be taken up in its entirety a problem almost impossible of solution in its present terms ; but, besides the fact that the giving up of the test in question does not, from the French point of view, appear desirable, it seems preferable, if possible, not to touch at present Article 393, which forms an intégral part of the Treaty of Versailles.

The fact must also be borne in mind that the question of the rules according to which the eight States of chief industrial importance shall in the future be determined is at present, in conformity with Article 393, paragraph 7,

before the Council of the League of Nations, and that it would be very desirable to await the answer of the Council.

To give the four Government seats other than the eight permanent seats to extra-European countries would be a solution which is not to be recommended, for it would result in the entire exclusion of the European powers not included among the eight States of chief industrial importance, when certain of them may be quite entitled to be represented. To increase the extra-European representation in the employers' and workers' groups, in which, at present, the extra-European countries have only one member in twelve, may perhaps seem an attractive solution; but the employers' and workers' delegations refuse to consider that their groups should possess a national representative character, so that this solution must likewise be dismissed. To secure a larger number of extra-European representatives by a system of *roulement*, whereby the same four non-permanent delegates should not be re-elected, would doubtless enable a larger number of extra-European States to be represented on the Governing Body, but that would be a solution which would be far from satisfying them and which they would probably not be content to accept.

The solution which has been carefully studied by the Governing Body must finally be considered. It consists in inviting delegates of a certain number of extra-European countries not at present represented to sit as substitutes. This procedure raises certain difficulties, of which the Governing Body has not failed to take account.

In the first place it is necessary, if the solution envisaged is to produce all its effects, that the substitutes may be of another nationality than the titular members. From the point of view of the workers' and employers' delegations, this difference of nationality between the titular member and the substitute may, strictly speaking, be justified by the fact that the question is not one concerning delegations of a national character. But it is not the same for Government delegations, in which it seems difficult to admit that titular members and substitutes should not be of the same nationality. This is, moreover, the opinion which has been expressly stated by the British Government Delegate on the Governing Body in a Committee on which France was not represented. It will be, perhaps, a rather delicate matter, under these circumstances, to ask the four States not perman-

ently represented on the Governing Body to accept strangers as substitutes, and that too as fictitious ones, when several of the States of chief industrial importance, and not the least among them, would refuse to admit the principle of such a system of substitutes in their own cases.

Supposing, however, that the four States referred to above agree to accept the suggested solution, it would require to be borne in mind that the substitute is, by definition, to replace the titular member, and therefore to possess the same powers. There is no difficulty in that if the titular member is absent, but that is a hypothesis which cannot be admitted, since it would result in dispossessing such States as are regularly represented on the Governing Body to the advantage of those extra-European States whose substitute delegates are admitted. What, then, will be the rights of the substitute if he is authorised to sit at the same time as the titular member, — a procedure which seems admitted by all the members of the Governing Body? According to some, he will have the right to speak, according to others, he will not; but no one admits that he can vote. The question being thus presented, it cannot be denied that the presence of substitutes beside their fictitious titular members would allow certain extra-European States at present not represented to take part in the meetings of the Governing Body and to be heard at least in a consultative capacity. While it may be admitted that the substitute shall sit and speak and even make proposals in the presence of the titular member, there could be no question, as the Governing Body itself recognises, of allowing him the right to vote.

Thus, the solution of the question of substitutes, even supposing that it obtains the agreement of the four States not permanently represented on the Governing Body, appears complicated, despite its relative advantages. But could not a similar result be more simply arrived at by suggesting to the Governing Body, since it is competent to determine its standing orders (Article 393, paragraph 9), that it should secure the assistance of advisers who could be chosen purposely from extra-European countries not represented? The General Conference on Freedom of Communications and Transit held at Barcelona adopted a similar solution in regard to the Advisory and Technical Committee for Communications and Transit in Article V of its Standing Orders, which runs as follows :

“The Members of the Committee may invoke the aid of experts, and, subject to the provisions of Article 4 concerning disputes, may invite a Member of the League to nominate a temporary member to form part of the Committee during the examination of a question on which such Member of the League is particularly qualified.”

This solution, although doubtless imperfect, would, if applied to the Governing Body of the International Labour Office, possess the great advantage of assuring to the States called upon to furnish advisers the possibility of making their voice heard. Without being admitted to vote, these advisers would at least be able to assist the Governing Body and even to combat opinions or tendencies which might seem to them dangerous. The extra-European countries would thus possess a guarantee which, without being equivalent to representation, might be considered by them as very appreciable.

The French Government reserves to itself the right to furnish its Delegates with special instructions concerning the other points raised by the suggested reform...

INDIA.

The following observations of the Government of India upon the Questionnaire have been transmitted to the International Labour Office through the India Office :

The Government of India concur in the text of the proposed new Article 21 of the Standing Orders of the Conference, paragraph 17 of the Questionnaire, (see page 6 of this Report).

- The International Labour Office has suggested that, if no revision of the Treaty were made, reform of the Governing Body could be effected by the Conference recommending that the three groups, *viz.*, Governments, employers and workers, should arrive at certain “understandings.” The following three varieties of “understandings” are put forward :

- (a) An understanding of a purely general nature to the effect that account should be taken of the possibility of ensuring a reasonable distribution of seats as between European and non-European countries.

- (b) An understanding of a more precise nature, whereby a certain proportion should be observed between the representation on the Governing Body of European Countries, of North and South American countries and of the remaining countries.
- (c) A *roulement* system, by which it would be understood that the same four elected Government members should not be re-elected, except after the expiration of a given period of time.

The Government of India have considered these three understandings and are of opinion that the only one which is likely to ensure adequate representation for India is (b). They do not agree with the recommendation which has been adopted by the Governing Body for submission to the Conference (see paragraph 19 of the Questionnaire and page 7 of this Report).

The Government of India are asked for an expression of opinion as to the feasibility of four other States being chosen by the Government group, excluding the eight States of chief industrial importance, to appoint substitutes for the four elected Government members. I am to say that the Government of India are opposed to this system. They consider it neither feasible nor desirable. They realise, too, that very considerable extra expenditure would be involved. India already bears a very large share of the cost of the International Labour Office, although it is not, at present, considered by the League of Nations to be of sufficient industrial importance to obtain a seat on the Governing Body.

In conclusion, I am to say that time has not permitted consultation with the employers' and workers' representatives to the forthcoming meeting of the International Labour Conference.

Note. Reference should be made to pages 5 and 10-12 of the Questionnaire and to the Appendix to it with regard to the claim of India to be one of the eight States of chief industrial importance, where a full exposition of this claim will be found. No further official communications with respect to it have been received since the date of issue of the

Questionnaire. It may again be remarked that the claim as such is one that can only be decided by the Council of the League of Nations. At the same time the question is being carefully considered by the joint Committee set up to examine the meaning to be attributed to the words "industrial importance." This Committee will be required to report to the Council.

JAPAN.

The following observations have been made by the Japanese Government upon the different points raised in the Questionnaire :

1. The Japanese Government have no objection to the proposed insertion of a new Article in the Standing Orders of the Conference which shall regulate the procedure of elections of the members of the Governing Body, as decided by the Governing Body on 6 October 1920.

2. (a) The Japanese Government have no objection to the recommendation to the three groups of the Conference as to the importance of securing a reasonable proportion between the European and extra-European countries represented on the Governing Body, as adopted by the Governing Body on 14 April 1921.

(b) The Japanese Government are of opinion that it might be difficult to regulate in precise terms the proportion of seats between European and extra-European countries, so that the above-mentioned recommendation seems to be more than sufficient.

(c) The Japanese Government have no objection to the recommendation that in the case of the four elected States to be represented on the Governing Body a system of *roulement* be observed.

(d) As to the revision of the Article of the Standing Orders of the Governing Body dealing with substitutes and "waiting members," the Japanese Government are of opinion that the second text (see pages 9 and 10 of this Report)

seems to be preferable, *e. g.* whereby the substitutes shall not have the right to speak or to vote when the members for whom they are substitutes are present.

THE NETHERLANDS.

The Dutch Minister of Labour has communicated the following observations to the International Labour Office :

The objections raised regarding the composition of the Governing Body of the International Labour Office are concerned with :

- (a) the selection of the eight States of chief industrial importance ;
- (b) the insufficient representation of extra-European countries ;
- (c) the system of substitutes ;
- (d) the need which is felt of a more precise arrangement regarding the elections to the Governing Body.

(a) *The States of chief industrial importance.*

The selection of the eight States of chief industrial importance would not give rise to so many claims if the manner in which these States should be selected were precisely known. Unless the basis of this selection is fixed, there will always be divergences of opinion as to the determination of the eight States of chief industrial importance, and there will always be discontent among a certain number of countries which have been excluded. It would therefore appear desirable to examine whether the Conference could arrive at a recommendation with regard to this subject.

According to Article 393, paragraph 7, of the Treaty of Versailles, the decision on this subject lies with the Council of the League of Nations.

(b) *Representation of extra-European countries.*

The present composition of the Governing Body takes very little account of extra-European countries, particularly as regards the nomination of the Government representatives, since seven of the eight States of chief industrial importance are situated in Europe.

A recommendation regarding the allotment of a certain number of seats to representatives of extra-European countries, as suggested on page 28, paragraph (b), of the Questionnaire, (see page 7 of this Report) encounters the opposition of the employers' and workers' groups. Moreover it could only be of minor importance as regards the distribution of the four Government seats which are filled by election.

A recommendation in general terms such as is given on page 28, paragraph (a), of the Questionnaire (see pages 6 and 7 of this Report) seems still less important.

It will, therefore, only be possible to satisfy the just demands of extra-European countries by a modification of Article 393 of the Treaty of Peace to the effect that the membership of the Governing Body be increased and that the minimum number of seats to be assigned to Government representatives of extra-European countries be fixed. In this respect the possibility may be considered of increasing to 16 the number of seats to be assigned to Government representatives, amongst whom, in order to maintain as far as possible the proportions fixed by the Treaty of Versailles, one should be appointed by each of the States of chief industrial importance¹. Elections to the other six seats could be made by the Government representatives of the other countries. In order to guarantee the interests of the extra-European Members of the Organisation, it could be stipulated that out of the total number of Government representatives at least five should be appointed by Members belonging to extra-European countries.

Moreover, it would be possible to allow countries which are not considered as being amongst the States of chief industrial importance greater possibilities of being represented on the Governing Body if it were stipulated that the Government representatives of these countries should be replaced every three years by Government representatives of other countries.

With regard to the employers' and workers' representatives, their total number could likewise be increased to 16, in conformity with the proposed increase in the number of Govern-

¹ This appears to be the meaning of the original text (French) of the reply, but the following paragraph implies that there would be ten States of chief industrial importance, and therefore not elected.

ment representatives. They would be elected according to the principles at present in force. In this case the employers' and workers' groups would do well to secure representation to a sufficient number of extra-European countries.

It would, however, be difficult to prescribe in regard to these two groups the election of a fixed number of members from extra-European countries, since the representatives of the employers' and workers' groups do not represent the countries themselves but merely the social groups existing in the countries. In so far as it seems desirable to them to grant persons not of European nationality a seat on the Governing Body, the delegates representing these groups at the Conference can take account of that at the time of the election. This possibility seems sufficiently assured, since the employers' and workers' groups of the extra-European countries are represented at the Conference and take part in the election to the Governing Body of the delegates of the groups.

It is true that in the case of the above-mentioned provisions it would be necessary to modify Article 393 of the Treaty of Versailles. Article 422 requires that such a revision should be approved by the States whose representatives compose the Council of the League of Nations, and by three-quarters of the Members of the International Labour Organisation, but a satisfactory composition of the Governing Body of the International Labour Office is a question of the greatest importance, and one in which the co-operation of the different States could certainly be secured.

(c) *Substitutes.*

In the event of a more satisfactory solution concerning the representation of the different countries on the Governing Body being arrived at in the above manner, the problem of substitutes would not be of the same importance.

It would be of advantage to ask the States of chief industrial importance to nominate a substitute who in the case of the absence of the representative could take his place. The groups of the smallest countries, as well as the employers' and workers' groups, could at the time of appointing representatives to the Governing Body nominate substitutes.

Further, in view of the expenditure involved (which will be met by the International Labour Office, so far as the representation of the employers' and workers' groups is

concerned), it seems advisable to admit substitutes to the meetings of the Governing Body only when the representatives whom they are to replace are not present. The regular despatch of all the documents of the Governing Body and of the reports of its meetings would allow the substitutes to keep themselves informed on all questions dealt with by the Governing Body.

For this reason the two solutions indicated on pages 25 and 26 of the Questionnaire (see pages 9 and 10 of this Report) seem to go too far. In any case, it seems undesirable to allow substitutes the right to speak, as is proposed in the text given on page 25.

(d) *Regulation of Elections.*

With regard to the election of the members of the Governing Body, Article 21 of the Standing Orders as drafted on page 17 of the Questionnaire (see pages 6 of this Report) gives rise to no objection.

Note. As mentioned on page 12 of the Questionnaire, the Dutch Government sent a formal protest, dated 2 February 1920, to the Secretary-General against the exclusion of the Netherlands from the eight States of chief industrial importance. Further, on 23 March 1920, a detailed memorandum with regard to the industrial importance of the Netherlands was transmitted to the Secretary-General for communication to the Council and the Governing Body.

The Dutch Government, however, while fully reserving its rights, abstained from requesting that its claim should be laid before the Council for its decision, in view of the fact that the Government was officially informed that the Governing Body was considering the whole question along very general lines and that the Government would have a subsequent opportunity of a full presentation of its point of view.

The Governing Body and its Committee on Standing Orders did not fail to take the fullest account of this claim, which has been, in addition, the subject of further correspondence between the Dutch Government and the International Labour Office. The necessary documents have also been the subject of detailed examination in connection with the work of the joint Committee set up to investigate the meaning to be attributed to the words "industrial importance" (see page 13 of the Questionnaire).

NORWAY.

The International Labour Office has received the following letter from the Norwegian Department for Social Affairs in answer to the Questionnaire :

... The Norwegian Government agree with the Committee on Standing Orders that it cannot as yet be deemed advisable to attempt any reform of the Governing Body which involves a revision of Part XIII of the Treaty of Versailles and, consequently, they do not find it necessary to offer any suggestions as to the possible modifications in the composition of the Governing Body on the supposition of such a revision.

The Government are of the opinion that the present composition of the Governing Body, inasmuch as no less than 20 out of 24 of the Governing Body are representatives of European countries, can hardly be regarded as consistent with the international character of the Labour Organisation as a world-comprehensive institution. They are, therefore, in favour of a reform which ensures a more reasonable proportion between the European and extra-European countries represented on the Governing Body. My Government feel some doubt, however, as to the helpfulness of a recommendation in mere general terms as suggested in the Questionnaire on page 28, paragraph (a), (see pages 6 and 7 of this Report).

It does not appear desirable to the Norwegian Government to accept—as suggested on the same page, (b)—any

unwritten principle to the effect that a certain proportion of seats should be secured to extra-European countries. A geographical grouping of the members is outside the terms of Part XIII of the Treaty and does not seem either, on the whole, to respond to the spirit of the International Organisation set up by the Treaty.

On the other hand the Norwegian Government consider that a system of *roulement* as suggested on page 28 paragraph (c) (see page 7 of this Report), ought to recommend itself to the Conference and that such a system, if properly carried out, would be likely to accord satisfaction to the different States. On this point I venture to draw your attention to my letter of 22 June¹ last in which I had the honour to bring before you our wish of seeing our country on a future occasion represented on the Governing Body, and at the same time to express our views with regard to the reasons for and the advantages of a system of *roulement*. As stated in the letter we believe that this system would greatly aid in maintaining the interest in the social-political collaboration of countries which otherwise would find themselves for a considerable period of time, if not for ever, outside the standing machinery of the Organisation. Furthermore we believe that a periodical change in the composition of the Governing Body would facilitate an exchange of experience, social ideas and ideals and thus assist the International Labour Organisation in its work for the great aims common to all mankind. The Norwegian Government do not think a system of *roulement* necessarily irreconcilable with the principle of continuity which, the Government agree, is essential to the working of the Governing Body. It seems to my Government that the maintenance of the traditions of the Governing Body will be sufficiently safeguarded by the presence of the representatives of the eight Members of chief industrial importance.

As to the application of a system of *roulement* the Norwegian Government understand that, having regard to the present wording of Part XIII of the Treaty, the seats of the eight States of chief industrial importance cannot be affected by any such system. My Government further suppose that

¹ The contents of this letter are summarised on the following page.

it would be difficult to bring a fixed rule of *roulement* into harmony with the general idea of allotting the seats of the employers' and workers' groups. They feel, however, that there ought to be, amongst the considerations to be taken into account by the employers and workers in choosing their representatives, the regard for countries which for one or more periods have not been represented at all on the Governing Body.

The Norwegian Government agree to and have no observations to make on the proposed additional Article to the Standing Orders which shall regulate the procedure of elections to the Commissions (of the Conference) and the Governing Body.

Concerning the Article of the Standing Orders dealing with substitutes and "waiting members" my Government prefer the *first* text on page 25 of the Questionnaire, (see page 9 of this Report) this text allowing for Government substitutes of a nationality different from that of the members and giving those substitutes the right to speak, even if the members for whom they are substitutes are present.

With reference to the text mentioned I beg to observe that we understand the second paragraph of the text to mean that the Government group at the Conference, excluding the delegates of the eight States of chief industrial importance, may elect four *States* other than those first selected by the Government Delegates to appoint substitutes for the members representing the four elected States ¹....

The letter of 22 June from the Department for Social Affairs referred to above contained a summary showing the importance and rapid development of Norwegian industry, hydraulic power, merchant marine, and fishing industry and the advanced state of social legislation. A number of statistical tables were annexed, and these have been submitted

¹ The Department of Social Affairs was informed by the International Labour Office, under date of 4 October, that this interpretation was correct.

to careful study in connection with the work of the joint Committee which is engaged in examining the meaning to be attributed to the words "industrial importance" and which is required to report to the Council of the League of Nations, with which lies the final determination.

The letter concluded by pointing out that it was only natural that the representation of countries on the Governing Body should be submitted to a system of partial *roulement* at every period of re-election. Such a system would be calculated both to maintain interest in the International Labour Organisation among countries which would otherwise always be unrepresented on the Governing Body, and to contribute greatly to the realisation of the ends of the Organisation by favouring the exchange of experience and social ideas. It was remarked that among the Northern European countries Holland, Sweden and Denmark are at present represented, and that in view of the considerations mentioned above it would be only natural that Norway should be represented for the period 1923-1925.

SWITZERLAND.

The Swiss Government has communicated to the International Labour Office the following observations and proposals :

(1) The Swiss Government declares itself in favour of the adoption of a plan of reform which does not imply the revision of the Treaty of Versailles. It is of opinion that it does not seem desirable to undertake the revision of Part. XIII merely to introduce modifications in the constitution of the Governing Body, and that it is preferable that all the necessary modifications should be more exactly

determined before envisaging the eventuality of revision.

(2) With regard to recommendations (a) and (b), page 28, (see page 7 of this Report) my Government is of opinion that it would be sufficient if the Conference addressed to each of the groups a recommendation in general terms that the importance of assuring a reasonable proportion between the European and extra-European countries should be taken into consideration (recommendation (a)). It appears that this recommendation is the only one which, by the general nature of its terms, allows regard to be had to all the circumstances and which could be adapted to any eventuality. Moreover, it does not exclude the possibility of the Conference deciding that a certain number of seats be reserved, at the time of the election of the Governing Body, to non-European countries.

(3) The Questionnaire prepared by the International Labour Office with regard to the reform of the constitution of the Governing Body suggests as a third means (p. 28 (c)), (see page 7 of this Report), a recommendation from the Conference that in the case of the four elected States a system of *roulement* be observed, that is to say, a system whereby none of the four could be elected twice in succession. The Federal Government is in accord with this suggestion. Without wishing definitely to solve the question, the Government suggests that it might be desirable to ensure that the election of the four elected Government representatives should not take place simultaneously, but one or two at a time.

(4) Finally, the Questionnaire prepared by the International Labour Office suggests the submission for the approval of the Conference of a revised article of the Standing Orders of the Governing Body dealing with substitutes, and submits two alternatives between which the Governments are invited to choose. In regard to this question of substitutes, in the two texts proposed, regard must be paid to the fact that the situation of the Government representatives of the Governing Body is not the same as that of employers' or workers' representatives. In most cases the latter defend interests which are common to all workers and employers in all countries. On the other hand, Government representatives are obliged to take account of the state of legislation and the economic and political conditions of their respective countries. Thus they will sometimes incline towards the point of view of the employers' group and sometimes towards

that of the workers' according to circumstances, but they must be assured of regular representation.

To replace,—as the first solution involves,—an absent titular Government representative by a substitute elected by a country other than that to which the titular representative belongs does not take account of this special situation of the Government representative. It would in consequence result in some inconsistency in the attitude adopted by the titular member, and would thus cause friction in the working of the Governing Body.

The Swiss Government therefore prefers the second text proposed :

“ The titular members of the Governing Body may have substitutes to replace them, should they be unable to attend the meeting.

In the case of the Government representatives, each Government may appoint a substitute for its titular member.

In the case of the non-Government representatives, each group shall be free to determine the manner in which substitutes shall be provided for its titular members, and these substitutes may be of a nationality different from that of the titular members. A substitute may be present at the sittings of the Governing Body even if the titular member is present¹, but shall not have the right to speak or to vote.

In the absence of the titular member, the substitute has all the rights of the titular member.

Each substitute shall deliver written credentials to the chairman of the Governing Body.”

This recommendation does not exclude the possibility of Government representatives, whether elected or not, being accompanied by their substitutes at the meetings of the Governing Body. With regard to the expenses of these Government substitutes, they would be charged to their Governments, if the rules adopted by the Governing Body regarding living and travelling expenses of its members are maintained as at present.

¹ The words “ A substitute may be present... even if the titular member is present ”, which figure in the text referred to on page 26 of the Questionnaire (see page 10 of the Report) were omitted in the Swiss Government's reply.

III. CONCLUSIONS.

In view of the small number of replies received to the Questionnaire and of the considerable divergence of views expressed in them it is not possible to lay before the Conference a summary of the question of the reform of the constitution of the Governing Body in the same manner as was done in the case of the Reports on the other items of the Agenda. It may, however, be remarked that no objection is raised to the proposed new Article 21 of the Standing Orders of the Conference (see page 6) and that the suggestion as to a system of *roulement* for the four elected States appears likely to meet with favourable consideration in a number of quarters.

It is suggested that the various recommendations and suggestions to be found on pages 6-10 of this Report should be taken as a basis for discussion.

REPORT III (A)

INTERNATIONAL LABOUR CONFERENCE
THIRD SESSION
GENEVA, OCTOBER, 1921.

REPORT
ON THE
ADAPTATION TO AGRICULTURAL
LABOUR OF THE WASHINGTON
DECISIONS CONCERNING
MEASURES FOR THE
PREVENTION OF OR PROVIDING
AGAINST UNEMPLOYMENT.

ITEM III (A) OF THE AGENDA.

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GENEVA
INTERNATIONAL LABOUR OFFICE
1921.

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PRELIMINARY NOTE.

In the Introductory Note to the Questionnaire sent out by the International Labour Office in connection with each Item on the Agenda, of the Third Session of the International Labour Conference, it was explained that when the International Labour Office had received the replies to each Questionnaire, and was thereby informed of the opinions of the Governments, it would proceed to draw up a general report together with suggestions for Draft Conventions or Recommendations.

The present Report accordingly contains the replies to the Questionnaire received from the Governments, a general summary of these replies and an indication of the conclusions to which they would appear to lead, and, finally, the text of a Draft Recommendation which may serve as a basis for discussion by the Conference.

In this Report are incorporated the replies of the following Governments :

Austria, Canada, Denmark, Finland, France, Great Britain, India, Italy, Japan, Netherlands, Norway, Poland, Roumania, South Africa, Spain, Sweden, Switzerland.

It is intended to include replies of the Governments received subsequent to the 23rd July in a supplementary Report which will be distributed later.

In addition to the present Report the International Labour Office will prepare a summary of the available documentary and statistical information relating to this item of the Agenda which will be distributed immediately before the opening of the Conference on the 25th October next.

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INTRODUCTION.

The circumstances which led the Governing Body of the International Labour Office during its Session of 25 March 1920 to place on the Agenda of the Third Session of the International Labour Conference the question of the "Adaption to agricultural labour of the Washington decisions concerning measures for the prevention of or providing against unemployment" have already been explained in the Questionnaire prepared by the International Labour Office concerning agricultural questions. In order to ascertain the views of the Governments on this item of the Agenda, the following questions were asked :

I.—Do you consider that a Recommendation should be submitted to the Conference with regard to the special measures to be taken to prevent and provide against unemployment in agriculture?

II.—Are you of opinion that the adoption of the following measures should be recommended :—

- (1) Increase of the area under cultivation, either by rendering land susceptible of cultivation which is not so at the present time, or by exploiting land at present uncultivated or insufficiently cultivated ;**
- (2) The transformation of extensive cultivation into intensive ; increase of the labour employed per unit of cultivated land ;**
- (3) Creation of small landed properties or landed farms by the development of agricultural credits ;**

- (4) Improvement of general facilities ;
- (5) Facilities for transport and the organisation of workmen's trains ;
- (6) Home-work in the country during the winter ;
- (7) Creation of agricultural workers' co-operative societies for the working and purchase or renting of land ;
- (8) Other measures ?

III.— Are you of opinion that all Members of the Organisation should be asked to provide an Annual Report dealing both with the application to agricultural workers of the Draft Convention and Recommendation on unemployment adopted at Washington, and with the steps taken as regards the various measures set out in paragraph II above?

CHAPTER I.

OPINIONS OF THE GOVERNMENTS IN REPLY TO THE QUESTIONNAIRE.

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this report. They are arranged under each different heading of the Questionnaire in alphabetical order.

QUESTION I.

Do you consider that a Recommendation should be submitted to the Conference with regard to the special measures to be taken to prevent and provide against unemployment in agriculture ?

AUSTRIA:

The reply of the Austrian Government is as follows :

There is no continuous unemployment in Austrian agriculture.

All persons who seriously desire to earn their livelihood in this branch of production are able to do so, and are welcome in view of the enormous shortage of agricultural labour which is everywhere prevalent in Austria, on condition that they are physically fit for the heavy work involved, and are determined to work with a will.

It would, however, be possible to speak of so-called seasonal agricultural unemployment — i.e. of lack of work in the relatively short slack season of winter. This only occurs, however, in the case of a relatively small number of agri-

cultural workers who are not in permanent employment, but have only obtained temporary agricultural work as additional helpers.

It is intended — indeed, legislative measures are already being prepared for the purpose — to make an effort to combat this kind of unemployment in Austria by a number of provisions aiming at the abolition, or at any rate the alleviation to the greatest possible extent, of the shortage of labour and its causes (rural exodus, etc.).

Among the measures in contemplation are legal regulation of the arrangements for labour supply in agriculture and forestry, with the prohibition in principle of all private employment exchanges carried on for profit, and the creation of a system of agricultural labour exchanges under joint control and free of charge for persons in search of employment. There would be an employment exchange in each of the Provinces, and a central employment exchange at the Federal Ministry of Agriculture and Forestry which would be the supreme supervising authority for the whole of the labour market in agriculture and forestry. Housing accommodation, which is satisfactory from a sanitary and moral point of view, is to be provided for land workers, and they are to have special facilities for the purchase of necessary articles such as clothing, shoes and underwear, which, owing to the unsatisfactory financial situation of the country, are almost beyond their means. Opportunities of employment — e. g., home work — are to be provided in the slack season, and an official system of labour inspection is to be introduced. There is to be a system of sickness, accident, invalidity, and old age insurance for agricultural workers and their families, and in general all those measures are to be taken which are often described as rural welfare and home care. These measures are intended to make the monotonous life in the country more tolerable and more worth living, to prevent the rural exodus and not merely to prevent the decrease of the already insufficient supply of agricultural labour, but if possible to increase it. It is also very desirable that international Conventions in the sense of the above remarks should be concluded.

CANADA.

The reply of the Canadian Government to this question is as follows :

The question of unemployment in agriculture, in common with unemployment in other industries, receives the attention of the Employment Service of Canada, and it is not clear that the facilities of the Employment Service are in any way inadequate for meeting the different aspects of the problem. The experience of Canada would not, therefore, suggest that special measures are necessary.

DENMARK.

The following is the opinion of the Danish Government :

Considering the circumstances in this country it is doubted whether the measures mentioned below would, to any great extent, be of importance in remedying agricultural unemployment. At the same time attention is drawn to the fact that the circumstances affecting the choice of proper means for the prevention of unemployment are so different in the various countries that it is difficult to imagine rules generally binding in this respect.

FINLAND.

The reply of the Finnish Government is as follows :

In normal times there has been no widespread unemployment in agriculture in Finland. The principal reason for this is that in winter when agricultural work decreases agricultural workers have found work in the forests. Therefore, the question of international measures for prevention of agricultural unemployment has not the same importance for Finland as for the majority of other countries. However, it is possible that an international Recommendation may be necessary for those countries in which a greater degree of unemployment occurs.

FRANCE.

The French Government considers that a Recommendation concerning the special measures to be taken to prevent and provide against unemployment should be submitted to the Conference.

GREAT BRITAIN.

The following reply has been received from the British Government :

The Agenda deals with the "Adaptation to agricultural labour of the Washington decisions concerning measures for the prevention of or providing against unemployment", and it is suggested that the discussions on this subject must be confined to the adaptation of those decisions.

It is not considered that a Recommendation should be submitted to the Conference in regard to any special measures of the type referred to in the second part of the Questionnaire.

As regards the Washington Draft Convention, there would be no objection to its application to agriculture to the same extent as it has been applied to other industries.

As to the Recommendation concerning unemployment adopted at Washington, it may be pointed out that although there is in existence in the United Kingdom an effective system of unemployment insurance under the National Insurance Acts 1911-1921 covering 12,000,000 workers and securing benefits of £1 per week for men and 16/- per week for women, this does not apply to agriculture. Under the terms of the Act of 1920, agriculture can be brought within its scope, and the question of the inclusion of agriculture has recently been considered by a strong representative committee of both employers and workers in agriculture. From their discussions H. M. Government understand that the extension of unemployment insurance to agriculture would be strongly opposed by the employers, and that there is not at present agreement between the workers as to the methods by which it could be applied. It must also be borne in mind that the risks of unemployment in agriculture are considerably less than in industrial occupations.

INDIA.

The Indian Government is of opinion that a Recommendation should be submitted to the Con-

ference concerning the special measures to be taken to prevent and provide against unemployment.

ITALY.

The Italian Government replies :

In Italy agricultural workers are covered by the Legislative Decree of 19 October 1919, No. 2214, establishing compulsory insurance against involuntary unemployment, and at the present time the provisions determining the modes of payment of insurance contributions are under examination.

Taking into consideration that the agricultural population suffers as much from want of employment as the industrial proletariat and that the former deserves effective protection against unemployment no less than the latter, the inscription on the Agenda for the Geneva Conference of the question of the adaptation of the Washington Convention concerning unemployment to agricultural labour would be welcomed.

Assuming that this question will find a place on the Agenda of one of the annual meetings of the Conference of the Permanent International Labour Organisation in the near future, it is considered most opportune that, *inter alia*, the measures to be taken to prevent and provide against unemployment in agriculture should form the object of a Recommendation.

JAPAN.

The following reply has been received from the Japanese Government :

We consider it advisable to submit a Recommendation to the Conference with regard to the special measures to be taken to prevent and provide against unemployment.

THE NETHERLANDS.

Note. The Netherlands Government, in communicating the replies to the Questionnaires, desired to remark that these replies represent the standpoint adopted by the Minister concerned in relation to the subjects covered. The Government, however,

reserve the right to depart from that standpoint when dealing with Draft Conventions and Recommendations which may result from the Conference.

The reply is as follows :

The Ministry concerned is of opinion that a Recommendation should be submitted to the Conference with regard to the special measures to be taken to prevent and provide against unemployment in agriculture.

NORWAY.

Note. The Norwegian Government states that the replies have been formulated by a Committee of persons composed of the Delegates and Technical Advisers to the Conference and of other persons with expert knowledge of the questions at issue, and that the Government is not in a position to give its final opinion upon the various questions asked.

The reply of the Committee to this question is as follows :

Agriculture with us has for a long time suffered from the constant lack of a sufficient supply of efficient workers. The question of special measures with regard to unemployment amongst agricultural workers is therefore of little significance in our country. But otherwise the same reasons exist for taking measures against unemployment in agriculture as against that evil amongst industrial workers. We agree that the Conference should submit proposals as to measures against unemployment in agriculture and for relieving the consequences thereof.

POLAND.

The Polish Government replies :

Agricultural unemployment is one of the symptoms of an unhealthy agrarian situation. The causes of unemployment in agriculture are absolutely different from those of an analogous crisis in industry. Stagnation in agriculture cannot be caused by a general depression, as is the case in industry ; hence, the means of preventing agricultural

unemployment are of a special nature, and must be sought in another direction than the measures for reducing unemployment in industry.

ROUMANIA.

The replies of the Roumanian Government concerning agricultural questions are preceded by the following general introduction :

In Roumania the class of wage-earning agricultural workers, that is, agricultural workers properly so-called, does not exist.

Before the war, the large landed proprietors employed the peasants in their areas for certain work such as ploughing, harrowing, weeding, harvesting, threshing and carting of various descriptions. These peasants were all small proprietors or small farmers, who accepted employment by the large landowners or farmers for special temporary work, some in order to employ their spare labour in a remunerative manner, others in order to pay for the land which they were holding in tenancy from the large landed proprietors or farmers. These pseudo-agricultural labourers were in reality only temporary auxiliaries engaged for certain special work for which supplementary labour was needed.

A special Act concerning agreements for agricultural work was passed in 1882 and amended in 1893. This Act regulated the conditions of employment in the various occupations, fixed remuneration according to the nature of the work and dealt with the execution and cancellation of contracts, penalties, etc. Section 30 of this Act provided that Friday and Saturday should be free days for the employed man, who would be at liberty to perform work for himself. This legal provision confirms what we have asserted above, that is to say, that the class of agricultural workers, properly so-called, is non-existent.

For certain special occupations such as the weeding of sugar beet, the threshing of the harvest, the care of horned cattle being fattened on the bye-products of sugar factories, the making of beer and spirits, foreign workers from Galicia, Serbia and Bulgaria were engaged. In certain large undertakings, owing to the absence of indigenous agricul-

tural workers, foreign workers were engaged for the whole year.

Since the war, as the result of the agrarian reform which has placed 94 per cent. of the arable land in the hands of the peasants, it may be said that this class of pseudo-agricultural workers has almost completely disappeared. At present, the peasants, who are all proprietors, work only for themselves.

Farm servants, such as cattle men, cowherds, shepherds, grooms, coachmen, keepers, etc. are covered by the provisions of the Domestic Service Act.

With regard to the question concerning the means of preventing and providing against unemployment, the Roumanian Government declares that :

In consequence of the reasons explained above, this great social problem does not exist in Rumania.

SOUTH AFRICA.

The Government of South Africa replies as follows :

There is no unemployment in agriculture. Sufficient labour, on the contrary, is not obtainable.

SPAIN.

The reply of the Spanish Government is as follows :

The question of unemployment in agriculture is one of those which should most of all occupy international attention, since the great labour crises travel beyond the national frontiers, and are one of the causes which drive the worker from the soil and lead him under various influence of a technical, economic, political and social character to seek work in the large towns.

SWEDEN.

The Swedish Government has sent the following reply :

There is no unemployment worth mentioning in Swedish agriculture, but rather, ever since the beginning of the great emigration in the sixties, there has been from time to time a very perceptible shortage of labour in that department. Consequently no Recommendation touching special measures for the prevention of unemployment in agriculture seems to be called for, at least for the present, so far as Sweden is concerned.

SWITZERLAND.

The Federal Government points out, in the first place, that the texts of the Convention and the Recommendation adopted at Washington are applicable equally to agricultural workers and to industrial workers and that in point of fact Switzerland makes no distinction as regards unemployment relief between those two categories of workers.

In reality, however, the Swiss Government states, unemployment in agriculture does not exist in Switzerland. On the contrary, the inverse phenomenon is found. For many years Swiss agriculture has suffered from a dearth of labour. This absence of unemployment is evidently to be attributed on the one hand to the fact that the system of peasant proprietorship is predominant in Switzerland, and on the other hand to the notable development of industry.

Further, the Swiss Government expresses the following opinion :

The Questionnaire quite rightly points out that the special measures which the International Conference may consider it necessary to propose in order to prevent agricultural unemployment can only take the form of a Recommendation. It would in fact be preferable simply to lay down the principle, and leave to the various States the task of putting it into practice to the extent which their special conditions make necessary.

QUESTION II.

Are you of opinion that the adoption of the following measures should be recommended ?

Question II enumerates a series of measures which appear particularly suitable for preventing agricultural unemployment.

A certain number of Governments give a general reply relating to the whole of the special measures proposed without going into details :

AUSTRIA.

See reply to Question I.

CANADA.

The Canadian Government expresses the following opinion :

The suggestions contained in this question do not apply in general to the problems of agriculture in Canada.

GREAT BRITAIN.

The British Government replies in the following terms :

The special measures referred to or suggested in the second part of the Questionnaire relate to the internal organisation of agriculture, and involve questions of land tenure, transport and other matters. As the discussion of such questions appears to be excluded by the wording of the Agenda, namely "Adaptation to agricultural labour of the Washington decisions concerning : — (a) Measures for the prevention of or providing against unemployment", it is not possible to consider them usefully at the present Conference.

INDIA.

The reply of the Indian Government is as follows :

The Government of India consider that most of the expedients suggested are of extremely doubtful value. They are in favour of the provision of work at a living wage by the State for agriculturists who, owing to unfavourable harvests, are unable to find employment. They are also in general agreement with the principle of converting agricultural labourers into independent cultivators provided that this does not involve a minute sub-division of existing holdings. The Government of India are prepared to establish regular public employment bureaux in congested areas in order to assist the migration of agricultural labour from areas where work is scarce to industrial areas where there is a keen demand for labour.

ITALY.

The Italian Government replies :

It is considered that all the proposed measures are to be recommended with the sole exception perhaps of the one concerning the encouragement of paid home-work in the country. This is an unhealthy form of occupation and all civilised nations have adopted or are on the point of adopting special measures against its harmful results. It would be preferable instead to recommend the diffusion and organisation of small industries in the country, especially by means of co-operative or other associations.

JAPAN.

The reply of the Japanese Government states :

We consider it advisable that adoption of the measures (1) to (7) should be recommended.

POLAND.

The Polish Government expresses the following opinion :

All the measures enumerated are more or less efficacious ; their utility will depend in the first place on local conditions, and on the character of the population. The particular conditions of each country also decide whether these measures are to be applied solely as a means of preventing unemployment, or whether they are to serve more general purposes. Hence, it does not appear probable that an international Recommendation could have any effect. Poland already applies almost all the measures mentioned under Question II in order to strengthen the agrarian organism and to remove the effects of the war. For this reason such a Recommendation has no importance.

SOUTH AFRICA.

The Government of South Africa replies as follows :

In view of what is stated in the reply to Question I, the points raised in this question do not apply to South African conditions.

SWEDEN

The opinion of the Swedish Government is as follows :

Although the measures set out in this paragraph seem scarcely to be necessary for Sweden, at least for the present, from the standpoint of fighting against unemployment, they are nevertheless well worthy of attention, even on the part of Sweden, from other points of view. This is all the more true as some of these measures have been employed as effective means in the struggle against " the flight from the land " to industry, the towns and foreign countries, which has been carried on for many years in Sweden.

QUESTION II (1).

Increase of the area under cultivation, either by rendering land susceptible of cultivation which is not so at the present time, or by exploiting land at present uncultivated or insufficiently cultivated.

DENMARK.

The Danish Government replies :

75 % of the total area of Denmark is used for agricultural purposes. Generally speaking, it is subject to such rational farming that, under the conditions generally ruling now in the farming industry, there will scarcely be any question of employment for more labour. Of the remaining 25 % of the area of the country, 16 % is forest, plantations, gardens, roads, building grounds, etc. The remaining 9 % is made up of 52,000 hectares untilled boggy soil, and 316,000 hectares uncultivated heath. Thus, only the last mentioned areas would it be possible to cultivate. A much greater area of heath than that left uncultivated has already been made useful during the last fifty years, especially through planting of wood. The utilisation of the heath in this way, as well as the placing of heath and bogs under agriculture, takes place continually, and, owing to the very inferior farming value of the areas, with considerable support from the State, either direct or through State-aided associations. But the areas which thus might be brought under cultivation are either so small or so situated that their cultivation could not counteract unemployment beyond the comparatively small district in which they are situated. Under conditions different from those described here reclaiming of land must be considered a natural means to counteract unemployment, as, moreover, it would be a natural course to take against unemployment in many countries to start draining of swampy areas. But the possibility of such undertakings is of course dependent upon a certain reasonable proportion between the costs thereof and the profit to be expected.

FINLAND.

The Finnish Government replies :

The area of cultivated land should be increased by bringing waste land into cultivation, or by improving the defective cultivation of certain areas. The obvious importance in Finland of these measures will be seen from the following figures :

The total area of land in Finland, not including water, was in 1910, 33,230,650 hectares, which consisted of :

Cultivated land	1,878,235 hectares.
Natural meadows	959,406 »
Woods and marshes	30,393,008 »

About a third of this last huge area includes marshy land, of which a large part is capable of cultivation.

FRANCE.

The French Government is in favour of this measure.

THE NETHERLANDS.

See also note at head of reply to Question I, page 13.

This measure is considered desirable. Consideration should also be given to the question as to whether cultivation pays or not. The measure proposed in the Questionnaire is carried out in the Netherlands on a very large scale. Mention should also be made of the draining of marshes and lakes (Zuidersee) in the Netherlands.

NORWAY.

See also note at head of reply to Question I, page 14.

The Norwegian Committee replies to this question as follows :

We regard it as serviceable to the purpose that the area under cultivation should be increased, and that the workers should be provided with land of their own.

The workers are thereby attached more firmly to the

soil, and this measure in a high degree prevents the exodus to the towns. Great weight must therefore be attached to this matter also from a social point of view.

SPAIN.

The Spanish Government replies as follows to this question :

In Spain we could provide against the crises indicated in Paragraph 1 of the question by means of the extension of the areas of cultivation, which are smaller than the possibilities of the country allow, although Spain is, in the same way as Italy, than though to a lesser degree the Scandinavian countries, Switzerland, etc., one of the great mountainous and pastoral countries of Europe.

SWEDEN.

The Swedish Government replies :

Efforts to take new land into cultivation and to improve the soil have long been the object of attention and interest in Sweden ; and this interest has greatly increased during the last few years, especially under the influence of the endeavour which arose during the Great War, particularly during the years 1917 and 1918, to make the country self-supporting with regard to corn.

SWITZERLAND.

The reply of the Swiss Government is as follows :

For a long time great efforts have been made with regard to the amelioration of the soil. Both in the plains and in the mountains, vast areas have been restored to cultivation, or rendered utilisable as pasture land, by draining, irrigation, canalisation, clearing or banking, and by other means which have been undertaken for this purpose. The Confederation, the Cantons, and the Communes encourage these works by the grant of large subsidies.

We can only declare ourselves in agreement with the measure proposed.

QUESTION II. (2).

The transformation of extensive cultivation into intensive ; increase of the labour employed per unit of cultivated land.

DENMARK.

The Danish Government furnishes the following reply :

As already mentioned, the development of Denmark has on the whole reached a point with regard to intensive work which makes it very unlikely that this means could bring about an increased employment. The state of affairs in this respect may of course be different elsewhere. But surely it holds true everywhere that more rigorous working terms and increase of wages can result in a change from intensive to extensive farming, thus bringing about just the opposite of what was intended and what is desirable.

FINLAND.

The opinion of the Finnish Government is as follows :

The transition from extensive cultivation to intensive cultivation would, in the majority of cases, certainly be such as to increase the number of workers required per superficial unit of cultivated land. However, as intensive cultivation requires a larger number of workers during the summer, it might perhaps lead to unemployment during the winter in countries where the growing period is short. Further, it must be noted that the change from extensive cultivation to intensive cultivation is not always to be advocated, e.g. in Finland, even from an economic point of view, chiefly because of the insufficient means of communication in certain areas, as well as the drawbacks due to the nature of the land and of the climate.

FRANCE.

The French Government is in favour of the trans-

formation of extensive cultivation into intensive cultivation. It is, however, opposed to the increase of the labour employed per unit of cultivated land.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

This measure is considered very desirable, but should only be applied with discrimination. For example, the Netherlands is obliged to a great extent to export the produce of its intensive cultivation (agricultural and kitchen garden produce) to the contiguous countries. The demands, therefore, of these markets will have a great influence on the transformation of extensive cultivation into intensive. It may be pointed out that during the last few years the costs of production in agriculture have not been proportionate with the sale price of produce. Moreover, in certain localities, less profitable work has been abandoned as far as possible, and the cultivators prefer extensive cultivation to intensive, a fact which helps to increase unemployment.

NORWAY.

See note at head of reply to Question I, page 14.

The opinion of the Norwegian Committee is as follows :

Intensive cultivation will in general be of importance as a measure against unemployment. As regards Norway, however, with its short summer and long winter, it is conceivable that intensive cultivation with great demand for labour in the summer would in certain districts lead to unemployment in the winter time. At the same time we wish to point out that a limitation of the working hours and an increase in the cost of labour in agriculture might militate against the transition from extensive to intensive cultivation.

SPAIN.

The Spanish Government replies as follows :

In reply to Paragraph 2 of the question, the principal reason why the area of intensive cultivation is so small (only four million hectares out of twenty million hectares of cultivated land) is that there are large areas in the hands of the great landed proprietors who have no inducement to produce intensively and who in this way prevent the real workers from possessing sufficient land for this purpose. Moreover, when the workers hire a small piece of land, they pay such exorbitant rents that they can neither improve it nor make new plantations.

SWEDEN.

The Swedish Government replies :

The transition from extensive to intensive culture with an increase in the number of workers per unit of cultivated land must be regarded as desirable in itself ; but the possibility of its realization in practice largely depends upon the economic conditions prevailing. Thus at the present time a development in the diametrically opposite direction may be expected in certain quarters owing to the increased wages on the one side and the falling prices of agricultural produce on the other.

SWITZERLAND.

The Swiss Government is in agreement with the proposal to embody these suggestions in the Recommendation.

QUESTION II (3).

Creation of small landed properties or landed farms by the development of agricultural credits.

DENMARK.

The Danish Government replies :

Circumstances in this country do not require any further development of the system of agricultural credits.

FINLAND.

The opinion of the Finnish Government is as follows :

For the success of colonisation enterprises it is essential to obtain the necessary credit. For the past twenty years there has existed in Finland a State colonisation fund, from which loans are granted to the communal colonisation funds. The latter in their turn have furnished credit to the colonisation schemes mentioned in reply to Question II (4). The State has also agreed to important loans, to the extent of 15 million marks in 1921, to the Central Loan Funds of the Co-operative Societies, principally in order to furnish working credit to the small proprietors.

FRANCE.

The French Government is in favour of the creation of small landed properties or tenant farms by the development of agricultural credits.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

It is considered important that measures in this direction should be taken, in order to prevent both general and seasonal unemployment, and to give the worker a larger measure of protection against the consequences of such unemployment. Such measures might be applied in virtue of the Agricultural Labour Act (Act of the 20th April, 1918; Law Bulletin 259), as well as by other means.

NORWAY.

See note at head of reply to Question I, page 14.

The Norwegian Committee replies :

A suitable arrangement as to agricultural credits would be desirable both for owners and renters of land.

SPAIN.

The reply of the Spanish Government is as follows :

In reply to the third Paragraph of Question II, it would only be possible to obtain the transformation of extensive into intensive cultivation by a just partition of the great landed properties. Without taking into account the extension of irrigated areas which will greatly facilitate the partition of land, there is a marked tendency towards partition even in provinces such as Andalusia, where the *latifundia* are so characteristic. The Catholic trade unions favour this tendency by the establishment of small rural estates.

SWEDEN.

The Swedish Government replies :

The fact that Swedish agriculture is to an overwhelming extent based on the small farm has helped the efforts made to try to improve the social conditions of the countryside by promoting the gradual ascent from landless labourer to self-supporting small peasant or occupier of a small holding. Owing to the marked predilection of the rural population for ownership, this effort in Sweden has mainly taken the form of setting up what are called "own homes" on freehold land. For this purpose over 80,000,000 kroner has been advanced during the years 1904-1920 in the form of Government loans bearing a low rate of interest. At the same time an endeavour has been made, by a broadminded legislation with regard to tenants and other measures, to improve the position of tenant-farmers and crofters both on Government and on private estates.

SWITZERLAND.

The proposed measures have already been examined and to a great extent carried out in Switzerland. The Federal Government is in complete agreement with their incorporation in the Recommendation.

QUESTION II (4).
Improvement of general facilities.

DENMARK.

The Government considers that this measure has no importance for Denmark.

FINLAND.

The Finnish Government replies as follows :

Particular importance has been attached in Finland to interior colonisation. The State has sought to encourage it :

(a) By opening the credits mentioned in reply to Question II (3). These credits have led to the creation of nearly 12,500 small properties ;

(b) By the purchase and partition of large properties : nearly 2000 small properties have thus been formed ;

(c) By the creation in 1917 of a central administration for the direction of colonisation schemes ;

(d) By an Act of 1918, which gave to the farmers of parts of certain properties the right of acquiring their tenancies : this Act affects nearly 152,000 tenancies.

At the same time, the colonisation of important State properties has been proposed, and an Act is in course of preparation with a view to facilitating the colonisation of land belonging to private persons.

FRANCE.

The French Government considers this question an exclusively national one.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

This measure would not contribute to prevent unemployment in the Netherlands.

NORWAY.

See note at head of reply to Question I, page 14.

The Norwegian Committee says :

Great importance is attached to this means of preventing unemployment.

SPAIN.

The Spanish Government replies as follows :

With regard to Paragraph 4, interior colonisation was organised in Spain by the Act of 30 August 1907. This Act constitutes a modest beginning which will be developed in accordance with plans which the present Government is about to put into execution and which will have the object of extending compulsory colonisation (at present limited) of land belonging to the State to land owned by the provinces and the municipalities or even to the uncultivated or badly cultivated land belonging to private persons.

SWEDEN.

The Swedish Government replies as follows :

Sweden still offers considerable possibilities for settlement, especially in the extensive forest districts in the northern part of the country which to a very large extent belong to the Crown. But the rigorous climate and the badness of the communications and of marketing conditions place considerable obstacles in the way of the well-being and economic success of the settlers. During the last few years however, chiefly with the object of acquiring the necessary experience in this respect, there has been arranged a system of experimental landed settlements on a pretty large scale in certain Crown Parks in Norrland, with the help of public funds and under the management of a special State orgæa.

SWITZERLAND.

As this proposal has already been examined and to a large extent applied by Switzerland, the Federal

Government is in agreement with the suggestion to embody it in the Recommendation.

QUESTION II (5).

Facilities for transport and the organisation of workmen's trains.

DENMARK.

The reply of the Danish Government is as follows :

Transfer of agricultural labourers between distant places of work is not very common in Denmark, setting aside first the transfer of unmarried labourers (servants) engaged permanently for six or twelve months, and secondly the fact that harvesting work and work in the beetroot fields is very often sought far away from home. In the latter case facilities for cheap transport might, strictly speaking, be recommendable. The cycle, however, plays a great part in the daily normal work of the agricultural labourer, a fact principally due to the good roads and the character of the country. The majority of the farm hands thus use bicycles in all cases when the distance from their homes to the place of work recommends the use of this means of conveyance. Under the circumstances described here the suggested organisation of railway trains for agricultural labourers could not be considered serviceable.

FINLAND.

The following reply has been received from the Finnish Government :

Nomadic agricultural workers are very rare in Finland. Nevertheless, the development of communications is very important in a country so sparsely populated as Finland.

FRANCE.

The French Government is in favour of the im-

provement of transport facilities and the organisation of workmen's trains.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

Workmen's trains are chiefly used in the Netherlands to carry workers to and from their places of work in industrial centres. In agricultural localities the workers to a great extent use bicycles to go to their work.

NORWAY.

See note at head of reply to Question I, page 14.

The Norwegian Committee is in favour of the suggestion regarding facilities for transport and the organisation of workmen's trains.

SPAIN.

The Spanish Government expresses the following opinion :

The question of workmen's trains has little importance except in connection with the summer work of the mountain-dwellers who descend into the plains, the Galicians to Castile and the Aragonese to Valencia and Murcia.

SWEDEN.

The Swedish Government replies as follows :

Anything like a general introduction of workmen's trains in order to make it possible for rural workers to obtain work in the towns in case of need seems scarcely to be called for so far as Sweden is concerned, because, amongst other reasons, Swedish industrial concerns are for the most part situated in the country. Nor is such a plan practicable, owing to the usually long distances.

SWITZERLAND.

The Swiss Government replies :

We have already said above that agricultural unemployment is unknown. On the other hand, the small landed property worked by the family owning it themselves is the rule. From these two facts it follows that the proposed measure which envisages the alternation of industry and agricultural employment, thanks to a well-organised system of transport, would serve no purpose in Switzerland.

It should, however, be remarked that the Federal Railways grant unemployed workers in search of employment and in possession of a recommendation from an employment office half-fare tickets in order to travel to the place where they hope to find work. The transport systems, which are held in concession from the Confederation, grant the same benefit to the unemployed. These are measures of an administrative order, which cannot be transformed into legislative provisions. Further, the Confederation is not authorised to impose this measure on the conceded transport enterprises.

QUESTION II (6).

Home-work in the country during the winter.

DENMARK.

The Danish Government replies :

It is not considered that the prospect of earnings through home-work during the winter would encourage such work to any great extent. Beyond such exceptional cases as those in which agricultural labourers are skilled in some trade or other such home-work would scarcely be of any importance.

FINLAND.

The Finnish Government replies :

In consequence of the long northern winter, domestic industries were at one time comparatively widespread in

Finland ; but, with the development of industry, they have considerably diminished. Although they will never recover their former importance, they have nevertheless again begun to develop. They are assisted in this development by local associations (22), instructors (19), fixed and ambulatory schools (105), supervised by inspectors nominated by the State (3). During certain famine years, domestic work has been given to women in order to prevent unemployment.

FRANCE.

The French Government is in favour of the development of home-work in the country during the winter.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

Home work for agricultural workers during the winter may be a means of providing against unemployment if basket work and other similar work is included.

NORWAY.

See note at head of reply to Question I, page 14.

The Norwegian Committee favours the organisation of home-work in the country during the winter.

SPAIN.

The Spanish Government expresses the following opinion :

Agricultural home-work, referred to in Paragraph 6, is extremely rare in Spain. It would appear to have very little importance in connection with the question now before us since it only exists in the survival of local customs which are fast disappearing, as, for instance, in the Asturias and Galicia, the "halidas" and "esfollaza", the shelling of chestnuts in the same provinces and the "serano" of Zamora, etc.

SWEDEN.

The Swedish Government replies :

Home industry has long been carried on in the countryside, especially in the form of weaving and wood-working, as subsidiary employment during the winter. But this home-work is of relatively little importance in comparison with forestry, which has its season in the winter, and in the northerly parts of the country employs for timber-driving over 100,000—150,000 men, mainly belonging to the agricultural population.

SWITZERLAND.

The Swiss Government replies :

This question has already been examined carefully, and has been solved in the sense foreshadowed by the Questionnaire. Enquiries are at present being carried on, with a view to an extensive development of home-work. It is intended not only to provide work for industrial workers but also for small agriculturalists, especially in mountainous regions. We are of opinion that the Recommendation should formulate the resolution that home-work should be introduced in the country during the winter.

QUESTION II (7).

Creation of agricultural workers' co-operative societies for the working and purchase or renting of land.

DENMARK.

The Danish Government replies :

No, this would scarcely be desirable. It would among other things be contrary to the development which has taken place in this country, namely that from joint-ownership and joint working to separate property and separate working.

FINLAND.

The Finnish Government replies :

Co-operative Societies for the purchase of land have also been founded in Finland, and subsidised by the State. This form of colonisation, however, has not proved sufficiently effective to justify special support by the State. Nevertheless, these Co-operative Associations can obtain loans through the credit establishments mentioned in Paragraph 3.

FRANCE.

The French Government favours the formation of agricultural workers' co-operative societies for the working and purchase or renting of land.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

The creation of agricultural workers' co-operative societies has not yet attained any importance in the Netherlands.

NORWAY.

See note at head of reply to Question I, page 14.

The Norwegian Committee replies :

This form of organisation is untried in our country. An attempt would be of interest, and such a form of organisation might be conceived to be a means towards the prevention of unemployment.

SPAIN.

The Spanish Government expresses the following opinion :

The solution of the problem of unemployment amongst agricultural workers, which is caused by lack of land to culti-

vate, can be found in the systems of co-operation and mutual aid alluded to in Paragraph 7 of the question and of which Italy offers an example with its collective renting of land and its productive agricultural co-operative societies, in the two characteristic types of united or divided management (*conduzione unita* and *conduzione divisa*). A few more or less tentative experiments have been carried out in this direction in Spain. Nevertheless, the most efficacious means of solving the problem of unemployment in agriculture appears to us to be the grant of small holdings to legally constituted workmen's societies.

SWEDEN.

The Swedish Government replies :

Co-operative agriculture has attracted very slight interest in Sweden and the experience that has so far been acquired with regard to one or two undertakings of this kind is too short to make possible any conclusions whatsoever regarding the importance of this form of cultivation and its prospects, so far as Sweden is concerned.

SWITZERLAND.

The Swiss Government replies :

Since it is a country of small properties, Switzerland cannot carry out this measure. Further, the Confederation would not be competent to legislate in this direction without a revision of the Federal Constitution.

QUESTION II (8).

Other measures.

DENMARK.

The Danish Government replies :

Under normal Conditions of work and production the agricultural labourers of Denmark have not experienced unem-

ployment to any great extent. The fact that the farming districts during the winter months offer rather great opportunities for work in the woods, and for the stone-breaking which the up-keep of the roads makes necessary, is instrumental in this respect. It is supposed that the agricultural labourers might be further protected against unemployment if the Government and the municipalities, as far as possible, would try to start such work as they have to perform at times of the year when it might become a useful supplement to the ordinary work in hand.

FINLAND.

The Finnish Government replies :

Amongst the relief works which demand a large number of workers, the works in the vast State forests of Finland must be mentioned, as well as the draining of marshy ground and the building of roads. In 1917 the Chamber of Deputies voted 40 million marks with a view to meeting the extensive unemployment which was for various reasons threatened at that time. For this purpose a special central bureau was created. Special organisations for the regulation of relief works had already been established during certain difficult periods.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

Other measures which may be mentioned as likely to prevent unemployment in the Netherlands are as follows :—

- (a) Encouragement of agricultural education, with a view to training directors of agricultural undertakings ;
- (b) A more systematic training of workers ;
- (c) Introduction of better machines and implements ;
- (d) Encouragement of better methods of work ;
- (e) Standardisation of certain classes of agricultural work — for example, with regard to women who thrash corn ;
- (f) Extension of afforestation ;
- (g) Encouragement of intensive cultivation of the land by landed proprietors ;

- (h) Encouragement of those forms of cultivation in which work is more adequately distributed during the year ;
- (i) Improvement of the drainage of canals, streams and small rivers ;
- (j) Exchange of allotments ;
- (l) Encouragement of better accommodation and better treatment of workers who come from another locality.

NORWAY.

See note at head of reply to Question I page 14.

The Norwegian Committee replies :

Measures which might stimulate the spirit of thrift amongst the workers from their youth, so that they might by degrees save up some money in order later on to purchase farms for themselves.

SWEDEN.

The Swedish Government replies :

During the periods of great industrial unemployment which have occurred during and more particularly since the Great War, the State has started extensive relief works in the countryside. These works have mainly consisted of building roads, making canals and ditches and other works intended to improve the land, the planting and thinning of forests, etc. Such works, which are especially suitable for agricultural labourers, seem to be the most natural ones to all back on should unemployment reveal itself in agriculture.

SWITZERLAND.

The Swiss Government replies :

We do not believe that there is reason to include anything else in the Recommendation.

QUESTION III.

Are you of opinion that all Members of the Organisation should be asked to provide an Annual Report dealing both with the application to agricultural workers of the Draft Convention and Recommendation on unemployment adopted at Washington, and with the steps taken as regards the various measures set out in paragraph II above ?

AUSTRIA.

The reply of the Austrian Government is as follows :

It would be very desirable if all the Members of the International Labour Organisation sent regular reports on the nature of the measures of this kind which they had taken, and on the results achieved. These reports should be published.

CANADA.

The Government of Canada replies :

The Government of Canada would be pleased to furnish reports on the application to agricultural workers in this country of the Draft Convention and Recommendation on unemployment adopted at Washington in so far as it is possible under the limitations of the Federal system of Government to obtain the information desired.

DENMARK.

The Danish Government replies :

The sending in of such annual reports would very likely be of interest and seems therefore to be recommendable.

FINLAND.

The Finnish Government replies :

It is certainly desirable that the obligation to make the reports provided for in Article 1 of the Washington Draft Convention concerning unemployment should be extended to this domain. With regard to the practical application of the measures enumerated in Question II, the States Members should also render reports each year.

FRANCE.

The French Government answers this question in the affirmative.

GREAT BRITAIN.

The reply of the British Government is as follows :

If a Convention or Recommendation relating to the prevention of unemployment among agricultural workers is adopted, an annual report should be made on the measures taken to give effect to such Convention in accordance with Article 408 of the Peace Treaty.

INDIA.

The reply of the Indian Government is as follows :

No. The Government of India consider that the annual report prescribed by Article 408 of the Treaty should be adequate.

ITALY.

The Italian Government replies :

There is no doubt that it is most desirable and important to ask for such reports.

JAPAN.

The Japanese Government replies :

We are of opinion that all Members of the Organisation should be asked to provide an annual report.

THE NETHERLANDS.

See note at head of reply to Question I, page 13.

The reply is as follows :

It would not seem that an annual report is absolutely necessary.

NORWAY.

See note at head of reply to Question I, page 14.

The Norwegian Committee is in favour of this proposal.

SOUTH AFRICA.

The Government of South Africa replies :

Yes, where the Draft Convention and Recommendation adopted at Washington can be applied.

SPAIN.

The opinion of the Spanish Government is as follows :

There can be no doubt that international reports, such as those which are at present so usefully rendered, tend towards the progressive internationalisation of methods of study of social and economic questions, and that they will facilitate the much desired development of a policy of mutual understanding between peoples.

SWEDEN.

The Swedish Government replies :

Although the fact should be emphasized that the previously-mentioned measures and others for the benefit of less well-to-do inhabitants of the countryside can attain real importance and success only if they have their bases and starting-point in the economic and social conditions of each several country, yet it must, of course, be considered to be of great importance for Sweden also to learn about the ideas and experiences of other countries in this respect. With the object of bringing into existence comprehensive accounts of such work, it seems that annual reports should be issued by the Members of the International Labour Organisation regarding both the application of the measures decided upon at Washington to agricultural labourers and also what has been done with regard to the measures mentioned in Question II.

SWITZERLAND.

The Swiss Government replies :

We are also ready to furnish a report concerning both the application of the Draft Convention and Recommendation concerning unemployment adopted at Washington to agricultural workers and the initiative taken with regard to measures 1, 2, 3, 4, and 6, examined above. In our opinion nevertheless, an annual report would not be of great use and would lead to vain repetitions. It would be quite sufficient if a report were rendered every two years.

CHAPTER II.

GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

The conclusion which emerges from the replies of the Governments given in Chapter I is that none of them contests in principle the right of agricultural workers to enjoy the same protection against unemployment as industrial workers. All have recognised that the problem of agricultural unemployment is of capital importance and merits profound study.

Before proceeding to a discussion, in the light of the replies received from the Governments, of the measures which have been suggested in the Questionnaire, certain considerations of a general nature call for examination. In the first place certain Governemnts have made reservations as to the adoption of a Recommendation on unemployment in agriculture in view of the special conditions in which their respective countries are placed. Far from suffering from agricultural unemployment, they experience rather a serious shortage of labour. It may be pointed out in this connection that the object of the International Labour Office in asking the Governments for their opinion was not merely to remedy the present evil but particularly to envisage the general lines of

measures to be taken in the event of those States which do not at present suffer from unemployment in agriculture being at a future date affected by it.

In the second place it must be emphasised that agricultural unemployment is peculiar in its character — a fact that has not, perhaps, been sufficiently considered. Agricultural unemployment occurs in two forms, which must not be confused, since for each there are different remedies. Agriculture is subject to crises just as industry or commerce, and probably these are of even greater intensity. But besides such unemployment resulting from crises, agriculture also experiences seasonal unemployment, which is inherent in the very nature of agricultural work. The Governments which have declared that in their country agricultural unemployment does not exist have nevertheless recognised that they are affected by seasonal unemployment. Thus the Austrian Government states that, though general agricultural unemployment does not exist, seasonal unemployment arises in winter. On the other hand, the lack of qualified agricultural labourers, which is experienced in some countries and is mentioned in particular in the Swedish Government's reply, is largely due to the inferiority of the agricultural worker's position compared to that of the industrial worker. The Spanish Government's reply brings out very clearly the relation of cause and effect existing between the instability of working conditions in agriculture and the rural exodus.

Although the necessity for taking measures against

unemployment is not universally felt, it appears that such measures are the indispensable complement of the general measures for the amelioration of the agricultural worker's lot. To induce workers to return to agriculture, they must be given guarantees against unemployment, which, if not generally existent at the actual moment, is yet an eventuality to be reckoned with. Further, immediate steps require to be taken to remedy the seasonal unemployment referred to in the Austrian Government's reply.

A certain number of Governments have recognised that, though agricultural unemployment does not exist in their countries in a particularly severe form, the question is yet one of great international interest justifying the adoption by the Conference of a Recommendation on the subject. Finland and Norway, in particular, state that the fact that they themselves suffer rather from a shortage of labour does not justify them in taking up an attitude hostile to the adoption of an international Recommendation.

1. *The Decisions of the Washington Conference.*

The Washington Conference, it will be remembered, adopted a Draft Convention for the institution of a system of free public employment agencies placed under the control of a central authority with an advisory committee of employers and workers, which was to be consulted on all matters regarding the working of these agencies. The Draft Convention also provides that each State which ratifies it and which

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

In the Recommendation the Conference invited the different States to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit, and where such agencies already exist to take all practicable measures to abolish them as soon as possible. The Conference also recommended the States Members to permit the recruiting of bodies of workers in one country with a view to their employment in another country only by mutual agreement between the countries concerned and after consultation with employers and workers. Finally, the Conference recommended to the Members of the International Labour Organisation the establishment of an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations the rules of which provide for the payment of benefits to their unemployed members.

It is important to note that, as pointed out in the Questionnaire, neither the Draft Convention nor the Recommendation regarding unemployment adopted by the Washington Conference contain any provisions limiting the field of application of the measures prescribed. There seems, therefore, to be no doubt that in adopting the two decisions in question, the

Washington Conference had in view their application to agricultural workers as well as to workers in industry and commerce.

The reporter of the Washington Commission on Unemployment had occasion, during the course of the debates, to make a formal declaration to this effect. Replying to Mr. Armenteros, Delegate of the Cuban Government, the reporter declared in the course of the sitting of 26 November, 1919: "The Draft Convention relative to prevention of unemployment concerns agricultural workers as well as others. Measures against unemployment do not distinguish between the various classes of workers." In the course of the same sitting, in adopting by 62 votes to 0 the following Resolution presented to it by the Unemployment Commission, the Conference affirmed no less categorically its desire to deal with the problem of unemployment in agriculture.

"The Conference resolves that the Governing Body of the International Labour Office is invited to form an international commission empowered to formulate recommendations upon the best methods to be adopted in each State for collecting and publishing all information relative to the problem of unemployment, in such form and for such periods of time as may be internationally comparable.

"So far as agricultural unemployment is particularly concerned, the International Labour Office shall come to an understanding with the International Institute of Agriculture at Rome, in order that the latter may regularly transmit the information

collected by the Institute relative to the aforesaid unemployment.”

In conformity with this Resolution, the International Unemployment Commission, constituted by the Governing Body of the International Labour Office, entered into relations, as desired by the Washington Conference, with the International Institute of Agriculture at Rome before rendering its report, which was submitted to the Governing Body in the course of its Seventh Session, held at Geneva in April, 1921.

Thus, the debates at the Washington Conference and the precise declaration of the reporter of the Unemployment Commission show that no doubt arises as to the application to agricultural workers of the Washington decisions regarding unemployment, and agricultural workers should accordingly be considered as included, *ipso jure*, in the scope of the Draft Convention and Recommendation in question. In this regard, it is interesting to note a passage in the Swiss Government's reply to Question I, in which the Federal Government declares its that the Draft Convention and Recommendation adopted at Washington are applicable to agricultural as well as to industrial workers, and remarks that in point of fact Switzerland draws no distinction from the point of view of unemployment assistance between these two categories of workers.

2. *The measures proposed to the Conference.*

Though the general provisions of the Washing-

ton Conference relative to unemployment should be considered as applying to agricultural as well as other workers, it must be recognised that they are insufficient to give a really satisfactory solution to the problem of unemployment in agriculture. As has already been shown in the beginning of this chapter, the problem of unemployment presents, for workers on the land, peculiar aspects not met with in other spheres of work. In particular, seasonal unemployment in agriculture demands the adoption of special measures. It was particularly because of such seasonal unemployment and of the dangers which it presents for agriculture, and in order to allow the Geneva Conference to indicate the special additional measures which, in its opinion, were required to complete the work of the Washington Conference, that the Governing Body of the International Labour Office decided, on 25 March, 1920, to include this question in the Agenda of the Third Session of the Conference.

In its reply to the Questionnaire the British Government, however, drew attention to the wording of the Agenda — “adaptation to agricultural labour of the Washington decisions concerning measures for the prevention of or providing against unemployment” — and indicated that in its opinion the Conference should confine its discussions to the adaptation of those decisions. It considered that the discussion of the special measures referred to in the second part of the Questionnaire was excluded by the wording of the Agenda.

The attitude of the British Government, therefore, is that the points enumerated for the Recommendation suggested in the Questionnaire are not on the Agenda of the Conference and that accordingly the Conference would not be competent to adopt a Recommendation with regard to them. It seems difficult to sustain this point of view. As indicated above, the Washington decisions regarding unemployment apply to agriculture and were distinctly understood by the Washington Conference to do so. This consideration was taken into account by the Governing Body when it drew up the Agenda for the forthcoming Conference, and clearly no purpose would have been served by putting the item on the Agenda if the Conference were merely to be asked to reaffirm decisions which were already operative by a formal vote of a previous Conference. The Governing Body, in fact, realised that unemployment in agriculture had certain special features for which special treatment might be desirable, and its intention was to allow the Conference the opportunity of discussing and adopting decisions which might seem desirable as regards unemployment in agriculture.

It may also be noted that in suggesting in the Questionnaire the possibility of adopting a Recommendation dealing with special measures as regards agriculture, the International Labour Office was following closely a precedent for which authority may be found in the proceedings of the Genoa Conference. The Genoa Conference dealt with the application of the Washington decisions to seamen and, although in the case of the Agenda of that Conference

the stricter word *application* was used and not *adaptation*, as in respect of the forthcoming Conference, nevertheless the Genoa Conference in dealing with the question of unemployment considered that it was competent to take into account the special circumstances of employment at sea and the special causes from which unemployment might arise. It accordingly adopted the *Draft Convention concerning unemployment indemnity incase of loss or foundering of the ship*. This Convention was clearly a special Convention which the Conference considered was required to meet unemployment arising out of a cause peculiar to maritime employment and for which provision of a special kind was necessary. No objection was raised during the Conference as to its competence as regards the adoption of this Convention although discussions did take place as to the question of competence with regard to other items and where a doubt was considered to exist, the Conference decided not to proceed to a formal decision and to place the items in question on the Agenda of the next Conference. It is for this reason that Item VIII, age of employment as trimmers and stokers, and compulsory medical examination of all children employed on board ship, figures on the Agenda of the present Conference.

Since in the present case the Agenda is even less strict, in so far as the Conference is called upon to consider not the *application* of the Washington decisions but their *adaptation*, it seems difficult to admit the contention of the British Government that the Conference will not be competent to discuss

these remedial measures which the special circumstances of agricultural unemployment seem to demand.

Moreover, no other Government has raised the same objection and a large number of the Governments have indicated their approval of certain of the measures proposed.

The Questionnaire on unemployment issued by the International Labour Office came to the conclusion that a Recommendation on this subject might be adopted by the Conference. It was pointed out that a draft Convention appeared impossible. In fact, the solutions adopted by the different States are extremely varied. Different types of cultivation, historical traditions, the state of education of the agricultural population and the amount of land available will necessitate very different solutions. The proposed Recommendation has been favourably received by most of the Governments, but several of them have been led by the considerations which induced the International Labour Office to abandon the idea of a draft Convention to declare that measures which in their opinion should have a purely national character should not even be referred to in a Recommendation. This objection is not valid, for the very character of the Recommendation permits Governments to take measures of a national character to give effect to the terms of the Recommendation. On the other hand it may be pointed out that in proposing to the Governments a series of measures, the International Labour Of-

vice left them free to choose amongst those measures in the event of their objecting to certain of them. In the draft Recommendation submitted to the Conference the International Labour Office has taken into account the observations presented by the Governments and has in consequence modified the text of the measures outlined in the Questionnaire.

As regards the different points enumerated in paragraph II of the Questionnaire, various Governments have not gone into detail on these measures, but have expressed their opinions on the proposed special measures as a whole. Thus, the Governments of South Africa, Canada and Great Britain reject *en bloc* the measures in question. The Government of India holds that most of the measures suggested are of doubtful value, but declares itself favourable to the organisation by the State of work destined to assure a livelihood to the agricultural unemployed. It declares itself likewise in agreement with the idea of transforming agricultural workers into independent farmers, with the reservation that this shall not tend to excessive splitting-up of present holdings. It is further disposed to establish regular public unemployment agencies in the over-populated areas, with a view to facilitating the emigration of agricultural labourers from areas over-supplied with labour to those under-supplied. Poland holds that, since the measures contemplated have already been applied in Polish legislation to strengthen the agricultural system and remedy the results of the war, recommendations with regard to them would have no interest for Poland. Japan approves the proposals

unreservedly, and so does Italy, except as regards the encouragement of home-work. The Swedish Government, while of opinion that the measures in question are not at present required in Sweden, yet holds them to be worth attention, even on the part of Sweden, from a more general point of view than that of combatting unemployment. Some of these measures have, moreover, already been successfully employed in Sweden to combat the exodus from the country to the towns.

As regards the different measures enumerated in the Questionnaire, the Governments have presented the following observations :

1. — *Increase of the area under cultivation, either by rendering the land susceptible of cultivation, which is not so at the present time, or by exploiting land which is at present uncultivated or insufficiently cultivated.* The Governments of Finland, France, Netherlands, Spain, Sweden and Switzerland, as well as the Norwegian Committee, have pronounced in favour of this measure. The Danish Government is of opinion that the amount of extra land in Denmark which could be rendered susceptible of cultivation is so small that its exploitation could have no appreciable effect on unemployment. It recognises, however, that under conditions different from those of Denmark the reclamation of land should be considered a natural method of combatting unemployment, and that in certain countries the same end might well be served by the draining of marshy land.

2. — *The transformation of extensive cultivation into intensive cultivation, increase of the labour employed per unit of cultivated land.* In general, the Governments are in agreement with this measure, in so far as more intense cultivation is possible. The replies of Finland and Sweden point out, however, that intensification of cultivation and increase of the labour employed per unit of cultivated land would bring a considerable number of new labourers to the country during the summer and might result in greater unemployment during the winter. The French Government, while agreeing to the transformation from extensive to intensive cultivation, is yet opposed to the increase of the labour employed per unit of cultivated land. After exhaustive study of this question the International Labour Office has come to the conclusions that it would perhaps be somewhat premature to include in the Recommendation the question of the increase of labour employed per unit of cultivated land. This measure, favourably regarded in Italy, would perhaps not lend itself to international application.

3. — *Creation of small landed properties or landed farms by the development of agricultural credits.* The replies of the Governments of Finland, France, Netherlands, Spain, Sweden and Switzerland, as well as that of the Norwegian Committee, recognise the importance of this measure and agree that it should be introduced in the Recommendation. The Danish Government, on the other hand, is of opinion that a further development of the system of agricultural credits is not necessary in Denmark.

4. — *Improvement of general facilities.* Spain, Finland, Norway, Sweden and Switzerland report that they are engaged in studying and applying this measure as opportunities arise in their respective countries. The French Government considers this a purely national question, while the Danish Government thinks it has no importance for Denmark.

5. — *Facilities for transport and the organisation of workmen's trains.* The Governments of Finland and France, as well as the Norwegian Committee consider the development of communications to be very important. Denmark, Spain, Sweden and Switzerland, on the other hand, consider it for internal reasons to be either useless or difficult of application.

Apparently some confusion has arisen on this point. It is not a question, as has sometimes been supposed, of transporting workers to their agricultural employment, but of affording them facilities during the period of seasonal unemployment for going to other parts of the country to undertake industrial work of a temporary character. A certain number of countries have already taken measures of this kind to remedy seasonal unemployment. In order, however, to take into account these differences of opinion, the paragraph in the draft Recommendation which relates to transport facilities has been drawn up in very general terms and with a view to facilitating particularly, by suitable means of transport, the access of unemployed agricultural labourers to work of a temporary nature. The utility of this measure appears indeed indisputable, when it is remembered that a large number of Govern-

ments have indicated in their replies that one of the means most often adopted to minimise the effects of an unemployment crisis is the organisation of temporary work to maintain those thrown out of work until the crisis passes.

6. — *Home-work in the country during winter.* Finland, France, Netherlands, Sweden and Switzerland have expressed an opinion favourable to the encouragement of home-work in the country during winter. The Danish and Spanish Governments, on the other hand, consider that this measure is of little interest as a means of dealing with unemployment. As has already been stated, the Italian Government makes a reservation regarding the encouragement of home-work in the country. It holds that this kind of work is unhealthy in character, and that at the present time the tendency is rather to combat its effects than to encourage it. The International Labour Office recognises fully the necessity of combatting home-work performed under unhealthy conditions. Since, however, home-work appears capable of enabling agricultural workers to increase their earnings appreciably during winter, a paragraph recommending that the Members of the International Labour Organisation should take measures to develop home-work in the country during winter has been introduced in the draft Recommendation. This provision is subject to the express reservation, " that such work be carried on in equitable and humane conditions, " for, as the Preamble to Part XIII of the Treaty of Versailles has declared, the object of the International Labour Orga-

nisation is to facilitate the adoption of really humané conditions of labour and to abolish all conditions implying injustice, hardship and privation.

7. — *Creation of agricultural workers' co-operative societies for the working and purchase or renting of land.* Spain, France and Norway favour the creation of agricultural workers' co-operative societies for the working and purchase or renting of land. Denmark, on the other hand, does not consider this measure desirable. The experience available in Finland and Sweden regarding agricultural co-operative societies is too recent to enable them to give a definite opinion on the question. Switzerland maintains that by the terms of the Federal Constitution, the Confederation is not competent to legislate in this sphere.

8. — *Other measures.* Among the measures suggested may be mentioned particularly the organisation of work for the unemployed, and the encouragement of economy among young workers to enable them to save up gradually a sum of money such as will eventually enable them to buy a holding on their own account.

All the Governments with one exception consider that there should be introduced into the draft Recommendation a clause requiring from all the Members of the Organisation a periodical report concerning the measures taken to prevent or provide against unemployment.

It will be seen, therefore, that a very considerable measure of support has been forthcoming from the Governments for the suggestions made by the Office in its Questionnaire. The Office has accordingly drafted the following Recommendation in which these suggestions are embodied. It is recognised, however, that the differences in agricultural conditions of the various countries must necessarily result in some types of remedies being more suitable than others, and hence it is not suggested that each Member should necessarily apply all the paragraphs of the draft Recommendation. If the Recommendation is adopted by the Conference, each Member will be under the obligation to consider each of the suggested measures and to decide which are suitable to its special conditions and which it proposes to put into adoption.

The Office is convinced that the adoption of a Recommendation of this kind, which will allow sufficient latitude for adapting the different measures presented to the peculiar conditions of agricultural life in each country, will allow of a great step being made towards the solution of the problem of agricultural unemployment.

CHAPTER III.

TEXT OF DRAFT RECOMMENDATION.

The International Labour Office submits to the Conference the following text of a draft Recommendation for the prevention of and provision against unemployment in agriculture :

The International Labour Conference, taking into account the special character of unemployment in agriculture, recommends that each Member of the International Labour Organisation should take into consideration the steps which may be adopted to alleviate unemployment among agricultural workers, and should in particular consider the advisability of applying such of the following measures as may be best suited to its particular conditions. It therefore recommends :

I.

That the Members of the International Labour Organisation take steps with a view to the increase of areas under cultivation, either by rendering land susceptible of cultivation which is not so at the present time, or by exploiting land at present uncultivated or insufficiently cultivated.

II.

That the Members of the International Labour Organisation take steps with a view to the trans-

formation of extensive cultivation into intensive cultivation.

III.

That the Members of the International Labour Organisation take steps with a view to the creation of small landed properties or landed farms by the development of agricultural credits.

IV.

That the Members of the International Labour Organisation take steps with a view to the development of facilities for settlement on the land.

V.

That the Members of the International Labour Organisation take steps, by means of the provision of transport facilities, with a view to rendering work of a temporary nature accessible to unemployed agricultural workers.

VI.

That the Members of the International Labour Organisation take steps to develop home work in the country during the winter provided that such work be carried out in equitable and humane conditions.

VII.

That the Members of the International Labour Organisation take steps with a view to the encouragement of the creation of agricultural workers' co-operative societies for the working and purchase or renting of land.

VIII.

That the Members of the International Labour Organisation furnish the International Labour Office with a periodical report dealing with the steps taken to give effect to the present Recommendation.

REPORT IV.

INTERNATIONAL LABOUR CONFERENCE.
THIRD SESSION.
GENEVA, OCTOBER 1921.

REPORT
ON
SPECIAL MEASURES FOR THE
PROTECTION OF AGRICULTURAL
WORKERS

ITEM IV OF THE AGENDA

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GENEVA.

INTERNATIONAL LABOUR OFFICE.
1921.

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PRELIMINARY NOTE.

In the Introductory Note to the questionnaire sent out by the International Labour Office in connection with each item on the Agenda of the Third Session of the International Labour Conference, it was explained that when the International Labour Office had received the replies to each questionnaire, and was thereby informed of the opinions of the Governments, it would proceed to draw up a general report together with suggestions for Draft Conventions or Recommendations.

The present report accordingly contains the replies received from the Governments, a general summary of these replies and an indication of the conclusions to which they would appear to lead, and, finally, the texts of Drafts Conventions and Recommendations which may serve as a basis for discussion by the Conference.

In this report are incorporated the replies of the following Governments : Austria, Canada, Denmark, Finland, France, Great Britain, India, Italy, Japan, Netherlands, Norway, Poland, Roumania, South Africa, Spain, Sweden and Switzerland.

It is intended to include replies of the Governments received subsequent to 23rd July in a supplementary report which will be distributed later.

In addition to the present Report the International Labour Office will prepare a summary of the available documentary and statistical information relating to this item of the Agenda which will be distributed immediately before the opening of the Conference on the 25th October next.

PART IV.

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GENERAL INTRODUCTION.

The Agenda of the Third Session of the International Labour Conference includes a number of measures on behalf of agricultural workers such as the previous Sessions of the Conference have not considered on behalf of other classes of workers.

These items were included in the Agenda, because the conditions of agricultural labour of themselves necessitate the adoption of special measures on behalf of agricultural workers. The decisions which the Conference may adopt with regard to hours of labour, the prevention of or providing against unemployment, and the protection of women and children will undoubtedly help to ameliorate the conditions of labour of agricultural wage-earners. But, in addition to these measures, there are others which are urgently required in the interests of agricultural workers. Among such measures the Governing Body considered that the four following should be included in the Agenda in view of their urgency in the interests of agricultural workers and of the real advance which their adoption would constitute in the amelioration of the position of these workers :—

- A. Technical agricultural education ;
- B. Living-in conditions of agricultural workers ;
- C. Guarantee of the right of association and combination for agricultural workers ;

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D. Protection of agricultural workers against accident, sickness, invalidity, and old age.

The present Report on these special measures is divided into four parts corresponding to the four distinct questions on the Agenda. Each part contains the replies of the Governments to the appropriate *questionnaire*, a general survey of the question in the light of these replies, and the texts of a draft for a Convention or draft Recommendation which are drawn up on the basis of the opinions of the Governments and submitted by the International Labour Office for the consideration of the Conference.

PART I.

TECHNICAL AGRICULTURAL EDUCATION.

INTRODUCTION.

In preparation for the work of the Conference, the International Labour Office addressed to the Members of the International Labour Organisation a *questionnaire* on the problem of technical agricultural education in which a general summary of the question was given and an outline of the reasons which had led the Governing Body to inscribe it on the Agenda of the Conference.

In a number of countries considerable progress has already been attained in the development of vocational education for agricultural workers, and there is no doubt that this question is of fundamental importance both from the point of view of securing better conditions of livelihood to agricultural workers of all classes and also from the point of view of increasing agricultural production. Existing practice shews that a variety of measures are possible for the furthering of vocational education for agricultural workers according to the conditions prevailing in the various countries. The *questionnaire* accordingly outlined the principal of such measures and requested the observations of the Governments upon them, with a view to arriving at a draft Recommendation for discussion by the Conference.

The text of the *questionnaire* on this item was as follows :—

1. Are you ready to support a Recommendation aiming at the development of technical agricultural education in all countries ?

2. What special measures do you consider should be brought to the notice of the Members of the International Labour Organisation ?

(a) The organisation of technical agricultural education in primary schools ?

(b) The organisation of practical agricultural education for town children during their school holidays ?

(c) The organisation of extension and continuation courses ?

(d) The organisation of higher schools for the training of agricultural engineers and directors of enterprises (exploitation) ?

(e) The organisation of special free courses for adults ?

(f) The organisation of schools of domestic science ?

3. Do you consider it advisable that a report, containing full information as to the application of the laws, the money expended and the measures taken, be required to be made annually to the International Labour Office in order that the experience gained and the progress made could be placed on record ?

1. OPINIONS OF THE GOVERNMENTS IN REPLY
TO THE QUESTIONNAIRE.

The following are the opinions of the Governments as expressed in the replies received by the International Labour Office in time for inclusion in this report.

AUSTRIA.

The reply of the Austrian Government is as follows:

It would appear to be of great importance to agree on suitable measures to increase the development of agricultural education to the greatest possible extent, as this is very backward, and as modern agriculture, even more than that of former times, requires knowledge which can only be obtained by agricultural education of a suitable kind.

This education must of course be adapted to the conditions which prevail in each country, and it would be dangerous to adhere rigidly to one scheme. The more technical agricultural education is adapted to the special agricultural conditions which prevail in different districts, and to the old established customs and peculiarities of the rural population, the greater will be its effect, and the more willing will agriculturists be to make use of the opportunities for technical education which are provided for them.

The principal object will be to make agricultural training accessible to the general masses of the rural population, to increase the opportunities for education, and to place them within the reach of all who wish to avail themselves of them. The nature of these opportunities for education, and the measures to be taken in regard to them, will depend in the first place on the object which they are intended to serve.

It would appear natural at first sight, in order to make agricultural education easily accessible to all sections of the

rural population, to have it carried on in the elementary schools. This, however, would certainly be a mistake, and would not lead to the desired end.

The elementary and popular schools of Austria have other tasks. If they were also given that of agricultural education, they would fail to achieve their proper purpose, and would only produce useless, imperfect, knowledge which would do more harm than good. It is, however, necessary that the elementary schools should prepare the way, and should collaborate with a view to the future alteration of the system of study in the rural popular schools.

It should be remembered, for instance, that suitable reading books containing well chosen extracts dealing with matters relating to agriculture and forestry, and with subjects familiar to country children on account of their connection with the daily work of their parents, and with their immediate surroundings, would provide the rising generation in country districts with information, and would arouse their interest in the importance of agricultural work and of the best means of carrying it on. In this way, the children would learn to understand their future occupation, and this, with the addition of exercises and examples which could be introduced in other elementary subjects, would train them to use their minds in the way this occupation requires. With a preparation of this kind, country children could, after they had left the elementary schools, be given further technical education with successful results. This education would have to consist partly in practical training and partly in theoretical education, so that the rising generation would be equipped with the capacity and knowledge required for agricultural work.

For the purpose of practical training, it would be desirable to introduce a general compulsory system of agricultural apprenticeship such as that which already exists in Germany. This would mean that everyone who wished to take up agricultural work would have to serve an apprenticeship of two to three years on a well managed farm. During this time the agricultural apprentices would have to be given the opportunity of receiving further theoretical education in agricultural continuation schools. These schools, however, could not themselves provide actual agricultural training, as this cannot be part of their work, and as they have not the necessary means at their disposal, especially

as the teachers in the national schools would not in most cases be sufficiently qualified to give technical education.

For this reason, and in order to facilitate the spread of agricultural education through continuation schools in a suitable way, it would be necessary to try to improve the technical agricultural knowledge of the teachers in the training institutions which prepare the rural teaching staff for their profession, by laying greater stress on agricultural subjects than is the case at present. This would of course involve the appointment of a staff of experts in agriculture to the training institutions which have to provide agricultural education for teachers.

National school teachers who have been trained in this way would be better fitted to give the pupils at continuation schools at any rate a certain measure of agricultural education. They would at least be able to give their pupils some comprehension of agricultural and forest work by explanatory remarks on the work which has to be done, by visits to neighbouring farms, by allowing them to help in the school garden, and so on. In this way the pupils of the rural continuation schools would start their working life with the right outlook for their future occupation. This would make it easier for them to carry on agricultural work, and would prepare them to receive further education.

In this way the broad masses of the population would be given an opportunity for better technical training than at present.

All persons who desire, and who have the necessary capacity for a more thorough theoretical technical education, must be given an opportunity to enter the already existing technical agricultural schools, and especially the peasant schools or agricultural winter schools, the number of which should be considerably increased. Otherwise they must be given the opportunity of attending other higher educational institutions for agricultural education, which are already in existence (intermediate schools and colleges for agriculture). These provide the necessary training for persons who intend in the future to manage large farms or to become agricultural engineers, etc.

Practical agricultural education for town children during the school holidays would probably not achieve very great success, at any rate as far as systematic instruction is concerned. It could hardly be made general, as it would be

very costly and difficult, and as town children have not generally the physical strength required for practical work. On the other hand, it would certainly be useful, especially from the point of view of health, if older town children could be given the opportunity of gaining some knowledge of the work of cultivation and of the harvesting of crops which falls in the time of the school holidays. With suitable instruction from qualified teachers, they could become acquainted with various processes of agricultural work. This instruction could as a rule only be given to a few children. The best method would be to institute excursions, as it would be difficult to find instructors or land owners qualified to undertake the continuous instruction of town children, who were totally unacquainted with agricultural methods, in the holiday months when the most urgent field work is being carried out, or willing to assume the responsibility of looking after town children and giving them practical training.

The same applies to education in forestry and to practical work in woods and nurseries.

If it is desired to induce town children to become agricultural workers, this could only be done by setting up agricultural apprenticeship centres. The success of such centres would, however, hardly be in proportion to the expense.

The introduction of special free courses in agriculture would undoubtedly be advantageous. They would be desirable for the training of persons already engaged in agriculture in certain specialised branches,—*e.g.* in agricultural book-keeping, viticulture, mountain farming, dairy farming, fruit growing, etc. Travelling courses and visits to farms would be particularly useful. It is not recommended that the courses should be free in all cases.

The institution of housewifery schools would appear to be of great importance. They would, however, have to be adapted to local conditions as regards their form and the length of the course, and should be based on the improvement of the rural continuation schools as mentioned above.

The proposed publication of an annual report would be very desirable.

CANADA.

1. The Government of Canada is prepared to support a Recommendation aiming at the devel-

opment of technical agricultural education in all countries.

2. The Government of Canada accepts the suggestions set forth in the *questionnaire* with regard to special measures to develop this technical education, but considers that the organisation of technical agricultural education in primary schools would be very difficult and ineffective.

3. The Government of Canada is of opinion that the communication of an annual report to the International Labour Office would present difficulties, because educational questions in Canada are, in a large measure, dealt with by the provincial authorities.

DENMARK.

The reply of the Danish Government is as follows :

1. It seems desirable to provide general facilities for technical agricultural education. Though such facilities may be unnecessary in most cases they might be of utility in other cases.

2. *a.* It is considered undesirable to charge the public school with technical agricultural education in addition to other subjects of instruction, because the school has not too much time at its disposal for the teaching of elementary knowledge, which ought to be its principal task.

b. This is not considered desirable. On the other hand, it would be desirable to try to occupy the children of the towns in a healthy way, and also give them recreation by sending them to the country during their holidays, and giving them an opportunity of getting an insight into farming, and a taste for employment in light work.

c. and *d.* The special training mentioned under these clauses is available in Denmark to a very great extent, and the State grants considerable sums for this purpose.

Where such courses are not to be found their establishment is desirable.

3. It would be desirable to furnish reports of this nature.

FINLAND.

The reply of the Finnish Government is as follows :

1. The Government of Finland would support an international Recommendation aiming at the development of technical agricultural education.

2. *a.* Agricultural instruction should not be given in national schools as a special subject. The importance of agriculture should be explained in a general way and a study should be made of it especially in country schools in combination with other subjects such as arithmetic, geometry, etc., by means of facts and examples borrowed from agricultural experience. School gardens should be instituted wherever possible. Work has already been done in this direction in Finland ; educational books for national schools have been prepared along these lines, and numerous school gardens have been established.

b. It would be particularly desirable that agricultural tasks suitable to their strength and age should be organised for children of national schools during their holidays : these holidays last from three to four months in Finland. In this connection, gardening is specially to be recommended, and recently in Finland gardening colonies have been created in several towns for national school children. Moreover, gardening tasks have been organised in Finland for country children, under the supervision of their teachers, either at the pupils' houses or on the school gardens.

c. Elementary agricultural education as well as instruction in other necessary subjects should be made general and as far as possible compulsory in the higher classes at national schools. With this object various educational books have been published in Finland, and teachers at national schools have organised classes in agriculture. By virtue of the Act concerning compulsory education recently passed by the Chamber, education is compulsory for two years after the completion, at the age of 13, of a course at a national school.

d. The training of special agricultural engineers, directors and merchants, requires the existence of higher as well as of secondary and elementary schools, in which instruction may be given in the various subjects required according to the degree of education of the pupils. In Finland higher agricultural education is at present given at the University of Helsingfors. Agricultural engineers are trained at the higher technical school. A general agricultural education is provided at three secondary schools and twenty-two country schools, in which the instruction given is principally theoretical but is based on practical experiment, as well as at eight other schools at which theoretical and practical instruction are combined. Special sub-divisions of agriculture, such as upkeep of forests, rearing of animals, dairying, and gardening, are taught in numerous special schools which have been created. A practical apprenticeship in cultivation, rearing of animals, and dairying, is provided on certain private estates by instruction under government supervision. These classes are attended each year at more than 400 places by several hundreds of young people. Quite recently in Finland special attention has been devoted to the technical training of small cultivators.

e. Special courses of short duration, and chiefly of a practical nature, should be organised for adults both in well equipped technical schools and in other appropriate institutions. Such courses have been organised in Finland by agricultural schools or by agricultural organisations.

f. Special attention has also been paid in Finland, especially during the last few years, to education in domestic science. At present about 50 special schools of domestic science are at work. They are to some extent secondary schools: at the same time, they have trained inspectors of domestic economy, of whom there were 40 in 1920. In all the higher national schools (43 in number) women pupils are instructed in domestic science. The same is the case in the institutions which train teachers for the national schools. In certain towns domestic instruction is given in the higher classes of the national schools.

3. It would be desirable that the experience gained in the field of technical agricultural education should be communicated to the various countries in the form of statistics and annual reports. It would seem preferable to continue the existing practice of sending such documents regarding

purely technical agricultural questions to the International Institute of Agriculture at Rome.

FRANCE.

1. The French Government states that it is prepared to adhere to the Recommendation mentioned in the *questionnaire*.

2. The French Government states, with regard to the special measures inserted in this Recommendation, that on the whole it is prepared to accept the suggestions put forward in the *questionnaire* of the International Labour Office. At the same time, it is not in favour of the idea of organising practical agricultural education for town children during their school holidays, nor of the organisation of technical agricultural education in primary schools. In connection with this latter question it is of opinion that, on account of the age of the children and the insufficiency of their education, it is impossible to envisage the organisation of technical agricultural education in primary schools.

3. The French Government is of opinion that it is advisable to require an annual report to be made to the International Labour Office on these matters.

GREAT BRITAIN.

The reply of the British Government is as follows :

1. His Majesty's Government would be prepared to give favourable consideration to a Recommendation aiming at the improvement of the vocational and technical education of the wage-earning classes in agriculture. In Great

Britain instruction both theoretical and practical is provided in all branches of agriculture through the medium of day and evening courses at local centres and also by courses at Agricultural Colleges and Farm Institutes.

2. The special measures to be adopted must be such as are suited to the conditions of each country and they need to be considered as part of its educational policy.

3. The expenditure involved in the preparation of a Report such as suggested would be considerable, and until the views of the International Labour Conference have been embodied in a Convention or Recommendation it hardly appears necessary that a report should be sent to the International Labour Office. There would, however, be no objection to the Office being supplied with copies of such published reports as are available.

INDIA.

The reply of the Government of India is as follows :

1. Yes.
2. The Government of India consider that the most effective method of imparting technical aid to agricultural education is to carry out work upon the land of the cultivators. They also favour the special training in government farms of men who have experience of farm work and who actually work upon land. The Government of India are opposed to other methods suggested, and more particularly those contained in *a*, *b*, and *f*.
3. The Government of India consider that the annual report required by Article 408 of the Treaty should provide all that is necessary.

ITALY.

The reply of the Italian Government is as follows :

1. We are prepared to adhere to a Recommendation because capital importance is attributed, from the point of view of general progress, to the diffusion of technical agricultural education in all countries, and especially in countries like Italy, which derive, or might derive, the greatest profit

from the rational exercise of agriculture which they at present carry on for the most part in an empirical manner.

2. *a.* It is not considered that real technical agricultural instruction could be effectively given in the primary schools, the age of attendance at which is too early,—in Italy from 6 to 12 years. Such instruction, which must be of an eminently practical character, requires suitable physical development and a certain maturity of mind, and cannot be effectively imparted to children.

It is however possible, and would even, it is thought, be exceedingly useful, to teach in the primary schools the elementary notions of agriculture, the hygiene of cattle, etc., which, if properly explained, would fix themselves indelibly on the impressionable child-mind; but it is particularly desirable that all elementary instruction in rural districts should be directed to the formation of an agrarian consciousness in the children, who would then, when they grew up, infallibly seek that technical agricultural instruction to which at present the masses of the rural population do not attach sufficient importance, even where the greatest facilities are offered to them. Allurements to study should also not be neglected (for instance, the employment of the cinematograph for agricultural propaganda).

In this connection the greatest difficulty to be overcome is that of the adequate training of elementary teachers, not so much in the sense of placing them in a position to impart such elementary notions of agriculture as in the sense of giving them that agrarian consciousness which they should be able in their turn to develop among the pupils of rural schools.

b. Without denying that practical agricultural education for town children during their school holidays might have some indirect advantages, it is not considered of great importance. In view of the urgent and general need of technical agricultural instruction among the masses of the rural population, it is considered that at least in the majority of countries, and certainly in Italy, it is desirable to concentrate all resources and all efforts on carrying out measures directed to the satisfaction of this need.

c. It is considered, on the other hand, that it would be very useful to establish extension and continuation courses for the diffusion of agricultural instruction among the rural population. In Italy there is a modest number of institutions for the instruction of the sons of peasants who have completed

their elementary education, or at least passed through the lower classes, but in order to obtain rapid results it is considered necessary to make continuation agricultural education general, so that in course of time all children in rural districts might receive it.

The Italian Administration for Agriculture is at present engaged in the consideration of measures with this object.

The greatest difficulty to be overcome after, and perhaps even before, that of the considerable resources necessary for the purpose, lies in the recruiting of a suitable teaching staff, which should have a good general agricultural education, and a perfect practical knowledge of the particular branches of cultivation and industry in the district in which they work, and be capable of speaking a simple language intelligible to peasants, and also of training them in every kind of manual work.

The question deserves careful consideration.

d. It is also considered desirable to create higher schools of agriculture where they do not exist. Italy possesses agricultural schools of every grade (see the particulars given in the Report on Agricultural Instruction in Italy) including 5 higher institutes of a University character, conferring a degree in agricultural sciences. These are more than sufficient for the training of agricultural experts and directors of enterprises. Agricultural engineers in the proper sense of the word do not exist in Italy, but a scheme of reform is under consideration, under which, by means of suitable agreements between the higher agricultural schools and the higher institutes of engineering, it will be possible to provide effectively for the training of such professional men specialising in rural engineering.

e. The greatest importance is attached to the organisation of special free courses for adults. In this sphere the organisation existing in Italy has already produced remarkable results in many districts.

Instruction is given to adult peasants by itinerant professors of agriculture by means of lectures, practical demonstrations, publications, etc., and by the same institutions and all other suitable institutions (particularly practical and special schools of agriculture, both Governmental and non-Governmental) by means of special courses of shorter or longer duration, which are always entirely free.

In many cases also, in order to enable persons to attend

these courses who are not in a position to dispense with the earning of daily wages even for a short time, an adequate remuneration is paid to the pupils, and their travelling expenses reimbursed.

Sufficiently detailed information on the working of the system of itinerant professors of agriculture and on instruction to peasants by means of special temporary courses will be found in the Report already mentioned.

(f) Great importance is also attached to the organisation of schools of domestic science.

Italy possesses a very limited number of such institutions (Niguarda, in the Province of Milan ; Florence, Udine, and a few others), but as the need for them is felt, it is highly probable that the number will rapidly increase.

3. — It is considered desirable that the International Labour Office should publish such an annual report, both for the purpose of making known the progress realised from time to time, and also, and still more, in order that the knowledge of the results of the experience gained in the sphere of technical agricultural education in various countries may serve to save other countries from possible errors, and give a clearer direction to the activities undertaken in this sphere.

JAPAN.

The reply of the Japanese Government is as follows :

1. We are ready to support a Recommendation aiming at the development of technical agricultural education in all countries.
2. We are ready to support the bringing of all the measures from *a* to *f* to the notice of Members of the International Labour Organisation.
3. We consider it advisable that information be required to be submitted to the International Labour Office.

THE NETHERLANDS.

Note. The Netherlands Government, in communicating the replies to the questionnaires, desired to remark

that these replies represent the standpoint adopted by the Ministry concerned in relation to the subjects covered. The Government, however, reserves the right to depart from that standpoint when dealing with Draft Conventions and Recommendations which may result from the Conference.

1. The reply states that, generally speaking, a Recommendation would be supported.

2. With regard to the special measures to be inserted in this Recommendation, the reply is as follows :

a. It is not considered desirable to organise technical agricultural education in primary schools. At the same time, the opinion is held in the Netherlands that in agricultural districts, especially at higher primary schools, the instruction given in natural history should be such that it would prepare the pupil for the technical agricultural instruction which is given at the winter schools and at agricultural courses.

b. In the Netherlands there is no practical agricultural instruction for town children during their school holidays.

c. The Netherlands Government is of opinion, with regard to extension and continuation courses, that it is desirable to organise agricultural and horticultural courses.

d. It states that it is in favour of the organisation of higher schools for the training of agricultural engineers and directors of enterprises, and that such schools already exist in the Netherlands.

e. With regard to the organisation of free special courses for adults, the Netherlands Government limits its reply to an explanation of the manner

in which these courses are organised in the Netherlands. The persons taking these courses pay a small fee, and the courses are very well attended.

f. The Netherlands Government points out that technical education for country women already exists in the Netherlands.

In short, it is clear from the reply of the Netherlands Government that it accepts the suggestions put forward in the *questionnaire*, except with regard to technical agricultural education in primary schools and the organisation of practical agricultural education for town children during their school holidays, and that on these points it makes reservations because such education does not exist in the Netherlands.

3. The Netherlands Government has not replied to this question.

NORWAY.

Note. The Norwegian Government states that the replies have been formulated by a Committee composed of the Delegates and technical Advisers to the Conference and of other persons with expert knowledge of the questions at issue, and that the Government is not in a position to give its final opinion upon the various questions asked.

The reply is as follows :

1. Yes.
2. As regards the organisation of agricultural education in Norway, we refer to the accompanying review, Point IV:

This refers to the " Review of Agriculture in Norway " which will be incorporated in the special Report to be issued later.

We recommend the measures mentioned under 2 a. to f.

In order especially to reach the holders of small farms we recommend short courses in the less busy periods of the year, as well as a system of itinerant instructors, residing in the district and giving the farmers instruction and guidance free of charge by visiting the farms or by holding the above-mentioned short courses. Short trips for the purpose of study, to which the public authorities make some contribution, are also considered serviceable.

For children in the towns and centres of industry school gardens are recommended.

3. Yes.

POLAND.

1. The Polish Government is of opinion that such a Recommendation is possible and useful.

2. It is of opinion that all the types of schools enumerated in the *questionnaire* are desirable. At the same time, it considers that local conditions should decide to what purpose particular institutions should be put. The Recommendation could not therefore contain more than general principles.

3. It is in favour of an undertaking to send an annual report to the International Labour Office.

ROUMANIA.

The reply of the Roumanian Government is as follows :

The result of the agricultural situation brought about after the war is that every effort of the Government should be directed to increasing production. Agricultural education is necessary both in the interests of workers and of consumers. It is unanimously recognised that the technical instruction of land workers isab solutely insufficient. In Roum-

ania where, as a result of the agrarian reform, the number of independent cultivators has increased to so great an extent that it covers practically the whole (94%) of the cultivable land, it is absolutely necessary to secure a good agricultural education to the new cultivators. We are therefore fully prepared to support a Recommendation aiming at the development of technical agricultural education.

We are of opinion that this education should be seriously undertaken, and should begin at the primary schools. The instruction should, of course, be purely practical with such amount of theory as may be necessary. But in order to attain this end it is necessary to make theoretical agricultural education compulsory in teachers' training institutions. Only when the village school master becomes capable of managing a farm himself according to scientific methods will he be able to make good agricultural workers of his pupils.

We think that agricultural education should be organised in colleges by means of extension and continuation courses.

We are also in favour of the organisation of free special courses for adults in the villages, as well as of the organisation of schools of domestic science for village women.

With regard to higher agricultural education in order to train engineers and agriculturists, in the scientific connotation of the word, we think that the courses at these schools should be for 4 years, of which $2\frac{1}{2}$ years should be theory, and that each school should be provided with a sufficient amount of land to enable it to carry out practical agricultural work, tests of machines, and experiments, in order that it may be able to give practical demonstrations of the theory imparted during the $2\frac{1}{2}$ years.

But in addition to these higher schools, which would not be numerous, the number of elementary agricultural schools should be increased in order to train capable cultivators who do not aspire to become engineers or scientific specialists.

In short, we are of opinion that the surest means of inculcating agricultural instruction is example, the immediate and obvious result of good practical work. We also are of opinion that model farms should be increased and encouraged as much as possible, and that they should be managed by men possessing higher or elementary agricultural diplomas or by well-known agriculturists.

SOUTH AFRICA.

The reply of the South African Government is as follows :

1. Yes..

2. *a.* This Government favours agricultural education in primary schools, but so far little advance has been made in this direction, owing to the dearth of competent teachers. The question of training teachers will be dealt with at a Conference between the Agricultural Department and University representatives in July next.

b. This will doubtless follow in any well-organized system of agricultural education at schools.

c. Extension and continuation courses are given to a fair extent. This is chiefly done by itinerant instructors, who visit farms for the purpose of giving information and demonstrations in connection with the various agricultural industries. Agricultural Weeks are organised in various parts of the country at which lectures are given by technical officers of the Department. Advantage is taken of agricultural shows to give practical demonstrations, and, where it may be sought to develop any particular branch of farming, meetings of farmers are held in various localities.

d. Five agricultural Schools exist for the training of farmers and farm managers. The course of instruction is both theoretical and practical, and extends over a period of two years, embracing all the agricultural sciences. In addition to these Schools, Faculties of Agriculture exist at two of the Universities, where a Degree Course in agriculture is given extending over a period of four years, with matriculation standard for entrance to the Course.

e. Ten Bursaries of £50 each are given to sons of needy parents for prosecuting studies at the Agricultural Schools. Vacation Courses for adults are a regular practice, and the charge made is only sufficient to cover board and lodging. These Courses extend from a week to one month according to the subjects taken.

f. Schools of Domestic Science form part of the ordinary educational system of the country. In addition to such Schools the Department of Agriculture has a few Itinerant Instructors in Domestic Science.

3. This seems advisable. At the same time, the work done in this respect by the International Institute of Agriculture at Rome, to which many Members of the League are affiliated, should be considered. It seems undesirable that any action should be taken which would detract from the usefulness of the Institute in question.

SPAIN.

1. The Spanish Government sees no objection to the adoption of a Recommendation on this matter.

2. As special measures for the development of technical agricultural education, the Spanish Government proposes the following :—

- a. That a large number of primary schools should be provided with a field for practical agricultural instruction which could be used not only for children but also for adult workers :
- b. That summer classes should be organised in farming schools and agricultural institutions of an official character.

The reply of the Spanish Government with regard to the organisation of extension and continuation courses is as follows :

- c. The agricultural staff, which works in district farming schools as well as on experimental farms, undertakes, besides other work, the duty of organising courses for farmers, stewards, and workers. Moreover, in each rural centre they give periodical courses in vine-growing and wine-making. They also undertake the organisation of classes in rural districts, in normal schools, etc., as well as the development of education by inspection tours in rural districts.

The practical development of so many educational services has not yet produced results as effective as could have been desired, because these services have never been completed. On the whole, experience has proved that the organisation of a special course in a single subject for workers in a centre specialising in this respect has always given the most satisfactory results. As examples of this method of education we may cite the courses in wine-making which are given every year at the experimental wine-making institution at Villafranca del Panadès. We are of opinion that it would be possible to organise, in a similar way and in accordance with the peculiarities of each district, courses on the cultivation of sandy soil and of land where irrigation is possible, as well as courses in bird-keeping and bee-keeping, etc.

- d. The Spanish Government remarks, with regard to the organisation of higher schools for the training of agricultural engineers and directors of enterprises, that schools of this kind already exist in Spain. In this connection, it is of opinion that an exchange of professors and specialists in agricultural sciences between research institutions in the various countries would be of inestimable value and utility.
- e. The Spanish Government points out that special courses for adults have been instituted in Spain.
- f. The Spanish Government is of opinion that the organisation of schools for domestic science would be useful, but that the attempts made in this respect in Spain by private enterprise have not up to the present produced results worth mentioning.

3. The Spanish Government is of opinion that it would be very useful to send an annual report on these matters to the International Labour Office.

SWEDEN.

The reply of the Swedish Government is as follows :

In Sweden ever since 1842 a general and effective system of school instruction has been in force even in the country districts ; and a law of 1918 has established, on the top of the obligatory elementary school with its six-year or seven-year course, an obligatory continuation school (360-540 hours of instruction spread over 2-3 years). In the country districts this continuation course is so arranged that agriculture with its subsidiary occupations forms the centre round which the whole instruction is grouped. After going through the continuation school and taking part for a year or two in practical agricultural work, the son of an agricultural worker who desires to get on can also obtain admittance to the practical and theoretical agricultural schools and courses, usually supported by the State and with scholarships, which exist in fairly large numbers for the training of gardeners, dairymen, swineherds, herdsmen, bailiffs on large farms etc., and thus pass over to the highest qualified and best paid group of agricultural workers, which consists of special workmen and foremen. It must further be mentioned that the Agricultural Societies, with the help of State funds, are wont to arrange on a pretty large scale courses of instruction and lectures for men and women engaged in agriculture, and measures have also been taken for the diffusion of suitable agricultural literature. It may be pointed out that there are in Sweden two agricultural high schools for the training of agricultural engineers and directors of enterprises, and also some 30 schools of rural economy for women.

1. Although, so far as Sweden is concerned, the instruction and training of farmers would seem to be well developed in all stages, there appears to be no reason to oppose a Recommendation aiming at promoting the international development of agricultural education.

2. The measures enumerated in points *a* to *f* have been tested in Sweden, and each of them has been found useful for the purpose given under 1.

3. As it must be considered to be of very great interest to obtain knowledge by means of a special annual report of the proposals and experiences which have been made by all the Members of the International Labour Organisation, the proposal in question as to the duty of reporting on this matter to the International Labour Office is recommended.

SWITZERLAND.

1. The Swiss Government is of opinion that it is desirable to submit to the Conference a Recommendation aiming at the development of technical agricultural education in all countries, because, as is recognised in the *questionnaire*, the question of technical agricultural education cannot form the subject of an international Convention strictly binding the various States.

2. With regard to the special measures which should be brought to the notice of the Members of the International Labour Office, the Swiss Government accepts all the suggestions set forth in the *questionnaire*, except the organisation of technical agricultural education for town children during their school holidays, because the Federal authorities have not the necessary power to legislate on this matter. It is for the Cantons of the Federation to take measures in this respect. The Swiss Government cannot therefore express any opinion regarding the desirability of inserting a provision of this nature in the Recommendation.

3. The Swiss Government is of opinion that it

would be useful to require a report to be made to the International Labour Office which should contain all the necessary information with regard to the application of the laws, the money expended, and the measures taken. At the same time it considers that it would be sufficient to draw up a report every two years.

2. GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

Technical agricultural education was included in the Agenda of the Conference on account of the great importance attaching to this question. If, as is stated in the Preamble of Part XIII of the Treaty of Versailles, the "organisation of vocational and technical education" should be included among the measures which are urgently required to ameliorate the conditions of the workers, such education is of particular importance to agricultural workers.

An examination of this question is necessary for two reasons.

In the first place, the problem of technical education concerns the agricultural world as a whole. The decisions which the Conference may adopt with regard to the regulation of hours of work, the means to prevent and provide against unemployment and the protection of women and children will probably apply only to agricultural wage-earners. But in many countries there is little difference between the agricultural wage-earner, the rent paying tenant and the small peasant proprietor, in spite of the post-war revolution in rural economy. Conditions of life and labour are sometimes equally hard and wretched.

The provisions of Part XIII of the Treaty of Peace do not apply only to wage-earners: as is stated in several Articles, they are concerned with the conditions of life and labour of workers. If international

labour legislation in the sphere of agriculture is to be at once popular and beneficial, it must apply to the various classes of agricultural producers.

But there is a second reason which determined the selection of this item. If it is true that in order to prevent unemployment, increase production, and check the rural exodus, it is necessary to increase the number of independent cultivators and that in order to attain this object a measure of education must be secured to the new cultivator; if, moreover, it is true that the new methods adopted on large scale undertakings necessitate that the wage-earners should receive technical education, — then vocational agricultural education becomes necessary in the interests both of agriculturists and of the general community.

Moreover, this question has for a long time engaged the attention of the majority of the Governments, but it is now recognised that the organisation of popular technical education for workers is far from being complete.

The Governing Body, therefore, in including technical agricultural education in the Agenda was of opinion that the Conference should draw the attention of the Governments to the increasing necessity of an organisation of such education.

In order to facilitate the work of the Conference with regard to this item the International Labour Office communicated a *questionnaire* to all the Members of the International Labour Organisation. In this *questionnaire* it was pointed out that the methods employed in the matter of technical agricultural education vary to a great extent, while the measures

which have been taken are rare and incomplete, and the conclusion was reached that a Draft Convention strictly binding upon all the States would encounter serious difficulties. A Recommendation, on the other hand, would allow the Governments to develop technical agricultural education in accordance with the particular conditions of agricultural life in their respective countries.

With a view to facilitating the establishment of such a Recommendation the various Governments were requested to express their opinion with regard to the three following questions:—

1. The desirability of the adoption of a Recommendation ;
2. The provisions to be inserted in the Recommendation ;
3. The communication of an annual report to the International Labour Office.

An examination will be made in the following paragraphs of the replies received from the Governments with a view to submitting the conclusions which may be drawn from them for the consideration of the Conference.

I. Analysis of the replies of the Governments.

(i) *Desirability of the adoption of a Recommendation.*
— On this question the Governments are unanimous. They recognise the necessity of developing technical agricultural education, and the majority of them point out that this question has already engaged their attention and that they have taken measures

in this respect. They are prepared to adhere to a Recommendation.

(ii) *Provisions to be inserted in the Recommendation.*

— The opinion of the Governments with regard to this question vary to some extent. The measures so far taken in the various countries differ considerably and do not always correspond with the measures proposed in the *questionnaire*.

It should, however, be pointed out that the proposals contained in the *questionnaire* were not intended to be in any way final. The Office suggested their adoption because they were considered as adequate for the attainment of the object in view, but the Governments were not required to accept or reject them *en bloc*. They were free to accept or reject such of them as they considered desirable, and, as has been done by a certain number of Governments, to suggest the adoption of other measures not mentioned in the *questionnaire*.

Nevertheless, almost all the Governments whose replies have been received are agreed that technical agricultural education should not be given at primary schools. The Danish Government points out that primary schools already have too little time at their disposal for instruction in the elementary subjects to which they must devote their chief attention; while the French Government is of opinion that the age of the children and the inadequacy of their knowledge make it impossible to think of organising technical agricultural education at primary schools.

Almost all the Governments are likewise agreed that it is not desirable to organise practical agricult-

ural education for town children during their school holidays. Several Governments point out that any special measures for the encouragement of technical agricultural education should be adapted to the conditions in each country and that it would be difficult to specify such measures in a Recommendation applicable to the whole world.

A certain number of Governments have indicated several special measures which have already been adopted in their respective countries, or which they consider susceptible of being inserted in the Recommendation to be submitted to the Conference. The Norwegian Government, for example, draws attention to the desirability of organising agricultural courses to be given by lecturers who would visit the different localities in their district and give lectures followed by practical demonstrations. The South African Government furnishes information regarding the working of such courses which already exist in South Africa, and points out that it encourages agricultural exhibitions, agriculture weeks and agricultural shows and that it gives scholarships to deserving students in order to enable them to complete their agricultural studies.

The Spanish Government is of opinion that an exchange between the research institutions of the various countries of professors or workers specialising in agricultural sciences would be of the greatest utility.

(iii) *Communication of an Annual Report.* — In this case also the majority of the replies are in favour of the communication of an annual report. The

Indian Government however, has replied that the report prescribed in Article 408 of the Treaty of Versailles would be sufficient, (the annual report of each Member regarding the measures it has taken to give effect to Conventions to which it is a party). The British Government is not in favour of the communication of this report on account of the considerable expense which would be involved in its preparation. The Canadian Government is of opinion that the communication of this report would present difficulties in Canada on account of the fact that educational questions are to a great extent dealt with by the provincial authorities. The Swiss Government considers that a report every two years would be sufficient.

At the same time, several Governments have drawn attention to the consideration that it is necessary that the Office should not undertake work which is within the province of the International Institute of Agriculture at Rome.

It may therefore be said that the majority of the Governments are in favour of making a provision for the communication of a report at regular intervals to the International Labour Office.

II. Conclusions.

To sum up, the International Labour Office considers that it may submit a draft Recommendation for the consideration of the Conference. The text of this Recommendation should advocate the development of vocational agricultural education without entering into details and without specifying any

special measures. The Office is of opinion that it should be left to the different Governments to take such measures as may be necessary to give effect to this Recommendation in accordance with the particular conditions of agricultural life in each country. It is, however, considered that it should be explicitly stated that this education should be made available to agricultural wage-earners. Such education will have a special importance for this class of workers, for, as has been pointed out above, a good technical education is often necessary to agricultural wage-earners in order to enable them to become independent cultivators. It is therefore equitable that agricultural wage-earners should be allowed to acquire this education.

Finally, provision should be made for the communication of a report at regular intervals to the International Labour Office without explicitly stating that it should be an annual report. The progress of the development of technical agricultural education is not always appreciable from year to year, while the preparation of an annual report would involve considerable work on the part of the various departments. The Office, therefore, is of opinion that it should be left to the Conference, or to the Governments if the Conference does not fix a definite period, to decide the intervals, every two years or longer, at which the report should be forwarded.

The regular communication of this report is fully justified by Article 396 of the Treaty of Versailles, which states that one of the principal functions of the International Labour Office is "the collection

and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour." Some Governments have pointed out in their replies that it would be desirable that each Member of the International Labour Organisation should be informed of the measures taken and money expended by the other Members of the Organisation. It would seem that the Office should undertake the collection of information of this nature. Many Governments have already communicated to the Office, in connection with their replies, valuable information which will be utilised for the special report to be submitted to the Conference. There is no doubt but that regular reports from the Governments would amplify this information and enable the Governments to keep themselves *au courant* with what is being done in other countries.

In this connection it may be pointed out, in reply to the apprehensions expressed by certain Governments, that the International Labour Office has no intention of encroaching on the province, or of assuming any of the functions, of the International Institute of Agriculture at Rome. The Office is of opinion that purely technical agricultural questions such as the study of agricultural production, agricultural education in general, the subjects to be taught at agricultural courses, are exclusively within the province of the Institute. But it is the right and duty of the International Labour Office to deal with vocational agricultural education, without entering into purely technical questions, in order that it may accomplish in this way one of the tasks assigned to it by Part XIII of the Treaty of Versailles.

3. TEXT OF DRAFT RECOMMENDATION.

The International Labour Office submits the following draft Recommendation for the consideration of the Conference.

The International Labour Conference recommends :

1.

That each Member of the International Labour Organisation endeavour to develop vocational education for agricultural workers employed within its territory and make such education available to agricultural wage-earners on the same conditions as to other agricultural workers.

2.

That a report be sent to the International Labour Office at regular intervals containing full information as to the application of the laws, the money expended, and the measures taken to develop vocational agricultural education.

PART II.

LIVING-IN CONDITIONS OF AGRICULTURAL WORKERS.

INTRODUCTION.

In preparation for the work of the Conference the International Labour Office prepared a *questionnaire* on the subject of living-in conditions for agricultural workers, in which was included a summary of the problem and the reasons for which the Governing Body had placed this item on the Agenda. In the majority of countries the divergence is marked between the living-in conditions of industrial workers and those of agricultural workers. It is true that in certain cases a number of agricultural wage-earners are in a very different position in this respect from industrial wage-earners in that they live in the same house as their employers. On the other hand, this is by no means true of agricultural wage-earners in general, and at the same time there can be little question but that poor living-in conditions are a most important factor in the exodus from the country to the towns. A certain number of countries have already instituted measures for the improvement of these conditions and the experience thus available affords good prospect of fruitful examination of the problem by the International Labour Conference with a view to improvement in one of the most important respects of the conditions of life of agricult-

ural wage-earners and to the maintenance of an adequate amount of labour in agriculture.

The text of the *questionnaire* referred to above was as follows :

1. Are you of opinion that the Conference should adopt a draft international Convention regulating the living-in conditions of agricultural workers ?

2. If so, to what categories of workers should such a Convention be applied ?

(a) To all workers provided with accommodation by their employers, whether individually or by groups ?

(b) To all workers lodging in the house or adjoining buildings of their employers ?

(c) To all workers living elsewhere than in the houses and farms of their employers ?

3. Do you consider that sanitary measures similar to those introduced for industry should be introduced for land workers provided with accommodation by their employers ?

(a) Prohibition of the lodging of agricultural workers in stables or out-houses.

(b) Measures with regard to the cubic space of sleeping accommodation.

(c) Measures of ventilation ; what measures do you suggest ?

(d) Measures as regards protection against changes of temperature and as regards heating, etc.

(e) Measures as regards sleeping accommodation ; one bed per worker.

(f) Measures as regards washing and sanitation ; drinking water, lavatories, etc.

4. Are you of opinion that this Convention should provide sanitary regulations for places of work and farm buildings, similar to the regulations relating to industrial premises ?

5. What methods of control do you suggest for the application of such a Convention ?

I. OPINIONS OF THE GOVERNMENTS IN REPLY TO THE QUESTIONNAIRE.

The following are the opinions of the Governments as expressed in the replies received by the International Labour Office in time for inclusion in this report.

AUSTRIA.

The reply of the Austrian Government is as follows :

It is desirable that principles for the improvement of the living and sleeping accommodation of rural workers should be laid down, as housing conditions in the country, where the housing shortage is as serious as in the towns, leave much to be desired.

In Austria in particular, housing conditions in the country are one of the principal causes of the rural exodus, and therefore require special consideration from that point of view.

In establishing these principles a distinction must be made between the provision of permanent accommodation for individuals or families and the provision of temporary mass quarters to be occupied for a short period only during the season (labour barracks).

In general it should be laid down that the housing accommodation for rural workers should be satisfactory from a sanitary and moral point of view, and that, in the case of married workers, sufficient space should be provided in view of the number of children and the separation of the sexes.

In particular, the living and sleeping rooms should allow at least ten cubic metres of air space and three square metres of floor space for each inhabitant. They should have properly shutting doors, and a sufficient number of windows

which will open and shut properly and which communicate directly with the open air.

Permanent dwellings for unmarried workers should be provided with heating apparatus, should be able to be locked, and should be furnished at least with a bed, table, chair, locked cupboard, and washing appliances. Every person over 14 should have a separate bed with an air space of at least 30 centimetres between it and the floor, and with a straw sack, a pillow and a woollen cover of sufficient size.

Provision should be made for the daily ventilation and cleaning of the living and sleeping rooms. It would also be necessary to provide for pure drinking water, which should be as accessible as possible, and for perfectly clean lavatories at a suitable distance from the houses and wells.

The use of stables and cattle sheds for sleeping should as a rule only be allowed temporarily in the case of persons in charge of the animals, but should otherwise be forbidden.

Sanitary provisions for agricultural working premises would not be necessary, as these are generally either the open fields or airy barns, sheds, etc., which are quite different from industrial premises.

The supervision of housing accommodation will be regulated in Austria by the Bill concerning agricultural inspection.

CANADA.

The reply of the Canadian Government is as follows :

No ; improvement of the living-in conditions of agricultural workers in Canada would appear to be rather a matter for education than for legislation at present.

DENMARK.

The reply of the Danish Government is as follows:

1. As the climates of the various countries must be the principal factor in determining the requirements for the living-in conditions of agricultural labourers, it is not desirable to adopt an international Convention in this respect, but the introduction of the necessary rules should be left to the legislatures of the various countries.

2. *a. to c.* The regulation proposed should only apply to workers living in their employer's house or quarters provided by their employer and not to workers who live outside their employer's place of residence or farm, seeing that their living-in conditions should as far as possible be determined by their own free will.

3. *a. to f.* The proposals made in these questions are for the most part carried out in Denmark,—partly through sanitary regulations which apply to houses in general, a certain reasonable time being generally granted for the carrying through of necessary changes in the living-in conditions of agricultural labourers in old houses.

4. In view of the circumstances prevailing in Denmark, regulations such as are proposed are considered unnecessary.

5. In view of the above answers this question does not arise.

FINLAND.

The reply of the Finnish Government is as follows :

1. The question of the living-in conditions of agricultural workers would require regulation by an international Convention. However, on account of the considerable diversity in the conditions obtaining in various countries, the Convention should be limited to a general regulation of living-in conditions such as is proposed below.

2. The regulation should be extended to all cases in which quarters are provided for the worker by way of remuneration for his work. It may be noted that in Finland quarters which are provided by the employer for the worker are nearly always found in buildings belonging to the employer. The Convention should, however, be more liberal in cases in which the worker shares the same room as his employer, and eats at the same table, than when the worker lives in separate rooms.

3. *a.* It is not the practice in Finland to make workers sleep in stables and cattle sheds. Prohibition in this respect is therefore not necessary in Finland. Separate dwellings and rooms adjoining these sheds are naturally not referred to in this connection.

b. It is considered difficult to establish by an international Convention a compulsory minimum with regard to the size of workers' bedrooms. On the other hand, from

the point of view of the improvement of their quarters, this point should be taken into consideration in each country in accordance with its peculiar conditions. A difference should be made in the requirements for new and old buildings. In the case of the latter these requirements should be fewer.

c. Rooms are best ventilated by windows which can be opened and by good fire-places. In the north, however, it would perhaps be difficult to require the windows to be opened. The Draft Convention should not therefore contain any explicit provision in this respect, especially as in Finland nearly every room is provided with a hearth or a good fire-place, which helps to a great extent to purify the air.

d. In Finland all quarters are heatable. International regulations are therefore not necessary in this respect, at least with regard to Finland.

e. Each worker should undoubtedly have his own bed, especially with a view to avoiding the spreading of contagious diseases.

f. All quarters should have lavatories and conveniences.

4. Protective measures such as are indicated below for work-places might form the subject of an international Convention :

a. Protective installations in dangerous places where there are electric fittings, open air-holes, ditches, etc.

b. Measures against dangerous gases.

c. Provision of several exits in buildings and in granaries of large dimensions or consisting of several floors.

d. Prohibition of smoking in cattle sheds, barns, and shops.

5. Supervision of the application of such regulations concerning living-in conditions should also be entrusted to communal labour inspectors. Points 3. *a*, 3. *e*, and 3. *f*, as well as 4. could be regulated by an international Convention. As far as the other points are concerned, a Recommendation would be sufficient.

FRANCE.

1. The French Government is in favour of a Draft Convention concerning this question.

2. It is of opinion that such a Convention should

be applicable to all categories of agricultural workers.

3. With regard to sanitary measures, it is in favour of the prohibition of making agricultural workers sleep in stables or cattle sheds, but is not in favour of the adoption of measures relating to cubic air space or sleeping accommodation in the work places concerned. It makes no suggestion with regard to measures for the ventilation, heating, sleeping accommodation, and sanitation of work places.

4. and 5. No reply is given to these questions.

GREAT BRITAIN.

The reply of the British Government is as follows :

1. In view of the difficulties of regulating housing accommodation it is suggested that this subject would be more suitably dealt with in a Recommendation than by a Draft Convention.

2. Such a Recommendation or Convention should apply to the categories (a) and (b). Workers living elsewhere should be protected by such provisions as are applicable to the rural population generally.

3. The sanitary and public health measures which are applicable to the rural population generally should be made applicable to all land workers provided with accommodation by their employers.

4. The sanitary regulations applicable to farm buildings and places where farm workers are employed do not need to be so strict as in the case of industrial premises in towns, except in those cases where agricultural workers are engaged under conditions which resemble those of industrial workers.

5. Similar measures of control should be applied as in the case of the rural population generally.

INDIA.

The reply of the Indian Government is as follows :

No. The Government of India believe that Indian agriculturalists would strongly resent any such interference with domestic arrangements as is contemplated.

2. 3. 4. 5. These do not arise.

ITALY.

The reply of the Italian Government is as follows :

1. It would be of great utility, for the purpose of ameliorating the condition of agricultural workers, to adopt a Draft Convention fixing the fundamental principles which legislation in the various States adhering to such Draft Convention should follow with a view to regulating the living-in conditions of these workers, particularly in the matter of sanitation.

2. The Draft Convention should apply to regular workers employed in cultivating land belonging to an employer with whom they live, and to temporary workers engaged for seasonal work, no distinction being made as to whether these workers are quartered separately or in groups, in their employers' houses or adjoining buildings, or elsewhere than in the houses and farms of their employers.

3. With regard to sanitary measures, the Italian Government is of opinion that it would be undoubtedly desirable to prescribe for quarters in the country sanitary measures similar to those which are applied to industry in States where legislation is more advanced. All the measures proposed in the *questionnaire* should be specified in the Draft Convention, as follows :

a. It should be forbidden not only to allow agricultural workers to sleep in stables and cattle sheds, but also to allow direct communication between the workers' quarters and such stables and cattle sheds, and an adequate distance should be prescribed between the doors which lead to these two portions of the building.

b. Provisions regarding the cubic air space and ventilation of quarters should be adopted. In the case of the latter provision, it would be sufficient, without entering into minute

details, to lay down that there should be adequate window space to allow of sufficient change of air.

c. Without entering into too great detail, it would be necessary to see that buildings to be used as quarters are constructed in such a way as to be sheltered from wind, cold, and atmospheric changes.

d. Each worker should have a bed, camp bed, or couch, or at least a "shake down" on the ground, suitably accommodated and provided with a pillow and bed clothes. Men, women, and children below 15 years of age should have separate quarters.

e. Simple and clear instructions should be laid down with regard to sanitation and cleanliness, drinking water, lavatories, prophylactic measures against malaria, and, in cases where there is a sufficient number of workers, a sick-room should be provided.

4. While account must be taken of the adaptations and exemptions necessitated by the special peculiarities of agricultural work, sanitary measures approximating to those applied in industry should be laid down for the work-places of agricultural workers.

5. Control of the application of the provisions of the Draft Convention should be undertaken by the Labour Inspectorate, extending its inspection to agricultural labour, or by Departments or Organisations specially created for this purpose.

JAPAN.

The reply of the Japanese Government is as follows :

Since living-in conditions of agricultural workers in various countries differ, it is considered difficult to adopt a draft international Convention embodying concrete regulations on details. Therefore we are of opinion that a Recommendation should be made to Governments of the various countries to adopt suitable measures for preserving the health of agricultural workers.

THE NETHERLANDS.

See also note at head of the answer on pages 22 and 23.

The reply is as follows :

1. It is desirable that some simple provisions should be laid down in a Draft Convention with regard to the living-in conditions of agricultural workers. The Draft Convention should, however, take account of the simple life of by far the greater part of the rural population.

2. The provisions of such a Draft Convention should apply to all agricultural workers, in so far as they are quartered on the agricultural undertaking concerned.

3. *a.* In view of the fact that the use of stables and cattle sheds as quarters generally applies only to old buildings, in which there is much greater probability of finding bad sanitary conditions, it is desirable to prohibit the use of such buildings as quarters. It is, however, necessary to lay down transitional provisions with regard to existing buildings.

b. Although, in the case of persons living for the most part in the open-air, regulations may be less strict than in the case of those who generally work in factories, it is nevertheless desirable that when a building is to be used as sleeping quarters for more than one person a minimum cubic air space should be laid down.

c. It may be laid down that there should be a window of a certain size which may be opened situated in such a way that it does not cause currents of air harmful to health.

d. It is not necessary to provide that heating apparatus should be installed in places used only as sleeping quarters; heating might be necessary only when such places are also used as living quarters during "off" time.

e. It is desirable that each worker should have his own bed.

f. It is very desirable to lay down that good drinking water or another non-alcoholic drink should be available. It is equally desirable that there should be a clean and simple lavatory from which good water could be easily obtained for purposes of washing.

4. The Draft Convention should contain general provisions regarding the maintenance of a normal temperature and prohibiting harmful smoke, gas or dust. In view of the nature of agricultural work, such provisions might be less strict than in the case of industry.

5. The control of the application of the Draft Convention might, in the Nethe lands, be undertaken by local commissions composed of representatives of the two parties concerned under an impartial president.

NORWAY.

See also note at head of the answer on page 24.

The reply is as follows :

1. The establishment of good housing conditions is regarded as one of the most effective measures for binding the agricultural workers to the farm and preventing the exodus to the towns. The housing conditions ought therefore to be made as good as possible, but, owing to the differences in climatic and other conditions in the various countries, it would be difficult to establish effective international regulations in this sphere. The national authorities can most easily prescribe the regulations that suit best for each separate country. Some general international rules, however, could probably also with advantage be established.

2. *a.* and *b.* Yes.

e. No.

3. *a.* Yes.

b. Yes. Rules on this point, however, could probably best be fixed by national legislation.

c. It is difficult to fix rules suitable for all countries. The rooms ought in all cases to afford opportunity of admitting fresh air. At least one of the window frames should be capable of being opened.

d. The rooms must be capable of being heated, where the climate renders this necessary.

e. Every worker ought to have his own bed.

f. The room ought to contain washing appliances, and in connection with every domicile there should be the necessary sanitary conveniences.

4. No.

5. Control exercised by the local authorities.

POLAND.

The reply of the Polish Government is as follows :

1. In view of the divergence of conditions in the various countries it would not be possible to adopt an international Convention. It would, however, be possible to recommend

that this matter should be considered by the legislatures of each country.

2. *a. to c.* National legislation in each country should regulate the accommodation of workers, and especially those quarters which workers receive from their employers as portion of their wages. It is also to be desired that Governments should see that houses lately built meet hygienic requirements.

3. *a. to f.* It should be absolutely forbidden for agricultural workers to sleep in stables and cattle sheds except in the case of men who are tending animals during the day time. It is for the national legislature and administration in each country to decide what measures should be taken in this respect.

Provisions regarding the living-in conditions of seasonal workers should be laid down by international agreement.

4. Sanitary measures may be laid down for agricultural work-places such as distilleries, drying houses, dairies, etc.

5. The Factory Inspectorate might be the body controlling the application of the provisions of any Convention which may be adopted.

ROUMANIA.

1. The Roumanian Government accepts the idea of a draft international Convention.

2. It is of opinion that such a Convention should apply only to workers who work on the farm for at least a week. It considers that the provisions which should be inserted in the Convention should cover especially permanent and domestic workers whose quarters are provided by their employers either separately and independently or by groups as circumstances require, and should in any case lay down separate quarters for each sex. Such provisions should also apply to workers living in their employers' houses or in buildings adjoining thereto, and also to workers living outside the houses or

farms of their employers if the latter are obliged to find lodgings for the workers whom they employ.

3. The Roumanian Government is of opinion that sanitary measures analogous to those taken in industry should be laid down for agricultural workers whose quarters are provided by their employers.

4. It does not however consider that this Convention should lay down sanitary measures for work places and farm buildings which are similar to the premises regulated in industry.

5. Sanitary and agricultural inspectors should undertake the control of the application of such a Convention.

SOUTH AFRICA.

The reply of the South African Government is as follows :

1. No. While it is no doubt desirable to regulate the living-in conditions of agricultural workers in countries employing white labour, in view of what has been previously stated the need does not exist in South Africa.

2. No reply is required in view of the reply to No. 1.

3, 4 and 5. The questions referred to do not apply to South African conditions.

SPAIN.

1. The Spanish Government is of opinion that the Conference should adopt a draft international Convention to regulate the living-in conditions of agricultural workers, although such workers, in contrast with the majority of other workers, have the advantage of living in the open air during the greater part of the day.

2. It is of opinion that this Convention should apply only to the first two classes of agricultural workers mentioned in this part of the *questionnaire*. It considers, in particular with regard to workers living in the houses of their employers or in adjoining buildings, that the Convention should apply to all workers living in buildings belonging to the farmers, even if they are situated a long way off or in remote places.

3. The Spanish Government is of opinion that it is necessary to prohibit the practice of making agricultural workers sleep in stables or cattle sheds, provided that the animals do not require the continued presence of one or more persons during the night. It is also necessary that each worker should have his own bed, and that measures should be laid down to satisfy the requirements of cubic air space, sanitation, and cleanliness, by means of furniture and accessories of a simple, durable, and economic nature. With regard to cubic air space a distinction should be made between dormitories intended for a fixed number of permanent occupants and dormitories intended for more or less numerous gangs of workmen temporarily employed. In the former case an air space of 20 cubic metres should be maintained, and in the latter case not only should the amount of air space be laid down but also the best possible means of ventilation in order to compensate in certain cases for insufficient air space.

4. The Spanish Government is of opinion that the Convention should provide sanitary measures for places of work and farm buildings which are

similar to the premises regulated in industry, provided of course that such measures are specially appropriate to agriculture.

5. The Spanish Government, with regard to methods of control, refers to the answer already given more than once in its reply to the *questionnaire* relating to Agricultural Questions, in which it suggests that local commissions for social reform (*Juntas*) such as already exist in Spain should be instituted.

SWEDEN.

The reply of the Swedish Government is as follows :

Official enquiries concerning the housing conditions of Swedish agricultural workers during the years immediately before the outbreak of the Great War gave, in many places, reason for remark, especially with regard to the quality of the dwellings. There is scarcely any reason to suppose that these conditions have been changed to any considerable extent during the years that have elapsed since then. Nevertheless, for the last two or three years there have to be noted one or two circumstances which seem calculated to alleviate and improve the defects which encumber the dwellings of the less well-to-do elements of the people of the countryside, and especially of the agricultural workers. One is the coming into existence of the new Public Health Act of 1919, which lays down rules touching the quality of dwellings in the countryside, and which also makes provision for inspection. The second circumstance is that the organized agricultural workers have included the housing question in their programmes, and in the current collective agreements have obtained a recognition of certain minimum demands as to the size and nature of dwellings in the case of premises directly provided by the employer as part of the consideration for which the labourer works.

1. Even though it must be acknowledged that the dwellings of agricultural workers in Sweden are by no means always such as they ought to be and might be, nevertheless

strong doubts must be raised concerning the expediency and the possibility of acceding, so far as Sweden is concerned, to the suggested international Convention concerning the regulation of the housing conditions of agricultural workers. Those conditions, in fact, assume such a different shape, even in different parts of the same country, that international co-operation in this question can only in exceptional cases be conceived as proceeding beyond expressions of general principles in the form of Recommendations.

2. Against this point there are no objections to make, provided that it aims at emphasizing the fact that such a regulation must assume very different shapes for the three different categories that can be discerned, from a housing stand-point, amongst Swedish agricultural workers. Group (a) consists of the workers who, either individually (servants), or by groups (migratory labourers, etc.), are provided by the employer with board and lodging. Group (b) corresponds to the married servants (*statare*) and permanent day-workers who inhabit cottages or other workmen's dwellings near the farmhouse ; while group (c) consists of crofters, cottars and other workers who live some distance away on holdings which they own or rent, and who, for the most part, have to arrange their housing question for themselves.

As is pointed out in the preamble to the *questionnaire*, however, the question of the improvement of dwellings in the country, as also in the town, is not only a question of what is socially desirable but also as to what is economically possible. In this respect it is necessary here to point out only two considerations : one is the importance of arranging the credit question ; the other is that the arrangement of the question of cost would be simplified by abandoning the usual system of letting dwellings free of cost (or at a customary rent) and the adoption of a payment of an economic rent on the basis of the real value of the accommodation.

3. The suggestions which are here given concerning the contents of the proposed Convention seem to confirm the difficulties, indicated above, in the way of bringing about an international regulation affecting the details of the housing system. It would be valuable, it is true, to bring about the prohibition proposed under (a) of the lodging of agricultural workers in stables or outhouses ; but even here it would seem to be scarcely possible to lay down, except by way of national legislation, the degree and the nature of the

isolation that must be insisted upon with regard to labourers' dwellings that form part of the same building as out-houses.

As regards point (b), measures with regard to the cubic space of sleeping accommodation, it seems that it should be pointed out that in our days people have begun to be rather sceptical towards the one-sided idea that prevailed earlier as to a certain, uniform, fixable amount of air space as the measure of the minimum accommodation that an individual requires from a hygienic standpoint. Nowadays more and more weight is attached to the consideration that for sound living a certain superficial area is required, for which a suitable minimum for Swedish conditions would seem to be given in the provision, inserted in the current collective agreements for agriculture, about at least 33-35 square metres of floor space for each family dwelling. The cubic volume, which is generally put at least at 10-20 cubic metres *per person*, is a worse expression for housing space because what is for the countryside the less important question of the height of the room here comes in as a determining factor.

As regards points (c) and (d) it may be mentioned that in a country with such a rigorous climate as that of Sweden, where during the greater part of the year the daily fire causes a constant current of air, other measures of ventilation play a distinctly minor part; and consequently the question is of secondary importance compared with building the houses in such a way that they can be kept warm and are not liable to violent changes of temperature.

Point (e), that every worker should have a bed to himself, would involve an improvement, so far as Sweden is concerned, for certain seasonal workers and possibly also for certain servants boarded by the employer; and so too the provisions given under (f) would be beneficial especially for them, though in certain districts, however, the difficult problem of the supply of good drinking water would also seem to be of importance for other and large parts of the population of the countryside. Here, as elsewhere, improvements would scarcely seem to be possible except under the more flexible form offered by collective agreements or national legislation.

4. In Sweden, so far as we know, there are no places of work of the kind indicated except dairies, distilleries and

such industries subsidiary to agriculture, which are already subjected to effective hygienic control in this country.

5. In this respect reference may be made to the possibility of improved inspection of dwellings in the countryside that is offered specially by the new Public Health Act ; and consequently there seems reason to await the effects of that legislation, and also of the regulation of housing conditions in the collective agreements entered into between the organizations of the employers and of the employed.

SWITZERLAND.

The reply of the Swiss Government is as follows :

The Federal Constitution of the Swiss Confederation does not attribute to the Federal authorities the right to determine by legislation the sanitary conditions which must be required in places used as quarters for agricultural workers. This field is exclusively within the competence of the Cantons, and the Confederation has no power to interfere. It would therefore not be possible for the Swiss Government to support a Draft Convention on this matter without first challenging a revision of the Constitution.

Moreover, the idea of an international regulation of the living-in conditions of agricultural workers seems impossible to carry out in any rational manner. There are too many differences between the various States. Climate, configuration of the land, and the sub-division of the land in large or small estates play a predominant part in this question. Besides, it is precisely the enormous diversity of these factors in the different countries which imposes on these countries regulations which they cannot change, and which it would be illusory to attempt to unify by means of an international Convention. We may therefore conclude, without entering into the details of the question asked in the *questionnaire*, that in our opinion a draft international Convention should not be adopted to regulate the living-in conditions of agricultural workers.

2. GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

The question of the living-in conditions of agricultural workers is one of the first to arise in a study of the means of improving their conditions of life. It must be recognised that in many agricultural countries the sanitary and housing conditions of the workers are deplorable. Tradition, custom, and sometimes also ignorance, have prevented remedial measures ; it must also be admitted that in certain countries the still more powerful influence of racial prejudices has retarded the adoption of measures in this matter, for it is difficult to secure the admission of the principle of equality of treatment for all workers.

The question is all the more important because the very conditions of life in the country render an examination of it indispensable. In many cases agricultural wage-earners have accommodation provided for them by their employer, while in industry, on the contrary, it is only in certain cases, for example where the factory is far removed from any town, that the employer has to arrange for the accommodation of his employees. Moreover, though in most legislations measures have been prescribed concerning the accommodation of industrial workers, analogous legislative action is only beginning to be taken as regards the living conditions of workers in the count-

ry. This difference of treatment is all the more striking in that in some countries the conditions of agricultural labour, thanks to new processes of cultivation, to the introduction of machinery, and to measures taken to develop vocational education, are being transformed, and tend even to approach the conditions of industrial work. It has sometimes been pointed out that the position of the agricultural wage-earner, the farm servant particularly, is quite different from that of the factory worker, for very often he lives under the same conditions as his employer, eating at the same table, and sleeping under the same roof. But though this objection may seem justified for one class of agricultural workers, it is none the less an established fact — and the movement which has manifested itself during these last years is proof of this — that in general the living conditions of agricultural workers are far from satisfactory and that their improvement is an urgent duty imposed on all Governments.

There is another reason in favour of the adoption of measures regarding the living-in conditions of agricultural workers. It has often been shown that the poor living conditions of agricultural wage-earners are in a measure responsible for the exodus from the country districts. There are certainly several factors in the attraction which the city has for country workers, but it cannot be denied that living conditions are among the most important.

This question thus deserves most careful study on the part of the International Labour Conference with a view to arriving at measures for the improve-

ment of agricultural living-in conditions. Such a study is required not only by the general interests involved in the betterment of the social condition of agricultural workers, but also by the need of increasing agricultural production by preventing the depopulation of the country districts. This latter problem is, indeed, no new one, but since the war it has arisen in a very acute form.

The International Labour Organisation, taking up and amplifying the work commenced by the International Association for Labour Legislation, would thus be meeting the demands of public opinion, and of that great movement in favour of an improvement of the living conditions of agricultural workers which has been particularly evident during these last three years.

It was for these reasons that the Governing Body of the International Labour Office decided to inscribe on the Agenda of the Third Session of the Conference the question of the living-in conditions of agricultural workers. In preparation for the work of the Conference on this subject, the International Labour Office addressed to all the Members of the Organisation a *questionnaire* in which the Office, after having enumerated a certain number of measures already taken in various countries, concluded that a Draft Convention would be in accordance both with the present trend of ideas and with the spirit of the Treaty of Peace.

With a view to drawing up this Draft Convention, the different Governments were invited to communicate their opinions on the five following questions :

- (1) Advisability of adopting a Draft Convention.
- (2) Categories of workers to which it should apply.
- (3) Hygienic measures to be inserted in the Draft Convention.
- (4) Advisability of prescribing in this Draft Convention sanitary regulations for places of work and farm buildings similar to the regulations relating to industrial premises.
- (5) Methods of control for the application of such a Draft Convention.

The replies furnished to the Office by the Governments will be examined below, so that the conclusions which emerge may be submitted for the examination of the Conference.

I. Analysis of the Replies of the Governments.

(i) *Advisability of adopting a Draft Convention.*
The conclusion to be drawn from the replies of the Governments is that the majority of them are of opinion that it is necessary to take measures to improve the living-in conditions of agricultural workers. There is, however, divergence of opinion as to the form which the decisions of the Conference should take. Many Governments have called attention to the considerable differences which exist in the conditions of agricultural work in the different countries, and have expressed the opinion that it would be preferable for the Conference to adopt a Recommendation on this subject. They would thus be better able to adapt the decisions of the Conference to the

particular conditions of agricultural life existing in their respective countries.

Several Governments, however, (Spain, France, Holland, Italy, Roumania) favour the adoption of a Draft Convention. The Finnish Government, while declaring itself favourable to the adoption of a Draft Convention, is of opinion that it should be confined to regulating living-in conditions in very general terms.

The Governments of India, Canada, Switzerland, and South Africa are opposed to international regulation of living-in conditions of agricultural workers.

In general, it may be said that the Governments have shown themselves favourably disposed to such international regulation, but preferably in the form of a Recommendation.

(ii) *Categories of workers to which regulation should apply.* The opinions expressed by the Governments on this point vary considerably. Some hold that regulations should only apply to workers for whom accommodation is provided by the employer either in the employer's own house, or in adjoining buildings. Others — who, however, constitute the minority — consider that this regulation should apply to all agricultural workers. The Finnish Government considers that a distinction should be drawn between agricultural workers who are provided merely with accommodation by their employer, and those who are admitted to the employer's household, living in his home, and eating at his table. The Roumanian Government expresses the opinion that the regulation should only apply to workers who work on farms for at least a week.

It appears from the replies of the Governments that the majority of them are favourable to the regulation of living-in conditions of agricultural workers who are provided with accommodation by their employer, either in the employer's house or in adjoining buildings.

(iii) *Hygienic Measures to be prescribed.* Generally speaking, the Governments, if they have not accepted all the measures proposed in the *questionnaire*, have at least recognised that their adoption would effect a great improvement in the living-in conditions of agricultural workers. Thus the proposal to prohibit the lodging of agricultural workers in stables or outhouses has met with a favourable reception. The same may be said of the measures regarding sleeping accommodation (one bed *per* worker), washing and sanitation, and protection against changes of temperature.

Objections have, however, been made as to the necessity of prescribing special measures regarding ventilation of premises. Certain Governments have pointed out that it is a difficult matter to regulate this question internationally.

The Swedish Government points out that the question of the cubic space of sleeping accommodation is not in its opinion of the same importance in the country as in towns. The Swedish Government's view is that each agricultural worker should be allowed a certain superficial area rather than a definite cubic air space, for this latter question involves that of the height of buildings, which is not of great importance in the country.

(iv) *Advisability of prescribing hygienic regulations for places of work and farm buildings.* On this question it is not easy to state the conclusions to be drawn from the replies of the Governments. Most of them have refrained from replying, or have only given a favourable reply in the case of buildings and work places entirely comparable to industrial premises. Thus the Polish Government considers that sanitary measures may be prescribed for establishments where agricultural industries are carried on (distilleries, drying sheds, dairies, etc.). The Swedish Government is of opinion that dairies, distilleries and other secondary agricultural industries should be placed under the control of health authorities.

The Finnish Government is alone in recommending the adoption of a series of protective measures which might be made the object of an international regulation (see the Finnish Government's reply, p. 47).

The British Government favours the adoption of hygienic measures applicable to farms and work places, but points out that this regulation could not be as strict as in the case of industry, except in cases where agricultural workers work under conditions analogous to those obtaining in industry.

(v) *Methods of control.* Here again opinion is divided. While quite admitting that methods of control should be prescribed, the Governments have suggested solutions which vary considerably. Thus the Spanish Government proposes to institute local Commissions of Social Reform, such as exist in Spain, while the Finnish Government holds that district agricultural inspectors should be entrusted with the task of seeing that the regulation is observed. The

Norwegian Government considers that control should be exercised by the local authorities. Other Governments prefer to entrust this control to labour inspectors, sanitary inspectors, or agricultural inspectors. Finally, several Governments propose to appoint special inspectors to control the application of the regulations regarding living-in conditions of agricultural workers.

2. Conclusions.

In view of the replies of the Governments, the International Labour Office considers it preferable to submit to the Conference a draft Recommendation. As has been remarked by a great number of Governments, the actual form of a Recommendation will lend itself better to a regulation of the question. More flexible than a Draft Convention, it will permit the Governments to adapt the regulations prescribed to the particular conditions of agricultural labour existing in their respective countries. The text of this Recommendation recommends in a general manner such regulation, but points out that it would be of great assistance to appeal to the employers' and workers' organisations concerned in order to fix its general lines.

This Recommendation would apply to all agricultural workers provided with accommodation by their employers. While leaving the different Governments to determine the details of these regulations, the International Labour Office considers that the Conference may draw their attention to a certain number of particular points ; for example, to the necessity of allowing one bed to each worker, the prohibition

of the lodging of agricultural workers in stables or outhouses, and certain other measures.

The Recommendation would also provide for separate lodgings for workers of each sex.

The International Labour Office is of opinion that it is not necessary to prescribe hygienic regulations for places of work and farm buildings similar to the regulations relating to industrial premises. From the replies sent by the Governments it is clear that the various national legislations are only gradually beginning to be concerned with this question. It is so complex that it would perhaps be premature to prescribe international legislation in regard to it. It could be taken up later on by the International Labour Organisation, but it has not yet been studied in sufficient detail to allow of its being dealt with by the 1921 Conference. Moreover, it was not expressly inserted in the Agenda. In preparing the *questionnaire*, the Office had examined in all its aspects the question of the living-in conditions of workers, and had thus been led to ask the question relative to hygienic regulations for places of work, but the Office has decided not to submit any proposal to the Conference on this point.

Finally the draft Recommendation advocates the institution of a system of control as regards the application of this regulation, while leaving the Governments to decide whether the exercise of this control should be entrusted to the existing Labour Inspectorate which they possess already, or whether, as suggested by certain Governments, a special system of inspection should be prescribed as regards the lodging accommodation of agricultural workers.

3. TEXT OF DRAFT RECOMMENDATION.

The International Labour Office submits the following draft Recommendation for the consideration of the Conference :

The International Labour Conference recommends :

I

That each Member of the International Labour Organisation which has not already done so take legislative or other measures to regulate the living-in conditions of agricultural workers employed within its territory ; that such regulations lay down any special provisions which may be necessary in view of the particular climatic or other conditions affecting agricultural labour in each country, and that they be drawn up after consultation with the employers' and workers' organisations concerned, if such organisations exist.

II.

That such regulations be applicable to agricultural workers provided with accommodation by their employers, whether individually or by groups, and whether in the house or adjoining buildings of their employers.

III.

That such regulations, while being sufficiently elastic to allow of their adaptation to the climatic

or other conditions of agricultural labour in a given country, nevertheless contain definite provisions, as follows :

- (a) that agricultural workers must not sleep in stables or outhouses ;
- (b) that each worker must have his own bed ;
- (c) that places used for the accommodation of workers must be such as can be easily ventilated ;
- (d) that if climatic conditions so require, these places must be such as can be heated ;
- (e) that these places must be furnished or situated in such a way as to give their occupants facilities for attending to personal cleanliness ;
- (f) that separate quarters should be provided for both sexes.

IV.

That each Member of the International Labour Organisation take measures to secure control of the application of the provisions of such regulations.

PART III.

GUARANTEE OF THE RIGHT OF ASSOCIATION AND COMBINATION FOR AGRICULTURAL WORKERS.

INTRODUCTION.

In preparation for the work of the Conference the International Labour Office issued a *questionnaire* to the Members of the International Labour Organisation upon the question of the guarantee to agricultural workers of the right of association and combination. The rights already won by agricultural workers in this respect during the course of the last fifty years are very considerable, but in a certain number of countries limitations of an important character still for various reasons exist, and it therefore appeared to the Governing Body in all respects desirable that the International Labour Conference should give further practical reality to the recognition of the principle of freedom of association solemnly enunciated in the Treaty of Peace by the adoption of a Draft Convention guaranteeing the right of association and combination to agricultural workers in the same manner as it is guaranteed to industrial workers. In consequence, the International Labour Office in its *questionnaire* asked the Governments :

Are you of opinion that a Draft Convention should be drawn up establishing the right of association and co-operation for agricultural, as well as for industrial, workers ?

I. OPINIONS OF THE GOVERNMENTS IN REPLY
TO THE QUESTIONNAIRE.

The following are the opinions of the Government as expressed in the replies received by the International labour Office in time for inclusion in this Report.

AUSTRIA.

The reply of the Austrian Government is as follows :

As Austrian agricultural workers already enjoy the same rights of association and combination as industrial workers, an international Convention on this subject is, from the Austrian point of view, not indispensable but desirable.

CANADA.

The reply of the Canadian Government is as follows :

There are at present no trade union organisations of agricultural workers in Canada ; there is no law forbidding the formation of such trade unions.

DENMARK.

The reply of the Danish Government is as follows :

As agricultural labourers in Denmark have the same right of forming unions as industrial workmen, a Draft Convention such as is contemplated would, as far as they are concerned, be unnecessary.

FINLAND.

Section 10. of the Constitution Act of 17 July, 1919, guarantees complete freedom of association and combination, both economically and politically, to all citizens of Finland, including agricultural workers. The Finnish Government is, therefore, in favour of the adoption of a Draft Convention in this respect.

FRANCE.

The French Government is of opinion that a Draft Convention should be drawn up to secure for agricultural workers the same rights of association and combination as for industrial workers.

GREAT BRITAIN.

The reply of the British Government is as follows :

There is, in general, no restriction on the right of workpeople to combine for the better and more equitable regulation of the conditions of their employment and for the purpose of mutual support. No difference in this respect exists between combinations or associations of agricultural workers and of industrial workers.

Up to the latter part of the 18th century combinations both of workpeople and employers for most purposes were illegal. In 1824 it became clear that the combination laws were unsuitable, and they were repealed. The repealing Act of that year was replaced in the following year by a more restricted measure. The combinations were made legal by this latter Act, but greatly restricted in their operation. As a result of industrial trouble occurring in 1866 a Royal Commission was appointed, and as a result of their report the Trade Union Act of 1871 was passed. This Act is the foundation of the present position of trade unionism in England. The Act was amended in 1876 and in 1913,

and again in 1917. In 1875 an Act dealing with conspiracy and protection of property was passed which had a clause specifically relating to persons employed in public utility services for the supply of gas and water. In 1906 the Trades Disputes Act was passed securing for trade unions *inter alia* immunity from liability for actions of tort.

In addition to this legislative recognition of the right of workpeople to combine, the principles of the Whitley Councils for industries are based on the principle of representative bodies of employers' organisations and trade unions. The Government has also, in negotiations on industrial matters, given full and complete recognition to all trade unions, and no distinction either in the law or in practice is made between the associations of agricultural workers and other classes.

INDIA.

The reply of the Indian Government is as follows :

The Government of India are not opposed to the principle, but they regard the framing of a Draft Convention as unnecessary.

ITALY.

The reply of the Italian Government is as follows :

Italian legislation makes no distinction between industrial and agricultural workers : the latter, like the former, possess rights of association, combination and striking to their fullest extent.

If, however, it is necessary to establish equality of rights between these two classes of workers in order to ameliorate the position of agricultural workers in countries where such equality does not exist, the Italian Government does not object to the establishment of a Draft Convention in the sense indicated.

JAPAN.

The reply of the Japanese Government is as follows :

With regard to the guarantee of the right of association and co-operation, agricultural workers may be treated in

the same way as industrial workers, but the question of drawing up a draft Convention on this subject is still under consideration.

THE NETHERLANDS.

See also note at head of the answer on pages 22 and 23.

The reply of the Netherlands Government is as follows :

The right of association and combination is in force throughout the Netherlands. It is guaranteed by Article 9 of the Constitution and further regulated by the Act of 22 April, 1855, Official Gazette, No. 32.

In virtue of this Act it is permissible, without any authorisation being required, to found associations provided that they are not contrary to the public interest.

An association contrary to the public interest is an association whose object is :

1. Disobedience to, or infraction of, the law or any legal regulation ;
2. Attack on good morals or decency ;
3. Interference with any person whatsoever in the exercise of his rights.

In order to be invested with legal personality an association must obtain royal or legal sanction, for more or less than 30 years as may be required.

Public meetings in the open air must be authorised by the Mayor.

Meetings open to the public may be held in buildings, except meetings for the handling of arms (which must, in addition, be authorised by the Mayor), on condition that police are permitted to be present.

It is forbidden to carry arms, both at meetings in the open air and at those in buildings, whenever such arms are not used for manual exercise.

Officers and non-commissioned officers in uniform are excepted.

The above provisions make no distinction between workers and other persons, or between industrial and agricultural workers.

Consequently, as far as the Netherlands is concerned, the reply to the question is in the affirmative.

NORWAY.

See also note at head of the answer on page 24.

The reply of the Norwegian Government is as follows :

Yes. Agricultural workers have in Norway in this respect the same rights as industrial workers.

POLAND.

The Polish Government states that a Draft Convention should be adopted establishing the right of association and combination for agricultural workers.

ROUMANIA.

The Roumanian Government is in favour of the adoption of a Draft Convention.

SOUTH AFRICA.

The reply of the South African Government is as follows :

The principle of the right of association and co-operation for all classes of workers is recognised and encouraged in South Africa.

SPAIN.

The Spanish Government is of opinion that there can be no doubt on this question, because it involves the rights of the individual, rights which are recognised by the public law of all civilised peoples.

SWEDEN.

The reply of the Swedish Government is as follows :

There are in Sweden no legal restrictions on the agricultural worker's right of association and combination. The National Collective Agreement of 1919 formally recognized this right of the agricultural workers, and assured them opportunities to call for an investigation into such cases of dismissal as might be held to imply a violation of the right of association. At the same time it is agreed that foremen or workmen exclusively employed on the personal account of the employer shall not belong to the workers' organisation if the employer so demands.

SWITZERLAND.

The reply of the Swiss Government is as follows :

Article 56 of the Federal Constitution guarantees the right of association, " provided that the object of such associations or the means which they employ are not in any way illegal or dangerous to the State ". Agricultural workers, therefore, in Switzerland enjoy without restriction the same rights of association and combination as industrial workers.

We therefore have no observations to make with regard to the suggestion put forward in the *questionnaire*, and are in favour of the preparation of a Draft Convention establishing the same rights of association and combination for agricultural as for industrial workers.

2. GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

The item concerning the guarantee of the rights of association and combination to agricultural workers was included in the Agenda of the Conference, because the exercise of these rights is still in some countries subject to a number of disabilities.

It is true that legal provisions in several countries which tended to restrict freedom of association have been repealed during the last few years. Nevertheless, this right is still restricted by tradition, or by the particular circumstances arising from the fact that agricultural workers in many cases live with their employers. Moreover, agricultural workers' organisations have not attained the same development, or the same power, as other trade unions, and they are less qualified than the latter to defend their rights.

It was pointed out in the *questionnaire* issued by the International Labour Office relating to this item that these rights are explicitly mentioned in the Preamble and Article 427 of Part XIII of the Treaty of Versailles. The Preamble mentions the "recognition of the principle of the freedom of association", and Article 427 includes the "right of association for all lawful purposes by the employed as well as by the employers" among the "principles well fitted to guide the policy of the League of Nations."

The Office, therefore, requested the Governments to reply to the question reproduced in the introduct-

ion to this part of the Report, and to inform it whether they were in favour of a Draft Convention concerning this matter.

An analysis of the foregoing replies shows that the Governments are of opinion that the rights of association and combination should be accorded to agricultural workers. Only two Governments have made reservations with regard to the desirability of establishing these rights by a Draft Convention.

Several Governments have pointed out that legislation in their countries has already recognised the right of association and combination for agricultural workers, and that they are of opinion that in so far as they are concerned a Draft Convention concerning this question would be unnecessary.

It may, however, be remarked that the International Labour Office requested the Governments to furnish it with their opinions, not with a view to ameliorating the position of agricultural workers in their respective countries only, but with a view to effecting such amelioration in all the countries which are Members of the International Labour Organisation. A Draft Convention which might perhaps be unnecessary for one country would not be so for all countries, and the adherence of a large number of States to a Convention could not but be an example to other countries which might hesitate to bind themselves on questions of social reform.

3. TEXT OF DRAFT FOR A CONVENTION.

The International Labour Office submits the following draft of a Convention for the consideration of the Conference :

Each Member of the International Labour Organisation which ratifies this Convention engages to secure to all agricultural workers employed within its territory the same rights of association and combination as to industrial workers, and to repeal any legislative or other provision which places any restrictions on these rights with reference to agricultural workers.

PART IV.

PROTECTION OF AGRICULTURAL WORKERS AGAINST ACCIDENT, SICKNESS, INVALIDITY AND OLD AGE.

INTRODUCTION.

The International Labour Office, in issuing the *questionnaire* to the Members of the International Labour Organisation upon the question of the protection of agricultural workers against accident, sickness, invalidity and old age, drew attention to the chief points involved in the general consideration of the problem. Further, the reasons which actuated the Governing Body in placing this item on the Agenda of the Conference will be found at the beginning of Chapter II of this part of the Report on Item 4. It may, however, be here again emphasised with regard to the *questionnaire* the text of which follows that, although the exclusion in a number of cases of agricultural workers from the benefits of social insurance laws would not appear to be justifiable, it is not intended that the Conference should be asked to adopt measures which should be identical in all countries and which would not take into account the varying principles upon which existing legislation of this nature is founded, or the different conditions prevalent in the various countries which are Members of the International Labour Organisation.

The following is the text of the *questionnaire* :

1. Do you consider that a Draft Convention should be adopted containing an obligation to include agricultural, as well as industrial, workers in their social insurance laws ?

2. If so, do you consider that the rule should be absolute and should apply equally to accident, sickness, invalidity and old age ; or do you consider that the application must be limited to one or more of the insurance laws ?

3. What categories of wage-earners should benefit by such an extension of the insurance laws to agricultural workers, day labourers, farm servants (*métayers*), produce-sharing farmers (*colons*), or even rent-paying tenants (*fermiers*) and proprietors employing no outside labour ?

1. OPINIONS OF THE GOVERNMENTS IN REPLY
TO THE QUESTIONNAIRE.

The following are the opinions of the Governments as expressed in the replies received by the International Labour Office in time for inclusion in this Report.

AUSTRIA.

The reply of the Austrian Government is as follows :

In the interest of the improvement of the social position of agricultural workers, it is urgently necessary that they should enjoy the benefits of social insurance.

In Austria a proposal to extend sickness insurance to agricultural workers was recently introduced in Parliament, and it is to be hoped that this will shortly become law. Bills for the reform of accident insurance and for the introduction of old age and disablement insurance are also in preparation.

CANADA.

The reply of the Canadian Government is as follows :

1. The only class of social insurance in existence in Canada at present, namely, that relating to accidents etc., covered by certain of the workmen's compensation laws, is administered by the provincial authorities. The time allowed for reply to the *questionnaire* is too brief to permit of communication with the provinces, and the Government of Canada accordingly does not feel justified in expressing any view on this subject at present.

2. See answer to Question 1.

3. See answer to Question 1.

DENMARK.

The reply of the Danish Government is as follows :

1. Agricultural labourers in this country are included under the Acts concerning insurance against accidents (compulsory insurance), state-aided sick clubs (voluntary insurance, subsidised by the public, includes about 60% of the population), old age pension (grants in aid). With regard to insurance against disablement, an Act has recently been passed, coming into force on the 1st October, 1921, to the effect that all members of sick-clubs, thus including agricultural labourers, are insured against invalidity.

2. Agricultural labourers ought, it is presumed, to be included under all the above forms of insurance (provision).

FINLAND.

The reply of the Finnish Government is as follows :

1. A Draft Convention, by which the various States would undertake to extend social insurance to agricultural workers in the same way as to industrial workers, would be desirable.

2. The provision that in the matter of social insurance agricultural workers shall have the same rights as industrial workers might apply to all kinds of social insurance.

3. All persons working for wages or for other remuneration given in lieu thereof in an agricultural business belonging to another person should enjoy any benefits of legislation such as is indicated in the above paragraphs. In view of the fact that in Finland a scheme for insurance against invalidity and old age has been drafted in the shape of a general national insurance scheme, the latter principle would be of no practical importance except with regard to insurance against accidents.

FRANCE.

1. The French Government is of opinion that a Draft Convention should require the various States to include agricultural workers as well as industrial workers in their social insurance laws.

2. It is also of opinion that agricultural workers should have the benefit of all social insurance laws.

3. It considers that such laws should apply to the following classes of workers :

Compulsory insurance : day labourers, farm servants, *métayers*, and produce-sharing farmers (*colons*).

Optional insurance : rent-paying tenants and proprietors employing no outside labour, provided that their total income *per annum* does not exceed 10,000 and 12,000 francs respectively.

GREAT BRITAIN.

The reply of the British Government is as follows :

1. No distinction is drawn in Great Britain between agricultural and industrial workers as regards insurance against accident, sickness, and old age. Provision for insurance against sickness is made by the National Health Insurance Acts, under which all persons employed under a contract of service are compulsorily insurable, with the exception of non-manual workers remunerated at a rate exceeding £ 250 a year. The scheme is on a contributory basis, a contribution being payable jointly by the employer and worker in respect of every week of employment, and the State paying 2-9ths of the cost of the benefits and their administration. The present weekly rates of contribution are : 10d. in the case of men (5d. by the employer and 5d. by the worker) and 9d. in the case of women (5d. by the employer and 4d.

by the worker). The benefits are (a) Medical Benefit, *i.e.* medical attendance and treatment, including medicines ; (b) Sickness Benefit, *i.e.* payments at the rate of 15/- a week in the case of men and 12/- in the case of women for a period not exceeding 26 weeks during incapacity for work through illness ; (c) Disablement Benefit, *i.e.* further weekly payments at the rate of 7/6d. a week for men and women during incapacity after the right to sickness benefit has been exhausted, for so long as incapacity continues ; (d) Maternity Benefit, *i.e.*, payment of a sum of £ 2 on the confinement of an insured woman or the wife of an insured man. An insured married woman receives two Maternity Benefits, making £4 in all.

The case of workers incapacitated through accident or industrial disease is met in Great Britain by the provisions of the Workmen's Compensation Acts, under which an employer is liable to pay compensation to any person employed by him who is incapacitated by an accident arising out of and in the course of his employment, or by any one of a schedule list of industrial diseases. Provision for old age is made by the Old Age Pensions Acts, under which all persons below a certain standard of means are entitled to a pension on attaining the age of 70. The scheme is on a non-contributory basis, the whole cost being met from the Exchequer. The normal rate of old age pensions is 10/- a week.

2. As stated above, no distinction is drawn in the case of Great Britain.

3. Any Convention should be confined to wage-earners, that is to say persons engaged under contract of service.

It is considered that it would be outside the scope of the International Labour Conference to deal with matters affecting persons not working for an employer.

INDIA.

The reply of the Indian Government is as follows :

1. 2. 3. The question raised has little applicability to India and the Government of India therefore refrain from expressing any opinion.

ITALY.

The reply of the Italian Government is as follows :

1. Justice and necessity require that legislation regarding social insurance for industrial workers should be extended to agricultural workers, because the latter are exposed to the same risks as the former. Technical and economic objections are not such as to prevent such an extension, and an international undertaking in this respect given by a number of States would enable definite progress to be made in social legislation, particularly with regard to the protection of the agricultural proletariat.

2. The reasons indicated above for the extension of social insurance to agricultural workers hold good for each class of social insurance, because agricultural workers are exposed to the same extent as industrial workers to the risk of accidents arising from their work, of sickness, invalidity, old age, and (it may be added) unemployment. Italian legislation has definitely adopted this point of view, and has established compulsory insurance for agricultural workers.

3. Social insurance should be extended to all agricultural workers dependent on an employer (regular wage-earners, day-labourers, etc.).

Métayers, produce-sharing farmers and farmers should be brought within the scope of compulsory insurance in the same way as workers dependent on an employer, the proprietor of the land which they cultivate being considered as an employer, with the two following reservations :

1. on condition that they usually perform manual work on the land ; and

2. on condition that they do not derive from such land an income above a fixed sum.

Further, small proprietors who cultivate their land with the help of their family, without employing hired labour, should be brought within the scope of social insurance, in so far as national legislation provides for the insurance of independent workers (artisans, etc.) or by including such workers with the classes to which optional insurance is extended.

These principles have been adopted in Italian legislation.

JAPAN.

The reply of the Japanese Government is as follows :

It is considered advisable to include agricultural as well as industrial workers in social insurance laws, extending the scope so as to cover not only all kinds of agricultural wage-earners but also tenant-farmers or peasant proprietors whose economic status is analogous to that of agricultural wage-earners. But it being considered difficult to establish by a Convention concrete regulations regarding scope and date of operation of social insurance laws, it is deemed advisable to adopt a Recommendation proposing the adoption of suitable measures so as to enable agricultural workers to enjoy benefits of social insurance as promptly and as comprehensively as possible.

THE NETHERLANDS.

See also note at head of the answer on pages 22 and 23.

1. The reply states that in view of the fact that legislation in the Netherlands does not discriminate between agricultural and industrial workers it is considered desirable that this matter should be internationally regulated. The reply accordingly to Question 1 is in the affirmative.

2. In accordance with the answer given to Question 1., it is desirable that international regulations should apply to all kinds of social insurance with regard to agricultural labour.

3. International regulations relating to compulsory insurance could apply only to wage-earners.

NORWAY.

See also note at head of the answer on page 24.

The reply of the Norwegian Committee is as follows :

1. Agricultural workers should be placed on the same footing as industrial workers in the social insurance legislation.
2. The application should hold good in like degree for all the insurance laws here mentioned.
3. The above-named forms of insurance ought to be extended to embrace all the classes of persons engaged in agriculture who are enumerated under Question 3.

POLAND.

1. The Polish Government is of opinion that it is possible in principle to adopt a Draft Convention establishing the same rights of protection for agricultural as for industrial workers.
2. It considers that agricultural workers should have the benefit of insurance against sickness, accidents, invalidity and old age.
3. It considers that all classes of wage-earners should benefit by such insurance laws.

ROUMANIA.

The Roumanian Government in its reply explains the legislation proposed or actually in force in its country with regard to social insurance and states that as far as Roumania is concerned a Draft Convention would be inopportune. Its reply is inspired by the absence in Roumania, particularly since the war, of a class of agricultural wage-earners properly so-called.

SOUTH AFRICA.

The reply of the South African Government is as follows :

Here also, owing to the very limited extent to which white labour is employed, the need has not been felt for including agricultural workers in the social insurance laws of the country.

SPAIN.

1. The Spanish Government is of opinion that no discrimination can be made in this respect with regard to agricultural workers, because a right is involved which may be exercised in certain circumstances in special ways. In Spain agricultural workers are treated on a footing of equality with other workers.

2. The Spanish Government expresses no definite opinion on this point, Spanish legislation not having yet extended to agricultural workers all categories of social insurance. It does not, however, express any objections against the adoption of a Draft Convention extending to agricultural workers the benefits of all schemes of social insurance.

3. The Spanish Government is of opinion that laws or regulations relating to social insurance ought to apply without discrimination to all agricultural workers whose wages are less than 4,000 *pesetas* a year. It considers that this question with regard to *métayers* and small proprietors is very complicated: Spanish legislation has made no provisions in this respect. The spirit of such a law, however, allows each State to take up the case

of small businesses (*enterprises*), and the Spanish Government does not *a priori* reject State action in order to extend social insurance to these two classes.

SWEDEN.

The Swedish Government considers that a Draft Convention should extend to agricultural workers the benefits of social insurance laws. Swedish legislation is in agreement with the suggestions made in the *questionnaire*.

SWITZERLAND.

1. The Swiss Government is of opinion that there is no reason why agricultural workers should not be granted the same right as other workers to enjoy the benefits of social insurance. At the same time, it does not believe that a Draft Convention should be drawn up on this subject, because the object is not to harmonise social insurance provisions or to regulate in a uniform manner for all the various countries the admission of agricultural workers to the benefits of social insurance, but simply to include agricultural workers in the application of social insurance laws. In its opinion, the Conference should simply address to the States a Recommendation in this respect, thus allowing the various States to extend the benefits of such laws in the manner best suited to their peculiar conditions.

Such a Recommendation should lay down :

- (a) that each State should extend to its agricultural workers the benefits of its social

insurance schemes already instituted or to be instituted, without any necessity on its part to modify its social insurance system as a result of the fact of such extension ;

- (b) that each State, for the purpose of such extension, should duly take into consideration the special conditions and requirements of agriculture.

2. The Swiss Government is of opinion that a resolution adopted in the form of such a Recommendation should be drawn up in general terms, and should recommend the States to extend to agricultural workers insurance in case of accident, sickness, invalidity, and old age.

3. The Swiss Government does not consider it desirable that a Recommendation should have to enter into details regarding the classes of persons which should enjoy such an extension of social insurance laws. The Recommendation should simply recommend the States to include the various classes of agricultural workers, whether independent or wage-earning, in accordance with the rules which have been employed to determine the admission of other classes of the population to insurance schemes.

2. GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

The question of the protection of agricultural workers against accident, sickness, invalidity and old age was brought to the notice of the Governing Body when it proceeded to consider measures for the improvement of the position of these workers.

In view of the fact that the Preamble of Part XIII of the Treaty of Versailles recommends all nations to secure "the protection of the worker against sickness, disease and injury arising out of his employment"... and "provision for old age and injury", it would seem that a special effort should be made on behalf of agricultural workers, who are included within the scope of the provisions of the Treaty. It must be recognised that in many countries the legal position of the agricultural worker with regard to social insurance is quite different from that of the industrial worker. It most frequently happens that agricultural workers are excluded from the benefits of social insurance laws or have only been admitted to them slowly and step by step. The Governing Body, therefore, considered it desirable to draw the attention of the Conference to this special situation. Its intention was not that the provisions of social insurance legislation should be identical in all countries, or that the various systems of insurance at present in existence should be made uniform, but only that the principle should be laid down that

all social insurance legislation should henceforth apply to agricultural workers on the same conditions as to workers in industry or commerce.

With a view to preparing for the deliberations of the Conference, the International Labour Office addressed to all the Governments a *questionnaire* in which it requested the Governments to communicate their views on the three following questions :

- (1) The desirability of a Draft Convention ;
- (2) The classes of social insurance to be included in such Draft Convention ;
- (3) The classes of agricultural workers to be brought within the scope of the Draft Convention.

An examination will be made below of the replies received from the Governments by the International Labour Office with a view to submitting to the Conference drafts which may usefully serve as bases for discussion.

I. Analysis of the replies of the Governments.

(i) *Desirability of a Draft Convention.* It is clear from the replies that the majority of the Governments are of opinion that the benefits of social insurance laws and regulations should be extended to agricultural workers, and that a large number of them are in favour of a Draft Convention with regard to this question.

The Canadian and Indian Governments have not given a definite reply, the former because it had not had time to obtain the views of the different Province-

ial Governments of Canada, and the latter because the question of social insurance has very little application to India. The South African Government has pointed out that the need to include agricultural workers within the provisions of social insurance legislation has not made itself felt, because white agricultural workers are very few in South Africa. The Roumanian Government has stated that an international Convention would be unnecessary in the case of Roumania in view of the smallness of the agricultural wage-earning class in that country.

In reply to these different objections it may be pointed out that it was not only with a view to ameliorating the position of agricultural workers in its own individual country that the International Labour Office requested to be informed of the views of each Government, but primarily in order that international measures might be taken on behalf of these workers in all the countries which are Members of the International Labour Organisation. If the wage-earning class in one country is very small, it does not follow that it should for that reason be excluded from the benefits of measures taken on behalf of the wage-earners of the whole world.

It may also be observed that difference of race cannot prevent the regulation of conditions of labour.

The Japanese and the Swiss Governments, however, have expressed the opinion that a Recommendation would be preferable to a Draft Convention. The Swiss Government suggests that a Recommendation would have the advantage of allowing the different Governments to adapt the provisions of such a

Recommendation to the particular conditions of agricultural labour in their respective countries. It will be seen in a later paragraph that the International Labour Office is in favour of this view, with regard to certain classes of social insurance.

(ii) *Classes of social insurance to be included.* Nearly all the Governments whose replies to the previous question are in the affirmative are of opinion that a Draft Convention should include all classes of social insurance.

(iii) *Classes of agricultural workers to which social insurance laws should be extended.* With regard to this point the views of the Governments are divergent. Some Governments are of opinion that the provisions of social insurance laws should be extended to all agricultural workers, while others consider that the application of such laws should be restricted to wage-earners only. The British Government, for example, states that a Draft Convention should apply only to wage-earners, that is to say, in its opinion, to persons having a contract of service, and that the Conference would be exceeding its powers if it included persons who do not work for an employer.

The French Government, on the other hand, is of opinion that social insurance should be so regulated as to cover a larger number of persons. It suggests compulsory insurance for *métayers* and produce-sharing farmers (*colons*), and makes a distinction between the two following kinds of insurance :

(a) Compulsory insurance (for day-labourers, farm servants, *métayers*, and produce-sharing farmers (*colons*); and

(b) Optional insurance (for farmers and proprietors not employing hired labour, provided that their total annual income does not exceed 10,000 or 12,000 francs).

The Spanish Government is of opinion that laws or regulations relating to social insurance should apply without any distinction to all agricultural workers whose wages are less than 4,000 *pesetas per annum*.

The Swiss Government states that it is not desirable to enter into details with regard to the classes of persons to which insurance laws should be extended and that it would be sufficient to recommend the States to define the different classes of agricultural workers, whether independent or wage-earning, to be brought within the scope of the Recommendation in accordance with the rules which have determined the admission to insurance of the other classes of the population.

II. Conclusions.

The above analysis makes it clear that the majority of the Governments are of opinion that social insurance laws and regulations should be extended to agricultural workers. On the whole, they are in favour of the Draft Convention proposed by the International Labour Office.

One question, therefore, remains to be answered :

Is it desirable to propose to the Conference that it adopt the Draft Convention contemplated which embraces all classes of social insurance ?

The International Labour Office has further considered and studied the question in the light both of the replies and of the documentation communicated by the different Governments, and it has come to the conclusion that a Draft Convention applicable to all classes of social insurance would not perhaps be in conformity with the object in view. It is of opinion that a distinction should be made between laws and regulations relating to accidents and those which set up systems of insurance in case of invalidity and sickness, as well as old-age pensions schemes. It should, however, be understood that such a distinction does not imply that laws instituting systems of insurance in case of invalidity and sickness and old-age pensions schemes are less urgently required for agricultural workers than those the object of which is to compensate persons injured during the course of employment. The distinction is made solely with regard to the measures to be taken to secure to agricultural workers in the best possible conditions the benefits of all reforms accomplished in the matter of social insurance.

If the International Labour Office is of opinion that accidents arising during employment should be given separate treatment, it is because, in fact, the various classes of social insurance are not on the same level. Generally speaking, agricultural workers are less favourably situated in comparison with industrial workers with regard to social insurance. But it is perhaps with regard to the question of compensation in case of accidents arising during employment that the difference is most striking. In many countries

agricultural workers are excluded from the application of laws which secure to industrial workers equitable compensation for injury arising from or in the course of their employment. The incongruity of this inequality has been frequently emphasised. As is pointed out in the *questionnaire* drawn up by the International Labour Office, it is inadmissible that the farm worker who drives a wagon-load of beets to the sugar refinery should not receive any compensation if he is run over by his wagon while the worker in the refinery who does the same work and sustains an identical accident on the same day receives a half-pay indemnity or a permanent disability benefit.

It would seem therefore that the International Labour Conference is bound to disapprove this state of things. Moreover, in expressing such disapproval it would merely be acting in accordance with the demands of public opinion and also, it may be noted, with the present tendencies of national legislation in various countries. In many countries there is apparent a tendency to extend to agricultural workers the application of laws relating to industrial accidents. In many countries workmen's compensation Acts at first applied only to industrial workers. Subsequently they were extended to commercial undertakings, and later to certain classes of agricultural work which were similar to industrial work; and at the present time a number of Bills laid before several Parliaments extend to agricultural workers without any restriction the application of the laws already existing. French legislation, to give only one example, is a typical case of progress of this kind.

The International Labour Office therefore is of opinion that international measures can be taken in the form of a Draft Convention, and it, accordingly, submits to the Conference the text contained on page 105 of this Report.

This Draft Convention provides for the extension to agricultural workers of laws and regulations relating to industrial accidents ; it also provides that all such legislation shall henceforward apply to all agricultural wage-earners employed within the territory of a State. In view of the fact that the question of reciprocity of treatment of foreign and national workers is at present under careful consideration in many countries and is giving rise to the conclusion of Labour Conventions and Treaties between several States, the International Labour Office feels that reciprocity of treatment with regard to workmen's compensation for accidents arising during their employment is one of the first questions to which attention should be given. It would seem to be only equitable to secure to seasonal workers who cross the frontier to perform harvest work in a neighbouring country the same compensation in case of accidents arising during their employment as to the nationals of the country concerned who perform the same work.

In proposing that the Conference may adopt a provision of this nature the Office is only acting in accordance with the provisions of Part XIII of the Treaty of Peace, the Preamble of which provides for "the protection of the interests of workers when employed in countries other than their own." More-

over, the Washington Conference adopted a Recommendation concerning reciprocity of treatment of foreign and national workers.

Further, the International Emigration Commission, during its meeting at Geneva in August, 1921, examined closely the terms of the Washington Recommendation and instructed the International Labour Office to prepare a report for submission to a future Session of the International Labour Conference with a view to instituting as far as possible a uniform system of legislation with regard to social insurance for all States or certain groups of States.

The situation is not quite the same in the case of the other classes of social insurance, that is to say, old age pension laws and insurance laws against sickness and invalidity. The systems at present in existence in the various countries differ considerably, and the adoption of a Draft Convention entailing the extension of these systems to agricultural workers would involve a considerable disparity between the obligations incurred by the different States. On the one hand, national law has encountered difficulties in attempting to establish a clear distinction between the different classes of agricultural workers with a view to determining those classes to which social insurance should be accorded. On the other hand, financial considerations, the importance of which cannot be under-rated, delay projected reforms in some countries, on account of the large number of agricultural workers in such countries. Many Parliaments might hesitate, merely on account of the expense involved, to ratify a Draft Convention

automatically extending social insurance to agricultural workers. It would therefore seem that a Draft Convention on this question strictly binding on all the States might encounter serious difficulties. At the same time, a Recommendation would be fully adequate, in so far as it laid down the important principle of equality of rights between agricultural and industrial workers. Such a principle may well be embodied in a Recommendation, while the form of such a Recommendation would allow the Governments to adapt its provisions to the particular conditions of agricultural labour in their respective countries. A Recommendation is preferable in cases where a question is particularly delicate or presents aspects too complex to allow of their being dealt with by a comparatively rigid form of regulation.

Such was undoubtedly the intention of the framers of Part XIII of the Treaty of Versailles when they decided to establish a distinction between Draft Conventions and Recommendations. It is true that Recommendations were introduced for Federal States "the power of which to enter into Conventions on labour matters is subject to limitations." But they were also introduced to meet cases in which, while the Conference is of opinion that any given question should be regulated or any principle established internationally, the details of such regulation and the application of such principle require to be carried out by particular methods and forms on account of the special conditions to be met. At the same time, a Recommendation, like a Draft Convention, imposes an obligation on all the Members of the International

Labour Organisation. By Article 405 of the Treaty of Peace each Member undertakes to bring Recommendations as well as Draft Conventions "before the authority or authorities in its country within whose competence the matter lies." If the International Labour Office is of opinion that the question of the extension of social insurance laws to agricultural workers should be regulated for the present by means of a Recommendation, it is not because it considers that this question is not sufficiently important to be dealt with by a comparatively rigid international regulation or that the Conference should merely adopt a Utopian Recommendation. As has been pointed out above, the all-important object is to lay down the principle of equality between agricultural and industrial workers. The right of agricultural workers to protection against sickness, invalidity, and old-age will be none the less recognised by the Conference because it adopts a Recommendation, while the obligation on the Members of the International Labour Organisation will be none the less binding because the methods of application of the Recommendation are not specified.

Moreover, as has often been pointed out, a Recommendation is frequently a step towards a Draft Convention. It allows the States to take preliminary measures and thus to prepare the way for, and facilitate the application of, international Conventions.

In view of the foregoing considerations the International Labour Office submits the draft Recommendation contained on page 105 of this Report for the consideration of the Conference.

This draft Recommendation contains a general provision with regard to the extension to agricultural wage-earners of laws and regulations instituting systems of social insurance. It is considered that agricultural wage-earners only should be mentioned and that it should be left to the Governments, should they consider it advisable, to extend the application of such laws and regulations to the other classes of agricultural workers.

The same observation applies with regard to foreign workers. It is considered that this question is too complex and has not been sufficiently examined to be dealt with at present internationally in the same way as the question of workmen's compensation for accidents arising during their employment. It may be possible for the International Labour Organisation to consider this question at a subsequent Conference.

3. TEXTS OF DRAFT FOR A CONVENTION AND DRAFT RECOMMENDATION.

The International Labour Office submits the following draft for a Convention and draft Recommendation for the consideration of the Conference.

Draft for a Convention concerning the extension to agricultural wage-earners of the provisions of laws and regulations concerning workmen's compensation.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners employed within its territory the application of 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.

Draft Recommendation concerning the extension to agricultural wage-earners of the benefits of social insurance laws.

The General Conference recommends that each Member of the International Labour Organisation extend to agricultural wage-earners the benefit of its laws and regulations instituting systems of social insurance on conditions at least equivalent to those prevailing in the case of workers in industry and commerce.

REPORT III (B)

INTERNATIONAL LABOUR CONFERENCE,
THIRD SESSION.
GENEVA, OCTOBER, 1921.

REPORT
ON THE
ADAPTATION TO AGRICULTURAL
LABOUR
OF THE WASHINGTON DECISIONS
CONCERNING THE PROTECTION OF
WOMEN AND CHILDREN

ITEM III (B) OF THE AGENDA.

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GENEVA.
INTERNATIONAL LABOUR OFFICE.
1921.

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PRELIMINARY NOTE.

In the Introductory Note to the Questionnaire sent out by the International Labour Office in connection with each item on the Agenda of the Third Session of the International Labour Conference, it was explained that, when the International Labour Office had received the replies to each Questionnaire and was thereby informed of the opinions of the Governments, it would proceed to draw up a general report together with suggestions for Draft Conventions or Recommendations.

The present volume accordingly contains the replies to the Questionnaires received from the Governments, a general summary of these replies and an indication of the conclusions to which they would appear to lead, and, finally, the texts of a Draft Convention and Recommendations which may serve as a basis for discussion by the Conference.

In this Report are incorporated the replies of the following Governments: Austria, Canada, Denmark, Finland, France, Great Britain, India, Italy, Japan, Netherlands, Norway, Poland, Roumania, South Africa, Spain, Sweden, and Switzerland.

It is intended to include replies of the Governments received subsequent to 23rd July, in a supplementary report which will be distributed later.

In addition to the present Report the International Labour Office will prepare a summary of the available documentary and statistical information relating to this item of the Agenda which will be distributed immediately before the opening of the Conference on the 25th October next.

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INTRODUCTION.

By adhering to the Covenant of the League of Nations the States Members have undertaken "to endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend." The methods and principles to be adopted to this end are set out in Part XIII of the Treaty of Versailles, and include the "protection of children, young persons and women" (Preamble) and "the abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and ensure their proper physical development" (Article 427).

Guided by these principles, the International Labour Conference, at its Session held at Washington in 1919, adopted the following measures with regard to the employment of women and children in industry (in the case of (1) also in commerce) :

- (1) A Draft Convention concerning the employment of women before and after childbirth ;
- (2) A Draft Convention concerning the employment of women during the night ;
- (3) A Draft Convention fixing the minimum age for the admission of children to industrial employment ;
- (4) A Draft Convention concerning the night work of young persons employed in industry.

No discrimination between different categories of wage-earners was intended or made in Part XIII of the Treaty. Agricultural as well as other workers were the subject of full consideration by the Commission on International Labour Legislation set up by the Peace Conference, while the question of the regulation of agricultural labour and its inscription on the Agenda of an early Session of the Conference was on a number of occasions prominently raised by the Washington Conference.

The Governing Body of the International Labour Office carefully examined the various questions concerning agricultural labour which required to be taken into consideration and among these questions it decided, at its meeting of the 25th March, 1920, to include in the Agenda of the Third Session of the Conference that of the adaptation of the Washington decisions concerning women and children to agriculture.

Four Questionnaires, framed in such a way as to elicit opinions as to the advisability or possibility of adapting the four Washington Conventions mentioned above so as to cover agricultural workers, were accordingly drawn up by the International Labour Office and despatched to the Governments. The Questionnaires appear hereafter in the appropriate parts of the Report.

PART I.
PROTECTION OF WOMEN BEFORE
AND AFTER CHILDBIRTH.

I. — OPINIONS OF THE GOVERNMENTS IN REPLY
TO THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows :

A.—Do you consider it possible that women employed in agriculture should benefit by the measures passed at Washington for the protection of women before and after childbirth ?

B.—To what categories of female agricultural workers do you think that these protective measures should be extended ?

C.—Do you consider that a distinction can usefully be drawn between businesses (*entreprises*) employing only a few women separately, and those which employ female labour in groups of several women ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

QUESTION A.

Do you consider it possible that women employed in agriculture should benefit by the measures passed at Washington for the protection of women before and after childbirth ?

AUSTRIA.

The reply of the Austrian Government is as follows :

From the point of view of agriculture, there is everything to be said in favour of extending to female agricultural workers the benefits of the Washington Convention, which lays down certain protective measures for women employed in industrial undertakings before and after childbirth.

The following provisions should therefore apply, among others, to female agricultural workers :

- (a) They should not be employed for six weeks after childbirth ;
- (b) They should have the right to leave their work on production of a medical certificate stating that their confinement will probably take place within six weeks ;
- (c) They should, while they were absent from their work, in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of themselves and their children, provided either out of public funds or by means of a system of insurance ;
- (d) They should be entitled to free attendance by a doctor or certified midwife ;
- (e) They should be allowed the necessary time for nursing their children.

CANADA.

The Government of Canada replies as follows :

The number of women employed in agriculture in Canada is very small ; no good purpose would be served therefore by the legislation proposed so far as Canada is concerned.

DENMARK.

The Danish Government replies as follows :

Women in Denmark are now only exceptionally engaged in permanent agricultural work, setting aside milking, which is performed by a number of women with four or five working hours daily.

The better wages nowadays for agricultural labourers, and the understanding that the home also offers the right working field for the wives of agricultural labourers, have, on the whole, limited women's participation in agricultural work, in the true sense of the word, to certain seasons. Of greatest importance in this respect is the work in the beet fields, because female labour, on an average, performs at least the same amount of work as male labour, and the wages for work in the beet fields are specially high.

But the work in question is always piece-work, and, as a rule, the worker undertakes the looking after a certain area of beet, that is, contract for the thinning, weeding, and subsequent pulling.

It will be seen, however, that under the conditions described here, rules for the protection of women before and after confinement would not answer the purpose, but would, in the main, entirely prevent the women to whom they were applicable from a share in the work in question, and the same would be the unavoidable result of such rules for women's participation in seasonal work of other kinds, which as a rule is limited to a short period,—a few weeks' participation in harvesting and thrashing respectively.

FINLAND.

The Government of Finland replies as follows :

In Finland married women are seldom employed on agricultural work. The Draft Convention passed at Washington would call for certain modifications, should it be applied to agriculture.

For instance, in the cases covered by Article 3, paragraph (b) of the Washington Draft Convention, a woman should be authorised to leave work four weeks only before childbirth, or earlier on production of a medical certificate to the effect that stoppage of work is necessary.

Article 3, paragraph (c) is about to be applied in Finland where general maternity insurance is being considered at the same time as general sickness insurance. It is, however, doubtful whether it will be possible to consider such a high rate of assistance as that provided for in this paragraph of the Washington Draft Convention, in view of the fact that the guaranteeing of such assistance would entail unlimited ex-

pense. The stoppage for the purpose of nursing the child provided for in Article 3, paragraph (*d*) is somewhat arbitrary, it is often insufficient and if imposed in a rigid manner may cause inconvenience in agricultural work. For this reason the recommendation should simply stipulate in a general manner that working mothers should be allowed to stop work to nurse their infants.

The principle laid down in Article 4 is justified. It is proposed to apply this Article in Finland in so far, that the employer shall not have the right to dismiss a worker when the period of absence does not exceed the total of the periods mentioned in Article 3, paragraphs (*a*) and (*b*), by more than the period of absence agreed upon in the contract of engagement, or, in the absence of any agreement on this subject, by more than two weeks.

It is suggested that any decision taken in this connection should be in the form of a Recommendation.

FRANCE.

The French Government considers that it is possible to extend the Washington Convention concerning the employment of women before and after childbirth in industrial and commercial undertakings to women employed in agriculture.

GREAT BRITAIN.

The following reply has been received from the British Government :

The value of the principles underlying the Washington Convention concerning the employment of women before and after childbirth is fully recognised, but the Government have not seen their way to ratify the Convention in view of the very heavy cost which would be involved in giving literal effect to its provisions — a cost which it is considered would not be justifiable in view of the fact that the principles underlying the Convention are already secured in Great Britain by existing legislation.

The National Health Insurance Acts of Great Britain

provide benefits in respect of maternity in excess of those provided by any other country except Australia and New Zealand. Under those Acts every employed married woman is entitled, subject to contributions, to a maternity benefit of £4 on confinement. A single woman receives a maternity benefit of £2 and the uninsured wife of every insured man receives £2. The total sums so paid amount to £2,250,000 per annum, of which the State contributes £500,000. In addition, sickness benefit at the rate of 12/- a week is paid to employed women while incapable of work during pregnancy and after confinement, except during the period of four weeks immediately following confinement, which is covered by the maternity benefit. Further, an insured woman who gives up work about the time of her marriage is entitled to a modified sickness benefit and to one maternity benefit (the cost of which is about £250,000 a year in the aggregate) on her confinement within two years of her marriage. Employed women are also entitled to medical benefit, *i. e.* medical attendance and treatment, including medicines, but such benefit does not include the right to medical attendance in respect of confinement.

Under the Maternity and Child Welfare Act, 1918, the Government encourages and aids financially schemes of local authorities and voluntary agencies for protecting the health of expectant and nursing mothers and children under four. The schemes include, among others, the following services which are designed to secure to mothers the benefits contemplated by the Convention: antenatal clinics, home visiting of expectant mothers, the services of a midwife and in emergencies of a doctor, accommodation at a maternity home, hospital treatment of complications arising after parturition, accommodation at a convalescent home, and the supply of milk when needed. In addition, infant welfare centres are available for consultation on matters affecting the health of the child, supplemented by treatment centres and hospital provision.

The benefits of these services, which are provided free or at small cost according to circumstances, are not confined to a single class of insured persons but are intended to be available to all who are in need of them. It is considered that this system is a more direct and efficient method of protecting the health of women before and after childbirth than the measures passed at Washington.

INDIA.

The Government of India replies as follows :

The Government of India consider that it is not practicable to apply the Washington Convention relating to the protection of women before and after childbirth to agricultural workers in India.

ITALY.

The Italian Government replies as follows :

In Italy a draft Bill drawn up by the Commission on Compulsory Sickness Insurance contains the following clause : —
“ Insured women shall abstain from work during the six weeks immediately preceding childbirth and the first six weeks following childbirth, and shall be entitled to benefit at the rate allowed in the case of sickness. Such benefit shall, moreover, be payable for such longer period of abstention from work as a doctor may prescribe. ”

This provision, which will certainly be included in the Bill which the Minister of Labour will shortly present to Parliament, and which will apply to agricultural women workers, will settle in an affirmative sense, as far as Italy is concerned, the question as to whether the decisions adopted at Washington for the protection of women before and after childbirth should be extended to women in agriculture. Obvious reasons of humanity and justice tend to support this solution, to which there seems to be no serious objection of a technical nature.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

Note : The Netherlands Government, in communicating the replies to the Questionnaires, desired to remark that these replies represent the standpoint adopted by the Ministry concerned in relation to the subjects covered. The Government, however, reserves the right to depart from that standpoint when dealing

with Draft Conventions and Recommendations which may result from the Conference.

The reply is as follows :

The following must be clearly distinguished in connection with the Washington Draft Convention concerning the employment of women before and after childbirth : —

- (a) The provisions relative to the duration of work and prohibition of work, those relative to the duration of work during a certain period before and after childbirth and those concerning women who nurse their children in special rest-periods during working hours (Art. pars. 3 (a) (b) and (d) of the Convention);
- (b) The provisions relative to sickness benefit and medical benefit (Art. 3 par. (c) of the Draft Convention) ;
- (c) The provisions relative to the labour contract (Art. 4 of the Draft Convention).

With regard to (a) and (c) above, the first point is, or will be, regulated by the law concerning the labour of women workers as far as those employed in industrial undertakings are concerned. The law does not apply to agriculture. However, a Bill is being prepared which will limit the working day of agricultural workers.

Should the Chambers approve the Washington Draft Convention concerning the employment of women before and after childbirth, the Government would have no objection in principle to the extension to agricultural workers of provisions similar to those made for industrial workers.

It should, however, be noted that it is not intended to apply the " Law concerning Agricultural Labour " (*Landarbeiderswet*) mentioned above, to indoor women workers whose duties are largely carried on in the house of the employer. In such cases the law will not apply.

The same holds good with regard to (c).

With regard to the second group of provisions (see (b) above) these concern health insurance (*Ziektewet*,—Collection of Laws, 1913, No. 204). This law, which has not yet come into force, applies to all wage-earners and consequently to agricultural workers.

The provisions of the *Ziektewet* do not at present correspond entirely with the Washington Draft Convention con-

cerning the employment of women before and after childbirth, but a Bill which is in course of preparation is intended to effect agreement. The provisions in question will apply to women employed in agriculture.

It follows from the preceding facts that the reply to Question A is largely in the affirmative.

However, it should be noted that a diversity of opinion exists in the Netherlands as to whether the position of the unmarried woman should be the same as that of the married woman in the matter of medical attendance and benefit during pregnancy and after confinement, also as regards the way in which benefit should be given. On this point the Netherlands have not yet come to a final decision.

NORWAY.

Note : The Norwegian Government states that the replies have been formulated by a Committee of persons composed of the Delegates and Technical Advisers to the Conference and of other persons with expert knowledge of the questions at issue, and that the Government is not in a position to give its final opinion upon the various questions asked.

The reply of the Committee runs as follows :

We are agreed that women—both married and unmarried—ought to be afforded the requisite protection before and after childbirth. According to the provisions of the Sick-ness Insurance Act, female members of the sick-fund are granted sick-pay two weeks before and six weeks after confinement.

It has been suggested that the prohibition against work for women shall apply in agricultural employment, as it does in industry, for the first six weeks after confinement, as the six weeks period has been chosen for hygienic reasons.

POLAND.

The Government of Poland states :

The adoption of measures concerning the protection of women before and after childbirth meets with greater difficulties in agriculture than in industry. As conditions of

life and work are more healthy in agriculture, a cessation of work during six weeks is not necessary. Nevertheless, this measure of protection should be granted to women for at least four weeks.

ROUMANIA.

The Roumanian Government considers that it is only possible to extend the Washington Convention to persons engaged for long periods, *e.g.*, dairy-maids, farm-servants, etc.

SOUTH AFRICA.

The Government of South Africa states that in South Africa white women are not employed in agriculture and that therefore no reply to the Questionnaire is necessary.

SPAIN.

The Government of Spain states that in its opinion women employed in agriculture should benefit by the terms of the Washington decisions concerning the employment of women before and after childbirth.

SWEDEN.

The Swedish Government states :

Although no objection in principle may be raised, so far as Sweden is concerned, against the proposed extension of the Draft Convention to agriculture, yet it is necessary, for the present, to take up a waiting attitude in view of certain enquiries that are now going on touching the need of such a long period of protection as that which is now put forward, and touching the probable effects of the protection of motherhood with regard to various branches of industry.

SWITZERLAND.

The Swiss Government replies as follows :

Undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The Federal Council, in its message of the 10th December, 1920, to the Federal Assembly, while recognising that the idea of maternity protection is fully justified, nevertheless proposes that the Chambers should not adhere to the Washington Convention concerning the employment of women before and after childbirth. It laid special stress on the fact that the public authorities could not, particularly at the present moment, assume the burden of the expense which would result from granting assistance and from other outlay necessitated by the Convention, and that the sole method of obtaining the necessary resources was the institution of maternity insurance.

The question of the introduction of maternity insurance is being studied at the present time conjointly with the question of the revision of sickness and accident insurance. The question of its extension to agriculture is also being examined from the point of view of its application, not only to employed women, to persons dependent on an employer for their work, but also to women independent of an employer. The circumstances of a large number of the latter call in quite as urgent a manner as those of employed women for protective measures with regard to maternity.

In the present circumstances, therefore, it is not possible for Switzerland to agree to the proposed extension to women employed in agriculture of the measures voted at Washing-

ton for the protection of women before and after child-birth.

* * *

QUESTION B.

To what categories of female agricultural workers do you think that these protective measures should be extended ?

AUSTRIA.

The reply of the Austrian Government is as follows :

For reasons of economy, some distinction might be made between the various classes of female agricultural workers and between agricultural undertakings which only employ a few women, and those where large groups of women are employed.

On the other hand, female members of the family of the employer who work for him by contract for a money wage in the same way as persons not belonging to the family must be counted as agricultural workers.

FINLAND.

The Government of Finland replies as follows :

These protective measures (from which should be excepted paragraphs (c) and (d) of the Washington Convention) should be applied only to persons working constantly or habitually.

FRANCE.

The French Government considers that all classes of agricultural women workers should be covered by any protective measures taken.

GREAT BRITAIN.

The British Government replies as follows :

Any Convention should apply to all wage-earners engaged under contract of service.

ITALY.

The reply of the Italian Government runs as follows :

No distinction should be made between the various categories of women workers, all of whom should benefit by the provisions in question. It should be left to the various national legislations to determine the method of application. The amount of the insurance contributions should vary according to whether the workers concerned are engaged for wages or on a co-partnership basis.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It seems desirable to extend measures for the protection of women before and after childbirth to all categories of women wage-earners in agriculture, including both permanent and casual workers.

The *Ziektewet* does not at present apply to casual workers. The draft modifying Bill referred to in answer to Question A (*See page 16*) proposes to extend the scope of the law so as to cover casual workers.

NORWAY.

See note under Norway, page 16.

The reply of the Committee is as follows :

The provisions should, if adopted, apply to all women who can be regarded as regular paid workers in agriculture.

ROUMANIA.

The Roumanian Government considers that it is only possible to extend the Washington Convention to persons engaged for long periods, *e. g.*, dairy-maids, farm-servants, etc.

SPAIN.

The Government of Spain replies as follows :

The protective measures to be adopted in this case should be extended only to the two following categories :

- (a) women workers employed permanently in an undertaking ;
- (b) women workers who do not form part of the family of the cultivator.

SWEDEN.

The Swedish Government replies as follows :

As it is thought undesirable at present to take any definite step, so far as Sweden is concerned, concerning the measures proposed with regard to the extension to agriculture of the Washington measures for the protection of women before and after childbirth, there is no reason for the present to enter into the question here set out touching what women engaged in agriculture should be affected by any possible legislation on this subject.

SWITZERLAND.

See reply to Question A, page 18.

* * *

QUESTION C.

Do you consider that a distinction can usefully be drawn between businesses (*entreprises*) employing only a few women separately, and those which employ female labour in groups of several women ?

AUSTRIA.

The reply of the Austrian Government is as follows :

For reasons of economy, some distinction might be made between agricultural undertakings which only employ a few

women, and those where large groups of women are employed.

On the other hand, female members of the family of the employer who work for him by contract for a money wage in the same way as persons not belonging to the family must be counted as agricultural workers.

FINLAND.

The Government of Finland replies as follows :

As far as Finland is concerned, no difference should be made between the various undertakings according to the number of women employed.

FRANCE.

The French Government considers that no difference should be made between undertakings employing a few isolated workers and those employing women in groups.

GREAT BRITAIN.

The British Government consider that no distinction can usefully be drawn between businesses (*entreprises*) employing only a few women separately, and those which employ female labour in groups of several women.

ITALY.

The Italian Government replies as follows :

Provided employment is permanent and not casual, women workers employed separately should also be subject to insurance.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It is not necessary to make a distinction between undertakings employing only a few women separately and those which employ large numbers of women workers, either as regards the provision concerning work or those concerning benefit and medical attendance.

NORWAY.

See Note under Norway, page 16.

The reply of the Committee is as follows :

It is not considered that any distinction can be drawn.

POLAND.

The Polish Government replies as follows :

It is not necessary to draw a distinction between undertakings which employ only a few women separately and those which employ female labour in groups.

ROUMANIA.

The Roumanian Government considers that no difference should be made between undertakings employing a few women separately and those which employ female workers in groups.

SPAIN.

The Spanish Government replies as follows :

It is not necessary to make any distinction amongst the women whom it is desired to protect, and whose rights in every case are identical.

SWEDEN.

See reply to Question B, page 21.

SWITZERLAND.

See reply to Question A, page 18.

2. — GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

It will be seen that the replies of the Governments indicate great diversity of opinion on the question of the extension to women employed in agriculture of the Washington Draft Convention regarding the employment of women in industry and commerce before and after childbirth. While it is generally recognised that such an extension is a desirable measure, if only on grounds of justice, and while the majority of Governments are, in fact, in favour of the principle of protection, difficulties arise in the practical application of the principle. These difficulties are of the same kind as those which occur in connection with its application in industry and commerce, and which have, up to the present, prevented a general ratification of the Washington Convention. They are due, in the main, to the variety of ways in which the protection of maternity has been approached in different countries, resulting in widely differing regulations, and to the very large financial expenditure involved in carrying out the provisions of the Convention. In the case of certain Governments which have adopted, or are considering the adoption of, general sickness insurance schemes which include maternity insurance, (*e.g.*, Finland, Great Britain, Switzerland), the separate consideration of a particular class of workers or the granting of benefits in the particular form laid down in the Washington

Convention, has been found to cut across the general scheme or to entail too great a financial burden, especially when these benefits are additional to already existing forms of assistance (*e.g.*, Great Britain).

Only two of the sixteen Governments which have furnished replies to the Questionnaire are unconditionally favourable to the extension of the Washington Convention to agriculture. The remainder are unfavourable or make important reservations. The fact that the working conditions and physical strength of women employed in agriculture are very different from those of women employed in industry has led the Governments of Finland and Poland to suggest that the period of abstention from work preceding confinement might be shortened to four weeks, a reduction which the Polish Government would make also in the case of the period following confinement. There are, however, very little data as to the period of rest which is essential under varying conditions, and pending further research, it is doubtful whether a reduction in the particular case of agricultural workers could be logically justified.

The provision of benefits in the precise form prescribed in the Washington Convention proves a stumbling-block in several cases. The difficulties encountered by the British Government in this connection have already been mentioned. The Government of Finland considers that the maintenance benefits provided would be too costly and that the provision concerning an allowance of half an hour twice a day for the purpose of nursing is too rigid.

The Dutch Government is doubtful as to whether the same assistance should be accorded to married and unmarried mothers.

The Swedish Government has no objection in principle to the extension of the Washington Convention, but adopts no definite attitude pending the completion of enquiries which are being carried out in Sweden in connection with maternity questions. The Governments of Canada and South Africa confine themselves to a purely national view of the question, and state that as practically no women (in the case of South Africa, no white women) are employed in these countries in agriculture, the matter is of no interest to them.

As regards India, it may perhaps be recalled that it was recognised by the Commission on the Employment of Women at the Washington Conference, that the position of India with regard to the protection of maternity was peculiar, since, owing to national custom and tradition, no need for the prohibition of the employment of women before and after child-birth appeared to arise. As, however, the Indian representatives on the Commission expressed their opinion that this question and that of maternity benefit should be made the subject of study in relation to India, a resolution was put forward to, and passed by, the Conference, requesting the Government of India to make a study of these two questions and to report to the next Conference. This report has been received and will be distributed to the Conference.

The majority of Governments are of opinion that

any measures of protection should only apply to regular wage-earners in agriculture, and that no difference should be made between agricultural undertakings employing only a few women separately and those employing female labour in groups. It is, however, of interest to note that the Swiss Government, while hostile to the extension of the Washington Convention, specially points out that the circumstances of many women independent of an employer call in quite as urgent a manner as those of employed women for protection in childbirth.

The above analysis of the replies seems to indicate that, as a basis for discussion, it would be advisable to submit proposals in less detailed and definite terms than those embodied in the Washington Convention, and that a Recommendation, which, while upholding the general principles embodied in the Washington Convention, would render it possible for each country concerned to determine the most appropriate means of carrying them into effect, would best meet the case. The draft Recommendation which appears below is therefore submitted for the consideration of the Conference.

3.— TEXT OF A DRAFT RECOMMENDATION CONCERNING
THE PROTECTION BEFORE AND AFTER CHILDBIRTH
OF WOMEN WAGE-EARNERS IN AGRICULTURE.

The International Labour Office submits the following draft Recommendation for consideration by the Conference :

The General Conference recommends that each Member of the International Labour Organisation take measures to ensure to women wage-earners employed in agricultural undertakings protection before and after childbirth similar to that provided by the International Draft Convention adopted by the International Labour Conference at Washington for women employed in industry and commerce, and that such measures should include the right to a period of absence from work before and after childbirth and to a grant of benefit during the said period, provided either out of public funds or by means of a system of insurance.

PART II.

NIGHT WORK OF WOMEN IN AGRICULTURE.

1. — OPINIONS OF THE GOVERNMENTS IN REPLY TO THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows :

A.—Do you consider that the Draft Convention adopted at Washington as regards the employment of women during the night should be adapted to cover the case of women employed in agriculture ?

B.—By what measures, with what modifications, and to what extent do you consider that the Draft Convention regarding employment of women at night, which was adopted at Washington and which was largely identical with the Berne Convention of 1906, should be applied, if at all, to agricultural workers ?

C.—What meaning, in your opinion, should be attached to the term " night " when applied to agricultural labour, and what hours should constitute the period so described ?

D.—To what categories of agricultural women workers do you consider that such a Convention should apply ?

E.—What measures of control would you suggest in case of such a Convention ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

QUESTION A.

Do you consider that the Draft Convention adopted at Washington as regards the employment of women during the night should be adapted to cover the case of women employed in agriculture ?

AUSTRIA.

The Austrian Government considers that the provisions of the Washington Convention concerning night work for women can be applied to female agricultural workers with certain limitations. (*See reply to Question B, page 36.*)

CANADA.

The Government of Canada replies as follows :

The number of women employed in night work in agriculture in Canada is very small ; no good purpose would therefore appear to be served by the legislation proposed.

DENMARK.

The Danish Government replies as follows :

Practically speaking, night work for women is unknown on farms in Denmark, setting aside the few cases when milking is begun in the morning before 5 o'clock, that is, before the hour fixed by the Washington Conference as the limit between night and day work.

However, it is very common that the daily milking work starts half an hour or one hour before the hour stated. This is often done because otherwise it would not be possible to get the fresh milk to town in time for delivery. But also in many other cases such early start of the milking is preferred. The two milkings during the twenty-four hours ought to take place with just twelve hours' interval. The earlier the milking in the morning begins, the earlier may the milking

in the afternoon take place, and the earlier is, of course, the day's milking work at an end. An arrangement which makes this possible will in many cases be preferred by the milking staff, so that rules which were a hindrance to this would cause dissatisfaction, and are therefore not to be recommended.

Owing to the necessity for beginning milking work at 4 o'clock in the morning and for the regular performance of the two milkings in a day and night, it is impossible to introduce more than nine hours' consecutive rest.

FINLAND.

The Government of Finland replies as follows :

Night work, properly so-called, is not performed in agriculture in Finland ; the question of the regulation of night work has, therefore, little interest.

FRANCE.

The French Government considers that there is no necessity to regulate the night work of women in agriculture in France, and in any case, cannot examine the question as it has requested the deletion of the question of the limitation of hours of labour in agriculture from the Agenda of the Conference.

GREAT BRITAIN.

The British Government states :

Women are not commonly employed on night work in agriculture in the United Kingdom except in so far as certain types of work may be commenced at very early hours in the morning. Such employment is not in any way similar to night employment in industry, and does not appear to be injurious to health or otherwise of a nature which makes it necessary to apply the Washington Convention to the case of women employed in agriculture.

INDIA.

The Government of India replies as follows :

The Government of India consider that no action is necessary in this respect.

ITALY.

The Italian Government replies as follows :

The question of the night work of women in agriculture has no importance for Italy, since this only occurs in rare cases. Among the most important of such cases is that of cleaning rice ; a special law concerning rice culture provides for the prohibition of night work.

The Government of Italy, however, is not opposed to the adoption of a Draft Convention for the prohibition of night work of women in agriculture, if this can be shown to lead to the protection of women workers in other countries, and provided that the necessary emendations are made in the Washington Draft Convention.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Generally speaking, night work in the sense in which the term is accepted in industry may be said to be unknown in agriculture. Every kind of agricultural work is practically dependent on daylight.

There is no need to employ women between 10 a. m. and 5 a. m. on any regular agricultural work other than that of milking cows in the early morning. Owing to the fact that conditions in industry and agriculture are radically different it is not desirable that the Washington Draft Convention should be applied without modification to agricultural work.

NORWAY.

See note under Norway, page 16.

The reply of the Committee runs as follows :

The question is of no special importance for Norway, a night work in agriculture, practically speaking, does not exist. There hardly seems to be any reason for recommending international regulations on this point.

POLAND.

The Polish Government replies as follows :

Practically no night work is performed by women in agriculture. The Washington Convention should therefore be adopted, with the proviso that the term "night" should be taken as the hours between 9 p. m. and 4 a. m., on account of the necessity of milking cows.

ROUMANIA.

The Roumanian Government considers that there is no occasion to extend the Washington Convention concerning the night work of women to women employed in agriculture, except in the case of farm servants, and, generally speaking, of agricultural workers engaged for long periods who remain overnight at the farms. The Government is prepared to take such measures as are rendered necessary by the number of such persons and their conditions of service.

SOUTH AFRICA.

The Government of South Africa states that in South Africa white women are not employed in agriculture and that therefore no reply to the Questionnaire is necessary.

SPAIN.

The Spanish Government considers that the Draft Convention adopted at Washington concerning the employment of women during the night should be adopted in the case of women employed in agriculture, with the reservations given in its reply to the various points of the Questionnaire.

SWEDEN.

The Swedish Government replies as follows :

Night work, in the proper sense of the term, does not occur in Swedish agriculture, if we ignore the practice, found especially in the northerly parts of the country, of assigning the hay-cutting work, etc. to the light nights and using the hot mid-day hours for rest. On the other hand, early morning work is by no means uncommon, particularly with regard to the tending of animals. Especially in places where the milk has to be sent to distant places of consumption, the work of the people engaged in milking must in certain cases begin as early as 4 a. m., and even earlier. According to the National Agreement holding good for agriculture from 1919, work performed during the period between 9 p.m. and 5 a. m. is regarded as night work, but the compensation laid down in connection with this (50 % more than the fixed overtime payment) does not apply to cattlemen and milkmaids, who are not entitled to especial compensation for the work which is devoted to the management and care of animals at times other than the ordinary working hours.

If proper attention be paid to the circumstances thus enumerated, there seems to be scarcely any objection in principle against an extension of the Convention passed at Washington concerning women's work during the night so as to apply to agriculture.

SWITZERLAND.

The Swiss Government replies as follows :

The regulations concerning the conditions of agricultural labour in Switzerland, except for the provisions relative to

sickness insurance and accident insurance, are still within the competence of the Cantons. The Federal Constitution as framed at present does not authorize the Confederation to pass legislative measures concerning night work of women in agriculture. Consequently, it would not be possible for Switzerland to adhere to an international convention on this question.

Further, undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The nature of the work and the localities in which it has to be done render agricultural work unsuitable for night work. It might even be said that, except in urgent cases, it is not carried on. Further, women are not employed in large groups in agriculture. In the majority of cases they perform the functions of domestics, of servants attached to the family of the farmer. Therefore, there is no necessity to apply international regulations concerning night work to these women whose employment does not cause the undertaking to lose its character as a family undertaking. Further, such rules necessitate measures of control. Adequate control in this connection is an impossibility. We are, therefore, of opinion that there is no necessity to adapt the Washington Draft Convention concerning the employment of women during the night to women employed in agriculture.

* * *

QUESTION B.

By what measures, with what modifications, and to what extent do you consider that the Draft Convention regarding employment of women at night, which was adopted at Washington and which was largely identical with the Berne

Convention of 1906, should be applied, if at all, to agricultural workers ?

AUSTRIA.

The reply of the Austrian Government is as follows :

The provisions of the Washington Convention concerning night work for women can be applied to female agricultural workers, with the following limitations.

During the time when there is most work to be done, *i. e.* at least during the months of July and August, it should be allowable to shorten the nightly rest to nine hours.

In spite of the provision concerning a nightly rest of ten hours, the early morning and late evening work which is necessary at certain seasons, and forms part of the work contracted for, should be allowed even if it fall between 10 p.m. and 5 a.m.

In exceptional circumstances, for example, when storms are expected or when there are other disturbances of the elements, or when there is danger to the cattle, the harvest, etc. it must obviously be permissible to diminish the nightly rest.

DENMARK.

See reply to Question A, page 30.

GREAT BRITAIN.

The British Government replies as follows :

If special provision were made for the performance of essential early-morning employment in agriculture, *e. g.* by the amendment of the definition of "night" in the Washington Convention so as to admit of work in the early hours of the morning, and provided necessary exceptions were permitted to meet cases arising in connection with the tending of live-stock, calving, lambing etc., the Government would give favourable consideration to a Convention on the lines of that adopted at Washington.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It will be necessary to allow exceptions for the early morning work referred to in reply to Question A (*See page 32.*). Where night work is performed, it will be necessary to make exceptions for the wife, children (above a fixed age) and the relatives of the head or manager of an agricultural undertaking.

POLAND.

See reply to Question A, page 33.

ROUMANIA.

See reply to Question A, page 33.

SPAIN.

The Spanish Government's reply is as follows :

Night work scarcely exists in agriculture, therefore this question is only of relative importance, the more so since women are employed far more rarely than men during the night. In any case, if it is proposed to consider prohibition in this connection, the following exceptions should be taken into account :

(a) Work in sericulture which necessitates the night work of women.

(b) Work performed by women who are members of the family of the cultivator.

(c) Cases of urgent work in connection with harvesting, (e. g., to avoid deterioration of crops) in which it is necessary to reduce the period which is understood by the term " night " in Question C, subject to the reservation in (d) below. These exceptions apply especially to the saffron, olive and grape harvests and to the threshing of grain, work in which numerous women are employed, and, generally speaking, to all employment concerned with getting in the harvests.

(d) During those periods and in those districts in which the climate renders work more trying during the day, above all, for harvest work, the hours fixed in reply to Question C. as coming within the term " night " might be reduced, provision being made for a compensatory rest period during the day.

SWEDEN.

See reply to Question A, page 34.

* * *

QUESTION C.

What meaning, in your opinion, should be attached to the term "night" when applied to agricultural labour, and what hours should constitute the period so described ?

AUSTRIA.

See reply to Question B, page 36.

DENMARK.

See reply to Question A, page 30.

FINLAND.

The Government of Finland replies as follows :

If it is considered necessary to make night work of women in agriculture the subject of international regulation, the following points should be taken into consideration :

The provision of the Washington Draft Convention which prescribes a period of rest at night of eleven consecutive hours cannot be applied to agricultural work ; in this case it would be necessary to fix a shorter rest period, preferably from 9 p. m. to 4 a. m. Although the night period of rest thus becomes shorter than is the case in industry, it must be borne in mind, on the other hand, that the work of attending to animals is not continuous. Further, the prohibition prescribed in the recommendation need not be absolute, but night work in certain cases would have to be permitted in agriculture, at least during the summer, when by reason of the heat and the flies, day work is much more trying than night work. It is proposed that in this case the decisions should take the form of Recommendations.

GREAT BRITAIN.

See reply to Question B, page 36.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Taking into account work which must be performed during the hours of early morning, the period between 9 p. m. and 3 a. m. might, in all cases, be included in the term "night"; or, if exceptions are allowed, the period between 9 p. m. and 4 a. m.

POLAND.

The Government of Poland states :

The term "night" when applied to agricultural labour should be considered to mean the hours between 9 p. m. and 4 a. m. on account of the necessity of milking cows.

ROUMANIA.

The Roumanian Government replies as follows :

The term "night" in connection with agricultural labour should be taken to mean the period between twilight and dawn.

SPAIN.

The reply of the Spanish Government is as follows :

Although the current and accepted interpretation of the "agricultural day" includes the period from sunrise to sundown, the term "night" cannot be applied to the whole of the period during which the sun is not visible above the horizon, owing to the periods of "dawn" and "twilight" which are more or less prolonged in different latitudes. Consequently, the term "night" is here to be understood as meaning the absence of sunlight or twilight, although there may be light enough, during periods of full moon, to permit work to be performed.

Except in equatorial latitudes where the length of the day equals that of the night, it would serve no purpose to divide the twenty-four hours which the earth takes to turn on its axis into two parts. In any case, in most latitudes the duration of the night, and therefore the number of hours which it includes, varies according to the season of the year.

SWEDEN.

The Swedish Government replies as follows :

As the collective agreements in force in large-scale agriculture in the centre and south of Sweden usually place the working hours for agricultural work proper between 7 a. m. and 7 p. m. and by "night" mean the space of time between 9 p. m. and 6 a. m., there seems to be no difficulty in principle in the way of Sweden's approving the definition of the Washington Convention, by which the term "night" means a space of time of at least 10 or 11 continuous hours in which is included the time from 10 p. m. to 5 a. m. But provision should be made for exceptions in view of the fact that the necessary care of the animals can scarcely, for the most part, permit of such a long period of unbroken night rest for the workers concerned with it as that just stated, and especially that the work of milking, which is mainly carried on by women, would seem in certain cases to call for very early morning work. It must also be pointed out that, owing to the varying length of the summer day in different parts of the country, the same hour by the clock by no means stands for the same thing in the working day in the northern as in the southern parts of the country,— a fact which is more than worthy of attention in any regulation of the circumstances now mentioned with regard to several countries.

* * *

QUESTION D.

To what categories of agricultural women workers do you consider that such a Convention should apply ?

AUSTRIA.

The reply of the Austrian Government is as follows :

An international Convention on this subject could include all classes of female agricultural workers. An exception would, however, have to be made in the case of women engaged in looking after animals, as in their case part of the working hours involve mere presence on duty rather than actual work.

FINLAND.

The Finnish Government replies as follows :

So far as the regulation of night work is concerned, there is no need to make a difference between the various categories of labour, except in the case of the care of cattle.

GREAT BRITAIN.

The British Government replies as follows :

Such a Convention should apply to all women wage-earners engaged under a contract of service.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

The measures under consideration should be applicable to all agricultural workers except those who live in the house of the employer and whose duties are mainly domestic.

POLAND.

The Polish Government states :

Any Convention which may be adopted should apply solely to female agricultural workers employed on long term engagements. The matter has no importance for other categories of workers.

ROUMANIA.

The Roumanian Government considers that any

Convention which may be drawn up should apply only to farm servants, and, generally speaking, to agricultural workers engaged for long periods who remain overnight at the farms.

SPAIN.

The Spanish Government indicates in its reply to Question B the categories of workers who should be excluded from legislation concerning the night work of women employed in agriculture. (*See page 37.*)

* * *

QUESTION E.

What measures of control would you suggest in case of such a Convention ?

AUSTRIA.

The Austrian Government replies as follows :

Measures of control would be provided for by the agricultural inspection system which it is intended to set up by law in Austria.

FINLAND.

The Finnish Government considers that observation of the regulations should be ensured by local labour inspectors.

GREAT BRITAIN.

The British Government does not consider that it is necessary to make any suggestions at this stage.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Opinion in the Netherlands in connection with the application of the contemplated law on agricultural labour is in favour of local bodies or committees composed of the two groups of parties concerned, with an independent president. Such bodies should work beside and in collaboration with the Labour Inspectorate.

POLAND.

The Polish Government considers that control should be in the hands of the Labour Inspectorate.

ROUMANIA.

The Roumanian Government replies as follows :

The application of a Convention would be ensured by the general conditions of indoor labour on the farm and the rules concerning the execution of the work allocated, as well as the books of the management. The farm-managers will see that the provisions are carried out.

SPAIN.

The Spanish Government's reply is as follows :

The application of such a Convention should be controlled by the extension of the functions of bodies similar to the Spanish local social reform committees (*juntas*).

SWEDEN.

The Swedish Government states :

The State superintendence of the application of the general legislation for the protection of workers is exercised by the Inspectors of Factories whose activity in certain respects extends to agriculture.

SWITZERLAND.

The Swiss Government considers that adequate control is impossible.

2. — GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

There is general agreement among the Governments that practically no night work is performed by women in agriculture, and that, where it occurs, it is confined to cases which would necessarily have to be made the subject of exception in the event of restrictive legislation, *e. g.*, the care of animals, milking, etc., or arduous work which is better performed during cool light nights than in the trying heat of day.

The balance of opinion expressed is against adaptation of the Washington Convention concerning employment of women at night, although the fact that night work is rare in agriculture is used by some Governments as an argument in favour of adaptation and by others against it. Nevertheless, while the need for a Convention hardly arises, it is clear that it is necessary to institute some sort of guarantee against abuse in the cases in which night work occurs. It is, for instance, obvious that women farm-servants who are engaged in household duties until a late hour at night should not be expected to resume work at 4 a. m. in order to milk cows. The

problem, as is pointed out by the Danish Government, largely turns on the necessity for milking operations in the early morning.

The Governments agree that, in any case, the period understood by the term "night" in the Washington Convention cannot be applied to agricultural work. Suggestions for the definition of the night period are put forward, such as the hours between 10 p. m. - 5 a. m. (Austria), 9 p. m. - 4 a. m. (Finland and Poland), 10 p. m. - 5 a. m. (Sweden), but always on condition that exceptions are made for milking work. Some Governments, moreover, point out that, in view of the fact that the length of the night varies according to latitude and the season of the year, it is impossible to fix any such definition, and it is evident that conditions in industry, which permit of the ordered and regular carrying on of work independently of the presence of solar light, are not comparable with those prevailing in agriculture, since practically every kind of agricultural work is dependent on daylight. Again, while night work in industry is generally admitted to be undesirable and prejudicial to health, it may happen, as is pointed out by the Governments of Spain and Sweden, that agricultural work is performed from choice during cool light nights rather than in the heat of day. The Austrian Government further lays stress on the fact that it must be possible to meet any exigencies due to disturbance of the elements, (storms, etc.). It is therefore evident that any restrictive regulations should be in the direction of securing a minimum number of hours of consecutive rest rather

than that of fixing a definite night period within which work should be prohibited.

As regards the classes of workers to be covered, there is a general consensus of opinion that any protective measures devised should cover women workers engaged under a contract of service. The Netherlands Government suggests the exception of workers who live in the house and whose duties are mainly domestic, but if the duties of such workers, while mainly domestic, include early morning milking, they would form part of the class of workers referred to above whom it would appear particularly desirable to protect. It would obviously be impracticable to include the immediate relatives of the proprietor or manager of an undertaking, since no adequate means of control could be devised to meet such cases.

In view of the facts set out above, the International Labour Office submits as a basis for discussion of the subject by the Conference the draft Recommendation which is given below. The draft embodies the principle of a minimum number of hours of rest rather than a fixed night period in which the work of women is prohibited, since this arrangement gives the elasticity in the arrangement of hours of work which is necessary in agriculture, while, at the same time, it permits each country, if it deems fit, to define the night period in accordance with the requirements of its own special conditions.

**3.— TEXT OF A DRAFT RECOMMENDATION CONCERNING
THE EMPLOYMENT OF WOMEN WAGE-EARNERS
IN AGRICULTURE DURING THE NIGHT.**

The International Labour Office submits the following draft Recommendation for consideration by the Conference :

The General Conference recommends that the Members of the International Labour Organization take steps to regulate the employment of women wage-earners in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

PART III.

ADMISSION OF CHILDREN TO EMPLOYMENT IN AGRICULTURE.

1. — OPINIONS OF THE GOVERNMENTS IN REPLY TO THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows

A.—Are you of opinion that the Draft Convention adopted at Washington fixing the minimum age of admission of children to industrial labour should be applied to agricultural labour ?

B.—Do you consider that, during the period when schools are open, child-labour should be forbidden on the land ?

(1) Should this prohibition be absolute ?

(2) Could child-labour be authorised during a certain number of hours before and after the time of the opening of the school ? If so, for how many hours ?

(3) Until what age do you propose that child-labour should be forbidden in the fields ?

(a) absolutely ;

(b) for a limited amount of work performed after school

C.—Ought the prohibition to apply to children employed by their parents on land which is worked with no outside assistance ?

D.—Do you consider that the age of admission generally authorised should be raised for certain types of labour ? If so for what types of labour ?

E.—Do you consider that during the holidays the children should be allowed to accompany their parents to work in the fields ? If so, from what age ?

F.—What measures of control do you propose ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

* * *

QUESTION A.

Are you of opinion that the Draft Convention adopted at Washington fixing the minimum age of admission of children to industrial labour should be applied to agricultural labour ?

AUSTRIA.

The Austrian Government replies as follows :

In Austria, child-labour is regulated not only in industry and commerce, but also in agriculture, by the Act of 19th December, 1918, *Staatsgesetzblatt XX*, particularly by paragraph 7: (" No child shall be employed under the age of 12 years. However, in agriculture and domestic work, children may be employed on light work as soon as they are ten years of age.")

It is not desirable from the Austrian standpoint to go beyond the provisions of this Act, and to introduce further limitations on child-labour by an international Convention

CANADA.

The Government of Canada replies as follows :

There is practically no child-labour on farms in Canada save that of the farmer's own children who are required by law to attend school; no good purpose would appear to be served, therefore, by the proposed legislation so far as Canada is concerned.

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(1) Should this prohibition be absolute ?

(2) Could child-labour be authorised during a certain number of hours before and after the time of the opening of the school ? If so, for how many hours ?

(3) Until what age do you propose that child-labour should be forbidden in the fields ?

(a) absolutely ;

(b) for a limited amount of work performed after school.

C.—Ought the prohibition to apply to children employed by their parents on land which is worked with no outside assistance ?

D.—Do you consider that the age of admission generally authorised should be raised for certain types of labour ? If so for what types of labour ?

E.—Do you consider that during the holidays the children should be allowed to accompany their parents to work in the fields ? If so, from what age ?

F.—What measures of control do you propose ?

age fixed by the Washington Convention for admission of children to industry cannot be applied without modification. His Majesty's Government are not contemplating at present fixing any higher age than that fixed by the Education Act, 1918 (*see below*), but they are of opinion that any employment of children below 14 should be strictly regulated so as to ensure that their education is not interfered with and that they are protected from undue strain. In England the law relating to employment of children has been amended recently by the Education Act of 1918, and the following provisions are now in force with regard to all employment, including agricultural employment :

(a) A child must not be employed under the age of 12. Exceptionally a bye-law may be made by a local education authority permitting the employment of children below the age of 12 by their parents in specified occupations, and subject to such conditions as may be necessary to safeguard the interests of the children. The bye-laws require to be confirmed by the Home Office before they come into force. Such bye-laws have only been made in respect of agricultural work in one or two cases.

(b) Between the ages of 12 and 14 the employment of children is closely restricted. They must not be employed on any day before 6 a. m. or after 8 p. m. and on school days must not be employed at all before the close of school hours. Exceptionally a bye-law may be made by the local education authority permitting the employment of children for one hour in the morning before school hours in specified occupations and subject to such conditions as may be necessary to safeguard the interests of the children. Children so employed must not be employed for more than one hour in the evening after school. The bye-laws require to be confirmed by the Home Office before they come into force. On Sundays employment is not permitted for more than two hours. These restrictions can be supplemented by further regulations of the local education authority who are given the power to make bye-laws for the purpose, subject to the confirmation of the Home Office. Such bye-laws are in force in most districts of the country.

INDIA.

The Government of India is of opinion that the

Draft Convention adopted at Washington fixing the minimum age of children in industrial labour should not be applied to agricultural labour.

ITALY

The Italian Government states :

The same reasons which led to the adoption of the Washington and Genoa Conventions concerning the minimum age for the admission of children to industrial and maritime employment respectively hold good in favour of a similar decision with regard to children in agricultural employment.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It is not desirable that the Washington Convention should be applied to agricultural labour without modification. Since the agricultural work performed by children is very different from that performed in industry, the main point to be ensured in fixing the minimum age of admission to agricultural work is the prevention both of any encroachment on the normal hours of sleep and of hindrance to primary education. The former will be ensured by prohibition of the employment of children before a fixed hour in the morning and after a fixed hour in the evening. The latter will be ensured in the Netherlands by the prohibition of agricultural labour for children of compulsory school age, except in the case of light work performed outside school hours and during fixed times in undertakings managed by relatives.

NORWAY.

See note under Norway, page 16.

The reply of the Committee is as follows :

Children are employed in Norway on lighter tasks in agriculture. This is considered to be advantageous both for the employer and for the children, and therefore we do not think there is any reason for prohibiting child-labour. The children ought, however, to be protected against over-exertion and against unhealthy or dangerous occupations, but it might perhaps be difficult to establish international regulations for such protection.

In Norway the education laws ensure that the children get sufficient time for school-work, and that they attend school during the prescribed school-time.

It is recommended that a prohibition should be issued, against all hired work in agriculture for children under 12 years old.

POLAND.

The Government of Poland is of opinion that the Draft Convention adopted at Washington fixing the minimum age for admission of children to industrial labour should be applied to agricultural labour, 12 years being fixed as the minimum age.

ROUMANIA.

With regard to the extension to agriculture of the Washington Convention concerning the minimum age for the admission of children to industrial employment, the Roumanian Government is of the following opinion:

Employment should be prohibited during the period of compulsory education, that is, speaking generally, before the age of 14 years. This is advisable, not only for reasons of humanity, but also in the interest of the intellectual development of the rural population.

SOUTH AFRICA.

The Government of South Africa replies as follows :
It is very rarely the case that children are engaged by

their parents for agricultural labour at an earlier age than 14 years; and even in such cases the work is chiefly confined to school holidays when they do weeding, assist at harvesting and perform work not of an arduous nature.

SPAIN.

The Government of Spain replies as follows :

It is considered that in this connection the geographical climatic and ethnological variations in the different countries should be taken into account, as well as all the economic and social causes which might prevent the fixing of a uniform age in all countries for the admission of children to agricultural work. Further, it should not be forgotten that agricultural work is in most cases healthier than work in industry, a fact which would permit the age of admission to agricultural employment to be lower than in industry. Distinction should always be made between the children of the cultivator himself and children who are not members of his family. In any case, it must be borne in mind that any measures of protection are intended not only to facilitate the physical development of children but also to enable them to carry out their educational obligations.

SWEDEN.

The Swedish Government states:

Although, so far as Sweden is concerned, a general laying down of the minimum age for the vocational work of children in agriculture does not appear to be called for by the circumstances, — except so far as has already been done indirectly by the School Law, — the matter is quite different with regard to certain dangerous kinds of work, such as work in connection with machines with belting or cranks and in the management of certain agricultural implements. With regard to such work it seems that a prohibition is requisite for children, in general agreement with what the Washington Convention lays down with regard to industrial labour.

SWITZERLAND.

The Swiss Government replies as follows :

The regulations concerning the conditions of agricultural labour in Switzerland, except for the provisions relative to sickness insurance and accident insurance, are still within the competence of the Cantons. The Federal Constitution as framed at present does not authorize the Confederation to pass legislative measures concerning the age of admission of children to agricultural labour. Consequently, it would not be possible for Switzerland to adhere to an international Convention on this question.

Further, undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The question of the minimum age for the admission of children to agricultural employment is closely bound up with that of school education. These two questions are reserved by the Federal Constitution for the competence of the Cantons. The public law in force at the present time would not authorise the Confederation to adhere to an international Convention fixing the minimum age for the admission of children to agricultural labour. To these legal considerations may be added others of a more general nature which also offer obstacles to an international Convention.

Agriculture is the most suitable of all occupations for the employment of children. The nature of the work allotted to them, its variety, the fact that it is performed in the open air remove in a very large degree the disadvantages inherent in their employment in industry. Further, physical development takes an increasingly important place nowadays in the education of children. It would therefore seem inadmissible to endeavour to prohibit bodily effort in the nature of work, particularly when, as in this case, this work is performed under eminently hygienic conditions.

The objections of a moral nature made to the employment

of children in industry are not valid in the case of agricultural labour. In most cases the children work in the fields under the supervision of their parents. The pernicious influences from which it is desirable to shelter them by prohibiting their employment in industry are thus removed. It is preferable that they should be allowed in the fields than that they should wander without supervision while their parents are tied by their occupation.

Finally, it should be noted that elementary school education continues in every Canton until 14 years of age. The educational laws are severe, are strictly observed and regulate the question sufficiently of themselves. They are drawn up in such a way as to allow the children to work in the fields at the periods when their help can be useful, but at the same time to make it impossible to employ them in a systematic manner or in a manner open to abuse. Further, they constitute the best means of control in this respect. When it is taken into consideration that in Switzerland the only agricultural system is that of small holdings, that the children who are occupied in the fields are, as a matter of fact, the children of the farmer himself, it must be admitted that there is no need for a special regulation concerning the age of admission of children to agricultural labour.

The Swiss Government is consequently of opinion that there is no need to apply to agricultural labour the Washington Draft Convention fixing the minimum age for the admission of children to industrial employment.

* * *

QUESTION B.

Do you consider that, during the period when schools are open, child-labour should be forbidden on the land ?

(1) Should this prohibition be absolute ?

(2) Could child-labour be authorised during a certain number of hours before and after the time of the opening of the school ? If so, for how many hours ?

(3) Until what age do you propose that child-labour should be forbidden in the fields ?

(a) absolutely ;

(b) for a limited amount of work performed after school.

DENMARK.

The Danish Government states:

Child labour in Danish farming before the end of the years of compulsory school attendance — 14 years — is not very common except in cases in which they are engaged on their parents' farms or assist their parents in their piece-work in beet fields of other farms, and in cases when they look after cows grazing.

The existing laws aim at preventing the employment of children who are bound to go to school from being a hindrance to their getting the full benefit of their schooling. These laws, together with a general acceptance of the importance of education, have, in course of time, done away with the former exploitation of child-labour at the expense of education, and at the same time the children are secured against being employed at work which is bad for their bodily development.

Further, it may be pointed out, with regard to school hours in the country, that these are very different, the children in some places attending school only every second day, whilst in other places the children go to school daily, but then, in the latter case, with shorter hours a day, so that the laying down of fixed rules would afford considerable difficulties.

FINLAND.

The Government of Finland replies as follows:

The employment of children in productive agricultural work, while the schools are open, should be prohibited. This prohibition should be absolute.

Children under 13 years of age should not be allowed to be employed in agricultural labour except in the following cases:

(1) children employed by their relatives in agricultural work, in those undertakings where the work is exclusively performed by members of the family;

(2) children should be permitted to be employed by their relatives during the holidays in agricultural work properly so-called, from the age of 12 upwards, and even earlier in gardening and other similar easy tasks of short duration.

FRANCE.

The French Government considers that children should not be absolutely prohibited from working in the fields during the period when the schools are open. Work during a number of hours which need not be fixed might be authorised before and after school hours. It is not necessary to fix an age before which the work of children in agriculture is either prohibited or restricted to hours before and after school, as there is no abuse.

GREAT BRITAIN.

The British Government states :

Under Section 8 of the Education Act of 1918 no exemption from attendance at school is to be granted to any child between the ages of 5 and 14 years. (This Section will not be brought into force until after the date of the termination of the war.)

Employment of children during the hours that school is open, is prohibited. It is not considered necessary that employment of children in agricultural work should be entirely prohibited during school term even out of school hours. The questions 1, 2 and 3 under this heading are covered by the answers already given. (*See page 50.*)

INDIA.

The Government of India replies as follows :

The Government of India are prepared to agree to the prohibition of the employment of children in agriculture during school hours in areas where education is compulsory. They consider that further action is unnecessary.

ITALY.

The Italian Government replies as follows:

The paid work of children in agriculture should be ab-

solutely forbidden during the period when the schools are open. Paid employment of children in the fields should be absolutely prohibited until the age of 14 years.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It is desirable that agricultural work (work in the fields, etc.) should be prohibited during school hours for children of compulsory school age. If during a short period of the year certain work necessitates the assistance of children of compulsory school age, the school holidays should be so arranged that school attendance is not interrupted thereby. This prohibition should be absolute. Children above ten years of age might be allowed to perform light tasks for a period not exceeding four hours outside school hours in undertakings worked by their parents.

All paid agricultural work should be prohibited for children attending elementary schools except, should necessity arise, during the holiday period referred to above. Agricultural work should be absolutely prohibited before the age of 10 years.

NORWAY.

See note under Norway, page 16.

The reply of the Committee is as follows :

In Norway the education laws ensure that the children get sufficient time for school-work and that they attend school during the prescribed school-time.

POLAND.

The Polish Government states :

The employment of children of school age in the fields should be forbidden if this interferes with their educational obligations. Any such prohibition should be absolute. The employment of children may be authorised during a certain number of hours before and after school hours, on condition that the work in school and in the fields together does not

exceed 9 hours a day. Paid employment should be absolutely prohibited for children under 12 years of age.

For children between 12 and 15 years of age, employment might be authorised during a certain number of hours before and after school hours, on condition that work in school and in the fields together does not exceed nine hours a day.

ROUMANIA.

With regard to the extension to agriculture of the Washington Convention concerning the minimum age for the admission of children to industrial employment, the Roumanian Government states :

Employment should be prohibited during the period of compulsory education, that is speaking generally, before the age of 14 years. This is advisable, not only for reasons of humanity, but also in the interest of the intellectual development of the rural population.

SPAIN.

The Spanish Government replies as follows :

The employment of children of less than 10 years of age should be absolutely prohibited, and for children between 10 and 14 years of age permitted only during the periods when the public schools of the districts where they live are closed. Later on, a certain amount of employment of children might be permitted, but in such a manner as to allow them to profit by such educational facilities as exist in the locality where they live. Children employed in work in the fields will, in spite of all, remain in a position of inferiority with regard to industrial workers from the point of view of education, and this notwithstanding our national legislation and the international Washington decisions. Nevertheless, this state of inferiority is, up to a certain point, and at any rate in the present conditions, inherent in their class. On the other hand, it is obvious that the agricultural worker has the advantage over the town worker from the point of view of health by reason of the conditions in which he works.

SWEDEN.

The Swedish Government replies as follows :

With regard to the employment of children in agricultural work, the School Law now in force provides that the duty of attending school should extend, as a rule, to the calendar year in which the child completes its fourteenth year, although it is permitted to leave earlier under certain conditions. It would seem, however, that the provisions now in force are to some extent modified in practice, inasmuch as children of school age are employed to a considerable extent in agricultural labour not only during the holidays but also during the terms on the strength of " days off for work ". But the fact must be emphasized that the question is not about work for wages in the proper sense of the term, but about assisting the parents in the management of their small holdings, and that it is admitted, even on the part of the agricultural workers, that it is not unadvantageous for the children to have an early opportunity of learning in a practical way the occupation which will be the task of most of them in the future. It must further be borne in mind that, while the employment of young persons for the weeding of root-crops, driving cattle to pasture, etc. during a short time in good weather can scarcely be regarded as involving any hygienic or social injuries, that cannot be said to be the case if the children are used in threshing by machinery, in chaff-cutting, in the driving of Norwegian harrows, in using mowing and reaping machines, in felling timber, and in other work which is dangerous for young people.

SWITZERLAND.

See reply to Question A, page 54.

* * *

QUESTION C.

Ought the prohibition to apply to children employed by their parents on land which is worked with no outside assistance ?

FINLAND.

The Government of Finland states :

The prohibition should not be applicable to children employed by their relatives in agricultural work, in those undertakings where the work is exclusively performed by members of the family.

FRANCE.

The French Government considers that there should be no prohibition in the case of children working in their own families.

GREAT BRITAIN.

The British Government makes the following reply :

The English law makes only one distinction between children employed by their parents and children employed by other persons. The definition of employment is " employment in any labour exercised by way of trade or for the purposes of gain whether the gain be to the child or to any other person. " The employment of a child by a parent is therefore employment if the parent derives gain from it. The only exception is that, whereas the employment of children under 12 by an ordinary employer is absolutely prohibited, a Local Education Authority is able to make bye-laws permitting the employment of children by their parents.

INDIA.

The Government of India considers that this prohibition should apply to children employed by their parents in the same way as to other children.

ITALY.

The Italian Government replies :

It is highly desirable that the prohibition should apply, at least during the time when the schools are open, to children employed by their parents on land which is worked only by

members of the same family. This however, is not practicable, and there will be great difficulty in devising efficacious measures for the observance of such a prohibition. In view of this consideration, and also of the fact that the Washington and Genoa Draft Conventions are not applicable to undertakings and ships on which are employed only the members of the same family, it would be necessary to make the same limitations in the case of agricultural work.

NETHERLANDS.

See reply to Question B, page 59.

POLAND.

The Polish Government replies as follows :

It would be desirable that the prohibition should apply to children employed by their parents on land which is worked with no outside assistance, but this would seem to be impracticable, especially in the form of an international Convention.

SPAIN.

The Spanish Government states :

A distinction should be made between the children of the cultivator and children who are not members of his family, although this distinction should not be carried so far as to deprive the former of all elementary education.

* * *

QUESTION D.

Do you consider that the age of admission generally authorised should be raised for certain types of labour ? If so for what types of labour ?

FINLAND.

The Government of Finland considers that the age limit should be raised to 16 years in the case of ploughing, ditching and threshing.

FRANCE.

The French Government is of opinion that there is no need to raise the age of admission generally authorised in order to meet the case of certain types of labour.

GREAT BRITAIN.

The reply of the British Government is as follows :

Children (*i. e.* young persons under 14 years) are not regularly or commonly employed as wage-earners in agriculture in Great Britain, and no experience is available which would enable this question to be answered.

ITALY.

The Italian Government states :

It would not be advisable to prescribe that the age of admission should be raised beyond 14 years. Heavier types of work (ploughing, reaping, etc.), for which it would be necessary to consider the raising of the age limit, are not generally carried out by young persons.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows : .

Children should not be employed, if this can be avoided, on unhealthy and trying work such as the manipulation of heavy loads, or on dusty work, such as corn-threshing. It is doubtful whether these abuses can be entirely prevented by the enumeration of the classes of work where such risks occur.

POLAND.

The Polish Government states :

Employment before the authorised age of admission should be prohibited in all cases where there is danger to the life and health of the worker, for example, work performed with

machines, threshing machines, etc. as well as work requiring the lifting of heavy weights.

SPAIN.

The reply of the Spanish Government is as follows:

The age of admission to work which requires a greater output of physical force, more intelligence, or is more dangerous, should be raised as far as possible. Harvest work, ploughing with ordinary ploughs or machines, tree-felling, vine-hoeing, carting, driving or guarding animals (particularly large animals such as cattle, horses, mules and pigs), threshing and crushing grain, guiding reaping machines and all other machines the handling of which is dangerous, wine making and other similar work, are all occupations in which the general age of admission fixed should be raised, although we recognise that such a provision would meet with difficulties in actual application owing to the contrary precedents established by necessity and custom.

SWEDEN.

See reply to Question A, page 54.

* * *

QUESTION E.

Do you consider that during the holidays the children should be allowed to accompany their parents to work in the fields? If so, from what age?

FINLAND.

The Government of Finland replies as follows:

Children should be permitted to be employed by their relatives during the holidays in agricultural work properly so-called, from the age of 12 upwards, and even earlier in gardening and other similar easy tasks of short duration.

FRANCE.

The French Government is of opinion that children of any age should be allowed to work in the fields with their relatives during school holidays.

GREAT BRITAIN.

The reply of the British Government is as follows:

His Majesty's Government do not wish to offer any observation on this point, beyond saying that, as already pointed out, the English law makes practically no distinction between employment of children by their parents and ordinary employment. Consequently such employment is subject to the same restrictions, save that in exceptional circumstances children under 12 may be employed by their parents.

INDIA.

The Government of India considers that children should be allowed to accompany their parents to work in the fields at all ages.

ITALY.

The Italian Government replies as follows:

Children might be allowed to accompany their parents to work in the fields during the holidays without inconvenience, and also with some advantage to the children. The minimum age at which children might be permitted to accompany their parents to work in the fields might be fixed at 12 years.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows:

The age limit of 10 years should be observed. See also reply to Question B (*page 59*).

POLAND.

The Polish Government considers that children should not be forbidden to accompany their relatives to work in the fields or to work with them during the harvests.

SPAIN.

The Spanish Government replies as follows :

In view of the fact that such employment does not prevent children from complying with the obligation to attend school we agree to this proposal, provided always that the children concerned are over ten years of age and that they are not employed on work unsuited to their age or physical strength or for an exceedingly long working day.

* * *

QUESTION F.

What measures of control do you propose ?

AUSTRIA.

The reply of the Austrian Government is as follows :

In the Bill concerning agricultural inspection, which is in course of preparation, measures for supervising the protection of child-labour will, of course, be included.

FINLAND.

The Government of Finland considers that the application of restrictions concerning the employment of children in agricultural work should be assured by the local labour inspectors.

FRANCE.

The French Government considers that it is not necessary to institute control where there is no abuse.

GREAT BRITAIN.

The British Government states :

The law respecting the employment of children in agriculture should be enforced by inspection and by the prosecution of employers who employ children contrary to the law. In England the duty of enforcing the law is entrusted to the local education authorities.

INDIA.

The Government of India proposes no measures of control.

ITALY.

The Italian Government considers that the supervision exercised by the Labour Inspectorate should be extended to agriculture.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Opinion in the Netherlands in connection with the promulgation of the contemplated law on agricultural labour is in favour of local bodies or committees composed of the two groups of parties concerned, with an independent president. Such bodies should work beside and in collaboration with the Labour Inspectorate.

POLAND.

The Polish Government considers that control should be in the hands of the Labour Inspectorate.

SPAIN.

The Spanish Government considers that the application of these measures should be controlled by organisations similar to the Spanish local social reform committees (*juntas*).

SWEDEN.

The Swedish Government states :

In Sweden the State superintendence of the application of the general legislation for the protection of workers is exercised by the Inspectors of Factories, whose activity in certain respects extends to agriculture.

SWITZERLAND.

See reply to Question A, page 54.

2. — GENERAL SURVEY OF THE QUESTION IN THE
LIGHT OF THE REPLIES OF THE GOVERNMENTS.

Of the sixteen Governments which have replied to the Questionnaire, only four (Italy, Poland, Roumania, Spain) are in favour of the application to agriculture of the Washington Convention concerning the minimum age of admission of children to industrial employment. The Government of Italy considers that the reasons which led to the adoption of the Washington and Genoa Conventions concerning the minimum age of admission to industrial and maritime employment respectively, hold good in favour of a similar decision with regard to children

employed in agriculture. The Roumanian Government would prohibit employment of children in agriculture during the period of compulsory education, or generally speaking, before the age of 14 years. The Governments of Poland and Spain, however, make reservations as to the age limit, which they consider might be lowered. The majority of those Governments which adopt an unfavourable attitude consider either that the present education laws exercise the necessary control, or that the difference between work in agriculture and industry is such as to render the extension of the Convention unnecessary. The replies indicate a general feeling that the method of approach to the question of the restriction of child-labour in agriculture cannot be the same as that adopted when considering such restriction in industry, since, it is alleged, the conditions of work in agriculture, unlike those in industry, are normally healthy. The French Government even states that it considers that child-labour in agriculture is a "healthy sport graduated according to the strength of the child", and that "there is no need for control where there is no abuse." No other Government goes as far as this, but comparatively little stress is laid on the fact that the nature and duration of the work may be such as to react prejudicially on the health of children, despite the open-air conditions. In this connection, it should perhaps be recalled that the Genoa Conference which considered the application of the Washington Convention to children employed at sea was also dealing with employment in which the conditions of work were in themselves

healthy, but the Draft Convention passed by the Conference nevertheless prohibited such employment before the age of fourteen years.

A point which meets with general recognition in the replies is the necessity of ensuring to children in agriculture, educational facilities equal, as far as possible, to those available for children in industry. Even though it may be argued that agricultural work is not prejudicial to health, it can hardly be disputed that it should not be allowed to stand in the way of elementary education, since the fact of the institution of a compulsory education law in any country is a recognition of the necessity of a minimum standard of educational attainments for its citizens. The majority of Governments consider that the best method of protecting the child in agriculture is by the enforcement of the education laws (*e. g.* Canada, Great Britain, Netherlands, Sweden, Switzerland). The Government of India states that it is willing to prohibit the employment of children in agriculture during school hours in areas where education is compulsory. It is clear that regulation of child-labour must march hand in hand with education, and this was fully borne in mind by the special Commission on the Employment of Children appointed by the Washington Conference which in its report called the attention of the International Labour Office to the difficulties which would arise in those countries where there is a considerable gap between the age of admission to employment as proposed by the Washington Convention, and the age at which the education of children is completed, and suggested that the Office

should be asked to approach the Governments concerned with a view to the necessary provision being made.

The large majority of replies to heading B of the Questionnaire, which concerns prohibition of work during the period when the schools are open, are in favour of prohibition during school hours, but not against the performance of a certain amount of work before and after school hours (France, Great Britain, Netherlands, Poland, Sweden). The Governments of Roumania and Italy are in favour of total prohibition during the school term up to the age of 14 years, and Finland up to the age of 13 years. Consideration of these facts has led the International Labour Office to the conclusion that the draft for a Convention submitted for the consideration of the Conference should be based on the prohibition of agricultural work during school hours, *i. e.* on the enforcement of elementary education laws, and should take into account the fact that as there are many light tasks in agriculture which can with advantage to the children themselves be performed out of school hours, it would not appear desirable or expedient to prohibit such work. Examination of existing education laws in various countries shows, however, that in many cases exemption from school attendance is very frequently allowed on a liberal scale for purposes of agricultural work. Certain Governments have found it possible, and others suggest that it should be possible, to arrange school-hours and school-holidays in such a way as to allow children to work in the fields at the times when their assistance is most needed, and at the same time

to protect them from abuse (Netherlands, Switzerland). It would, therefore, seem advisable to devise some safeguard against an undue amount of exemption from school attendance, and an effective method of ensuring this would be to fix a minimum period below which the period of school instruction could not be reduced. If this were fixed at 8 months in the year, it would represent a substantial measure of progress in some countries.

In reply to the question as to whether children employed by their parents on land which is worked with no outside assistance should be included in any protective measures, the Governments of Finland and France state that they are opposed to the inclusion of such children. Three Governments (India, Italy, Poland) consider, on the other hand, that it would be desirable to extend the prohibition to cover these children, but at the same time the difficulty of devising efficacious methods of enforcement is recognised. In Great Britain, however, no difference is made by law between the employment of children by their parents and ordinary employment (save that in exceptional circumstances children may be employed by their parents). This would seem to show that the education law properly applied forms an adequate means of control. It is true that both the Washington and Genoa Conventions specially excluded application to children who are employed in industrial undertakings or on vessels in which only members of the same family are employed, but this exception was due to the fact that it was impossible to devise adequate means of control in such cases, as the two

Conventions in question were not primarily based on enforcement of compulsory education laws. It is clear, however, that given that there is no objection to children working in the fields with their parents during the holidays (and most of the Governments agree that this should be possible), a Convention prohibiting employment in agriculture during school hours could include such children. As a very large proportion of the children engaged in agriculture work with their own families, it would appear desirable to include them.

Eight Governments replied to the question concerning the advisability of fixing a special age for admission to specially heavy classes of labour such as manipulation of heavy loads, ploughing, ditching, management of machines, tree-felling, etc., and, of these eight, five are in favour of special protection (Finland, Netherlands, Poland, Spain, Sweden). The British Government makes no mention of children above school age in this connection, and merely states that Great Britain has no experience of the employment of children under 14 years of age on heavy classes of labour. The Governments of France and Italy are not in favour of special protection. Some Governments consider that there would be difficulty in enforcing such a provision. The main objection, however, to the inclusion of a clause of this nature in any Convention which may be considered by the present Conference is perhaps one of competence, as it might be contended that the Conference could not deal with the question since it did not appear on the Agenda. It will be remembered

that it was on this ground that the Genoa Conference refused to include in the Draft Convention fixing the minimum age for admission to employment of children at sea, an Article fixing a higher age for admission to employment as trimmers and stokers on board ship, and passed instead a resolution that the question should appear on the Agenda of the next Conference. The 1921 Conference may, in the same way, see fit to pass a similar resolution concerning the age of admission to heavy classes of agricultural labour.

After consideration of all the foregoing facts, the International Labour Office submits to the Conference the draft for a Convention which appears below. The principle of the draft is the enforcement of compulsory education laws, that is, the prohibition of agricultural employment during school hours, with the important proviso that exemptions for purposes of agricultural work shall not be allowed when such exemption would mean the reduction of the period of school attendance to less than 8 months in the year. Consideration of the special nature and conditions of agricultural work has led to the conclusion that it is not expedient to fix a rigid limit of absolute prohibition to the work of children in agriculture in the same way as was found possible in the case of industry, and the limit of 14 years as the age before which work is entirely prohibited has therefore been renounced. The proposed draft confines itself to prohibition of employment during compulsory school hours over a minimum school period in order that children employed in agricultural work may be ensured the necessary educational facilities. Fourteen

years has been adopted as the upper limit of compulsory school age, not because it is desired to secure arbitrary agreement with the age fixed by the Washington Draft Convention with regard to industry, but because this is the general limit in more advanced countries. On the other hand, the draft is framed to cover children who are employed by their parents, since the school attendance of such children can be as well controlled by education laws as that of children working for outside employers. The draft allows, however, of employment before and after school hours and during the holidays.

Article 3 which excepts the work done by children in technical schools, corresponds to similar Articles in the Washington and Genoa Conventions concerning the minimum age of employment of children in industry and at sea, and is obviously equally desirable in connection with agriculture.

3. — TEXT OF A DRAFT FOR A CONVENTION CONCERNING THE EMPLOYMENT OF CHILDREN IN AGRICULTURE DURING COMPULSORY SCHOOL HOURS.

The International Labour Office submits the following draft for a Convention for the consideration of the Conference :

Article 1.

Children under the age of fourteen years shall not be employed or work in any public or private agri-

cultural undertaking, or in any branch thereof, during the hours of compulsory school attendance.

Article 2.

It shall be possible for purposes of technical instruction or vocational training to employ children in agriculture on exceptional work or in connection with the harvest, provided that such work is without prejudice to attendance during compulsory school hours.

The period and hours of attendance may be arranged in such a way as to admit of such employment always provided that the annual period of school attendance be not reduced to less than eight months.

Article 3.

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

PART IV.

NIGHT WORK OF YOUNG PERSONS IN AGRICULTURE.

I. — OPINIONS OF THE GOVERNMENTS IN REPLY TO THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows :

A.—Do you consider that the Draft Convention adopted at Washington concerning the night work of children should be adapted to the case of children working in agriculture ?

B.—What, in your opinion, is the meaning to be attached to the term “ night ” as applied to child-labour in agriculture , and what are the hours which should constitute the period so described ?

C.—Until what age do you consider that the employment of children during the night should be prohibited ? What measures of control do you advocate ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

QUESTION A.

A.—Do you consider that the Draft Convention adopted at Washington concerning the night work of children should be adapted to the case of children working in agriculture ?

AUSTRIA.

In the opinion of the Austrian Government the employment of children under 14 on night work should be absolutely prohibited.

CANADA.

The Government of Canada replies as follows :

The question of night work of children engaged in agriculture has not arisen in Canada as practically no child-labour is employed on farms in Canada.

DENMARK.

The Danish Government replies as follows :

No children of school age perform night work. After having left school, it is, however, not uncommon that young people participate in milking. However, it cannot be acknowledged expedient to make special rules for this.

FINLAND.

The Finnish Government replies as follows :

Children and young persons are not employed on night work in agriculture in Finland.

The Washington Draft Convention concerning the night work of young persons employed in industry can only be applied to children employed in agricultural labour with the following modifications :

Provided the word " night " be taken to be a period of 11 hours from 8 p. m. to 7 a. m. ;

Provided that the age limit be fixed at 15 years.

FRANCE.

The French Government states :

There is no necessity to regulate the night work of young persons in agriculture in France, and in any case the French

Government cannot examine the question, as it has requested the deletion of the question of the limitation of hours of labour from the Agenda of the Conference.

GREAT BRITAIN.

The British Government replies as follows :

The observations made above on the question of the employment of women at night apply equally to the question of the employment of young persons at night. (*See pages 31, 36 and 42.*)

INDIA.

The Government of India does not consider that the Draft Convention adopted at Washington concerning the night work of young persons should be adapted to the case of young persons working in agriculture.

ITALY.

The Italian Government states, with regard to the night work of children, that reference should be made to its remarks concerning the night work of women employed in agriculture. (*See page 32.*) In Italy such work is not usually performed by children.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

In view of the great difference between night work in industry and in agriculture, including the night work of children, the application of the Washington Draft Convention

to agriculture is not to be recommended. Owing to the nature of agricultural work children rarely perform such work at night.

NORWAY

See note under Norway, page 16.

The reply of the Committee is as follows :

The question is, practically speaking, of no importance for Norway.

It is agreed that child-labour at night ought to be prohibited.

POLAND.

The Polish Government replies as follows:

The Draft Convention adopted at Washington concerning the night work of children should be adopted without modification in the case of children working in agriculture.

ROUMANIA.

In the opinion of the Roumanian Government it is not necessary to adapt the Washington Draft Convention concerning the night work of young persons in industry to apply to children in agriculture.

SOUTH AFRICA.

The Government of South Africa states that in South Africa children are not employed in agriculture at night and that therefore no reply to the Questionnaire is necessary.

SPAIN.

The Spanish Government replies as follows :

The Draft Convention adopted at Washington concerning the night work of young persons in industry should be adapted to the case of young persons working in agriculture and the

age should be fixed in the same way as has been done for industry.

SWEDEN.

The Swedish Government replies as follows :

Night work of children under school age scarcely occurs in Swedish agriculture. In this respect, however, the Convention passed at Washington refers not only to " children " in the proper sense of the term, but also to " young persons " of both sexes up to the age of 18, in the case of whom, of course, night work may occur in certain cases in milking, driving, etc.

The Government is of opinion that, if due consideration is given to necessary exceptions, (*see reply concerning Night Work of Women, pages 34, 40 and 43*), there seems to be scarcely any objection in principal against an extension of the Convention passed at Washington concerning the night work of young persons employed in industry.

SWITZERLAND.

The Swiss Government replies as follows :

The regulations concerning the conditions of agricultural labour in Switzerland, except for the provisions relative to sickness insurance and accident insurance, are still within the competence of the Cantons. The Federal Constitution as framed at present does not authorize the Confederation to pass legislative measures concerning night work of children in agriculture. Consequently, it would not be possible for Switzerland to adhere to an international Convention on this question.

Further, undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule

in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The Washington Convention defines a child as an individual of less than 18 years of age. We take it that this term is used here in the same sense, and in any case goes further than the usual definition of "a child", and refers both to persons who are still at school and to those who have passed school age but have not yet attained a given age.

Up to the time when he leaves school the child is not, properly speaking, employed in agricultural labour. He may give a certain amount of help outside school hours and during holidays without this necessitating legislation regulating such temporary and subsidiary labour. Thus, night work is totally unknown.

From the time of leaving school the young man, as is the case in all occupations, performs his apprenticeship in agricultural labour, but here again night work is exceedingly rare. Contrary to what obtains in industry, it only occurs in exceptionally urgent cases or in those in which work must be specially rapidly done, which would have to be specially excepted from the field of application of a Convention on this subject.

In these circumstances, the Swiss Government consider that night work of children in agriculture is not of a nature to require international regulation, and that there is therefore no necessity to adapt the Washington Draft Convention concerning the employment of young persons during the night to those occupied in agricultural work.

* * *

QUESTION B.

What, in your opinion, is the meaning to be attached to the term "night" as applied to child-labour in agriculture, and what are the hours which should constitute the period so described ?

FINLAND.

The Government of Finland is of opinion that in this connection the word "night" should be taken to be a period of 11 hours from 8 p. m. to 7 a. m.

NETHERLANDS

See note under Netherlands, page 14.

The reply is as follows :

The term "night" should not have the same meaning for all categories of young persons ; the period between 9 p. m. and 4 a. m. should, however, be included in all cases. Where light work is performed in connection with undertakings managed by their parents, children over 10 years of age attending elementary schools might be prohibited from working between 7 p. m. and 8 a. m. For young persons under 16 years of age, other than in cases where exceptions are permissible, agricultural work might be prohibited between 7 p. m. and 6 a. m.

NORWAY.

See Note under Norway, page 16.

The reply of the Committee suggests that the term "night" in this connection should be taken as the period from 9 p.m. till 7 a.m.

POLAND.

In the opinion of the Polish Government the term "night" should be taken to mean the period between 8.30 p.m. and 6 a.m.

SPAIN.

The Spanish Government considers that its reply concerning the night work of women also applies in this case (*See pages 34, 37, 39 and 43*).

SWEDEN.

The Swedish Government states :

There seems to be no difficulty in principle in the way of Sweden's approving the definition of the Washington Convention, by which the term "night" means a space of time of at least 10 or 11 continuous hours in which is included the time from 10 p.m. to 5 a.m. Provision should be made for exceptions (care of animals, milking, varying length of summer day, etc.).

* * *

QUESTION C.

Until what age do you consider that the employment of children during the night should be prohibited ? What measures of control do you advocate ?

AUSTRIA.

In the opinion of the Austrian Government the employment of children under 14 on night work should be absolutely prohibited.

FINLAND.

The Government of Finland considers that employment of young persons on night work in agriculture should be prohibited until the age of 15 years.

The application of the regulations should be ensured by the local labour inspectors.

GREAT BRITAIN.

See reply to Question A, page 80.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

As a general rule, work between 7 p. m. and 6 a. m. should be prohibited in the case of young persons under 16 years of age. Exceptions should be limited to certain classes of work performed within fixed periods. In no case should paid night work be permitted in the case of children attending elementary schools.

Opinion in the Netherlands in connection with the application of the contemplated law on agricultural labour is in favour of local bodies or committees composed of the two groups of parties concerned, with an independent president. Such bodies should work beside, and in collaboration with, the Labour Inspectorate.

NORWAY.

See note under Norway, page 16.

The reply of the Committee suggests that the employment of children in agriculture during the night should be prohibited until the age of 15 years.

POLAND.

The Polish Government considers that the employment of children during the night should be prohibited up to the age of 15 years, and that control should be in the hands of the Labour Inspectorate.

SPAIN.

The reply of the Spanish Government is as follows:

It may be said that the night work of young persons does not occur in agriculture, and consequently there is

no problem to solve. In so far as it exists, it is evident that in this connection it is necessary to safeguard the rest period of young people as much in the interests of their physical development as to admit of their school attendance during the day. It is proposed that bodies similar to the local social reform committees (*juntas*) should be given control of the application of any measures taken.

SWEDEN.

The Swedish Government states :

In Sweden the State superintendence of the application of the general legislation for the protection of workers is exercised by the Inspectors of Factories, whose activity in certain respects extends to agriculture.

2 — GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

Much that has been said in Part II in the survey concerning the night work of women applies also to the night work of children. The replies of the Governments, while not indicating an unfavourable attitude to the principle of restriction, tend generally to the opinion that there is no necessity for regulation since the night work of children of school age is almost unknown, and that of young persons practically restricted to urgent work in connection with the care of animals (milking, etc.) which would have to be made the subject of exception in any case. A large proportion of the replies indicate that the Governments concerned have very little immediate interest in the question and have viewed it merely from a national standpoint. The French Government dismisses it

with the remark that there is no need to regulate such work in France. The British Government, while not opposing regulation, points out that agricultural employment is not in any way similar to night employment in industry or otherwise of a nature to require the application of the Washington Convention. It is, nevertheless, evident that, different as agricultural work may be in nature from industrial work, it is desirable, from an international standpoint, to provide some kind of safeguard against possible abuse in countries where such work is carried on, since the necessity for the protection of children and young persons is hardly open to dispute.

In the event of restrictive regulations or of adaptation of the Washington Convention, various suggestions are made as to the hours to be comprised in the term "night", e.g., 8 p. m. - 7 a. m. with an age limit of 15 years (Finland), 7 p. m. - 6 a. m. with an age limit of 16 years (Netherlands), 9 p. m. - 7 a. m. with an age limit of 15 years (Norway), 8.30 p. m. - 6 a. m. with an age limit of 15 years (Poland), 10 p. m. - 5 a. m. (Sweden). Since, however, in almost every case exceptions are requested, and the replies indicate that practically all the night work performed by children in agriculture is of an exceptional nature, it would seem clear that any measures of control should aim at ensuring a minimum period of rest rather than at establishing a rigidly defined night period of prohibition. The International Labour Office has therefore prepared a draft *Récommandation* in general terms to this effect.

It is not clear that all Governments have taken young persons above school age into consideration in their replies, as several refer only to children of school age. The draft is, however, framed to cover young persons up to 18 years of age, the limit fixed in Article 2 of the Washington Convention, with a view to securing an adequate period for sleep during the years of growth.

3. — TEXT OF DRAFT RECOMMENDATION CONCERNING
THE EMPLOYMENT OF CHILDREN AND YOUNG
PERSONS IN AGRICULTURE DURING THE NIGHT.

The International Labour Office submits the following draft Recommendation for consideration by the Conference:

The General Conference recommends that the Members of the International Labour Organisation take steps to regulate the employment of children and young persons under the age of eighteen years in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

INTERNATIONAL LABOUR CONFERENCE
FOURTH SESSION
GENEVA — OCTOBER 1922

SUPPLEMENTARY REPORT
ON
ITEMS I AND II OF THE AGENDA



X : 9.1-1, d N 13 : 1
F2

GENEVA
INTERNATIONAL LABOUR OFFICE
1922

PRELIMINARY NOTE

In the introductions to the Reports already issued by the International Labour Office on the two items on the Agenda of the Fourth Conference it was indicated that those Reports contained the replies of the Governments to the Questionnaires sent out by the Office on the items in question which had been received in time for their inclusion in the Reports concerned.

Since those Reports went to the press further replies to the Questionnaires have been received by the Office, namely, from the Governments of Brazil, Chile, Greece, and Kingdom of the Serbs, Croats and Slovenes. These replies are contained in the present supplementary Report.

The arguments and observations set out in these replies have for the most part already been expressed in the replies of other Governments which have been previously printed in the Reports on the two items of the Agenda. It would not therefore seem that the conclusions reached in the Reports already issued by the Office would require modification in the light of the replies contained in the present Report.

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FIRST ITEM ON THE AGENDA

(a) REFORM OF THE CONSTITUTION OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE

The proposals of the Governing Body submitted for the consideration of the Governments in the Questionnaire on this part of the first item on the Agenda were as follows :

1. " The International Labour Office shall be under the control of a Governing Body consisting of 32 persons :
 - " 16 representing the Governments
 - " 8 " " Employers and
 - " 8 " " Workers.
2. " Of the 16 members representing the Governments, one each shall be nominated respectively by France, Germany, Great Britain, Italy, Japan and the United States of America.
3. " The 10 other members representing the Governments shall be elected by all the Government Delegates at the Conference. Four members of the 10 shall belong to non-European States.
4. " The members representing the employers and the members representing the workers shall be elected respectively by the employers' Delegates and the workers' Delegates at the Conference. Two employers' members and two workers' members shall belong to non-European States.

5. "The period of office of the members of the Governing Body will be years (*the period of office of the members of the Governing Body will require to be fixed at three or four years according as the Sessions of the Conference take place annually or once every two years*).
 6. "The method of filling vacancies and other similar questions, such as that of substitutes, may be determined by the Governing Body subject to the approval of the Conference.
 7. "The Governing Body shall from time to time elect one of its members to act as its chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 12 members of the Governing Body.
 8. "The Governing Body may, when it considers that a question on its agenda is of particular interest to a State which is not represented on the Governing Body, invite the Government of this State to appoint a Delegate to take part in the discussions on this question, but without power to vote.
 9. "No one can be nominated as a member of the Governing Body or as a substitute if the State to which he belongs has not paid its contribution for the preceding year."
-

BRAZIL

The reply of the Brazilian Government is as follows :

The Brazilian Government has examined with very great interest the various proposals with regard to the reform of the constitution of the Governing Body of the International Labour Office. It accepts in principle the proposal of the Committee on Standing Orders raising the number of members of the Governing Body to 32, that is to say 16 Government Delegates, 8 Employers' Delegates and 8 Workers' Delegates.

The Brazilian Government is of opinion that justice and expediency, as well as the furtherance of the task which the International Labour Office has set out to accomplish, require that in view of the universal character of the Organisation extra-European countries shall be more effectively represented on the Governing Body.

The Government entirely agrees to extra-European countries being proportionally represented in the three groups of which the Governing Body is composed so as to secure a better geographical distribution of seats on the Governing Body.

The Government welcomes the draft for the revised form of Article 393 of the Treaty of Versailles and in principle accepts it. The Government has to make reservations however with regard to the list of the six States which are to be represented as of *right* on the Governing Body.

The competence of the International Labour Organisation to deal with questions relating to agricultural labour was affirmed by 74 votes to 20, and the Government of Brazil is therefore of opinion that the Organisation cannot be complete without the direct and effective co-operation of the great agricultural countries the exports of which constitute *par excellence* the raw materials which have made possible the industrial development of the nations of the chief industrial importance.

The war rendered sufficiently apparent the economic importance of the part which agricultural nations are called upon to play in the field of production and therefore in the cause of social peace throughout the world.

Considering the close economic interdependence of the different countries, those which are essentially industrial are in a position of virtual subjection to the agricultural countries as regards the supply of foodstuffs and the output of their factories.

If then the International Labour Organisation is competent to intervene even in the sphere of agricultural production, it would only be fitting that agricultural countries should be represented in a more permanent and definite way under the reformed constitution of the Governing Body. The Brazilian Government further considers that account should be taken, not of "the States of the chief industrial importance", but rather of those which are on the whole of *essential importance vis-à-vis* the International Labour Organisation. By securing a more prominent place on the Governing Body for the young immigration countries, which are predominantly of the agricultural type, it may be supposed that the International Labour Organisation will be in a better position to find more reasonable and logical measures for solving the great problem of unemployment with whose ravages the working classes of the industrial countries are periodically visited.

The new wording of paragraph 2 of Article 393 makes very little change in the original composition of the Governing Body so far as the privilege of the countries of the chief industrial importance is concerned.

The Brazilian Government considers that at least one large essentially agricultural country *holding out to the unemployed immense possibilities in the matter of immigration* ought to be included on a *permanent footing* in the original composition of the reformed Governing Body, considering that by the reason of the very nature and scale of its output and more particularly of the numbers of its workers it would have an essential importance *vis-à-vis* the International Labour Organisation. The Brazilian Government, having in mind the agricultural output of the world and what this implies, namely the sum total of country-dwellers whose living is immediately derived from agricultural labour, proposes that the number of members directly appointed to represent Governments should be raised to seven.

GREECE

The reply of the Greek Government is as follows :

The Greek Government is of opinion that the period of office of the members of the Governing Body should be four years, in view of the fact that the Sessions of the Conference will be held once every two years, and that substitutes as well as the titular members of the Governing Body should be elected by the Conference.

KINGDOM OF THE SERBS, CROATS AND SLOVENES

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows :

In accordance with its reply to the same question at the time of the Third Session of the International Labour Conference and with the resolution adopted by the Conference in that connection, the Government of the Kingdom of the Serbs, Croats and Slovenes is, in principle, in agreement with the proposals made by the Governing Body to amend Article 393 of the Treaty of Versailles and recognises that an amendment of the present text of this Article is inevitable if the question of the reform of the constitution of the Governing Body of the International Labour Office is to be solved in an equitable way.

The Government of the Kingdom of the Serbs, Croats and Slovenes has to make the following observations regarding the details of the proposals referred to above :

1. The Government of the Kingdom of the Serbs, Croats and Slovenes accepts the proposal made in Clause 1. It considers that this proposal is calculated to remove the dissatisfaction of those States which cannot be included among the States of the chief industrial importance in virtue of Article 393 of the Treaty and consequently have not so far been able to take part in the work of the Governing Body of the International Labour Office. For this reason the considerable increase in the number of members of the Governing Body proposed under (1) must be considered as a measure of great utility. This proposal, without impairing the efficiency of the Governing Body, makes it possible for a much greater number of countries than have up to the present been represented on the Governing Body to take part in its deliberations and to exercise a direct influence on its decisions.

2. The Government also considers that the proposal under (2) is very expedient inasmuch as it decreases from eight to six the number of States having permanent representation on the Governing Body and at the same time increases the number of States whose representation on the Governing Body is to be determined by election. By this modification it will undoubtedly be possible to avoid any such dissatisfaction as is referred to above.

Similarly, the Government is of opinion that it is very desirable and practical to determine clearly which are the States having the right to permanent representation on the

Governing Body. In this way any disputes will be avoided which might be caused in consequence of the uncertainty as regards the States having a right to this privilege.

3. The Government has no objections to make as regards this paragraph. It is considered that it is unnecessary to set out at any length the special arguments in its favour, all the more so because the proposal is in harmony with a desire expressed by a great number of Members at the Third Session of the Conference. The Government wishes only to point out that it might be desirable to make clear the procedure for the election of the representatives of the ten other States. With a view to ensuring that all Members of the International Labour Organisation should have the opportunity in turn of taking part in the work of the Governing Body of the Office it is imperative that in paragraph 3 provision should be made for the election of these ten States by a system of rotation securing to all the States a right to be represented on the Governing Body in a given order. It might be possible temporarily to eliminate only those States which have not paid their contributions for the preceding year as well as those which have not fulfilled their obligations under Article 405 of the Treaty, but the system suggested should be organised in such a way as to guarantee representation on the Governing Body to States which have not obtained the same degree of economic development and to ensure that the places of a proportion only of the old members of the Governing Body should be filled at the end of each period of Office so that continuity in the work of the Governing Body might be maintained. By a procedure such as this it would be possible to avoid all the objections which have so far been made against a system of rotation.

4. No objections.

5. The period of office of members of the Governing Body should remain at three years. An increase would not be desirable because the consequence would be that the period during which various States would not be able to take advantage of their right to take part in the deliberations of the Governing Body would be prolonged — a situation which would undoubtedly cause great dissatisfaction to a large number of Members.

If such a system of rotation is to be satisfactory the only means of avoiding any abuses would be to lay down that the representative of no State may be re-elected before his turn as determined by the order of rotation as explained above.

6, 7, 8 and 9. No objections.

(b) PERIODICITY OF THE SESSIONS OF THE CONFERENCE

As was indicated in the introduction to the Report on the first item on the Agenda, the Governing Body was unable to recommend to the Conference any one solution for the question of the periodicity of the Sessions of the Conference, and decided to submit to the Conference the two solutions which had been contemplated.

The first of these two solutions consisted in re-wording the first paragraph of Article 389 as follows :

“ The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require and at least once in every two years. ”

The second solution proposes that the present text of Article 389 be maintained, but with the suggestion indicated in the letter of the International Labour Office of 28 February that the Sessions of the Conference should be divided into two classes, alternating from year to year; on the one hand, those Sessions at which the Conference might be called upon to adopt Draft Conventions and Recommendations and, on the other hand, those at which it would only have to take note of the results already obtained and difficulties encountered in the application of its decisions and to settle any general questions regarding the working of the International Labour Organisation.

BRAZIL

The reply of the Brazilian Government is as follows :

The Brazilian Government has examined the proposal of Mr. Rüfenacht, the representative of the Swiss Government on the Governing Body, to substitute for the first sentence of the present Article 389 of the Treaty of Peace the following sentence : " The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require and at least once in every two years " .

The Brazilian Government considers that the annual periodicity of the Conference as established by Article 389 of the Treaty of Peace renders difficult the examination of Conventions with a view to their adaptation to extra-European countries, since general measures are not always easy of application in those countries.

Moreover, the distance of certain extra-European countries from the seat of the Conference (Geneva) puts them in a position of disadvantage as regards the periods prescribed for ratification; the replies to Questionnaires, etc.

It might perhaps be more desirable for the International Labour Conference to meet once in every two years except in exceptional cases.

The periodicity of one year is clearly too short for a careful study of the Conventions and Recommendations and the application of national laws based thereon, especially as national Parliaments are in the ordinary course of events overburdened with business and have to give their consideration to other equally important legislative proposals.

GREECE

The reply of the Greek Government is as follows :

The Greek Government supports the proposal made by Mr. Rüfenacht regarding the periodicity of the Sessions of the Conference, seeing that the Governing Body may convene the Conference from time to time as occasion may require.

KINGDOM OF THE SERBS, CROATS AND SLOVENES

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows :

The Government of the Kingdom of the Serbs, Croats and Slovenes is of opinion that the first point of importance is the fact that Governments and Parliaments of Members of the International Labour Organisation have been overloaded with work to be undertaken in order to give effect to Conventions and Recommendations adopted by the annual Sessions of the Conference, and that for this reason it has been extremely difficult for them to fulfil all the obligations inherent in Article 405 of the Treaty of Versailles. It is, consequently, not desirable that annual Sessions of the Conference should be called upon to adopt Draft Conventions and other international resolutions. On the contrary, it might be necessary to hold such Sessions of the Conference once in every three years in order to give the Governments of the States the necessary time to circumvent all the difficulties which stand in the way of ratification of international Conventions.

However, seeing that the International Labour Conference has also to deal with questions relating to the activities of the International Labour Office as well as questions regarding its internal organisation and its regular work and has to consider different technical questions which do not require the adoption of resolutions expressed in the form of Conventions or Recommendations, Sessions of the Conference might be convened more frequently. Considering that such questions often are of an urgent nature, it might be necessary for their examination that a special Conference should be convened exclusively for studying the means of solving such questions. For this reason the Government of the Kingdom of the Serbs, Croats and Slovenes is of opinion that Conferences of this class should be convened in the years in which a Conference of the former class would not be held. Thus Sessions of the Conference would be held every year, but they would deal with questions of a different kind, and in this way it would be possible at the same time to make the period of office of members of the International Labour Organisation on the Governing Body last for three years, but not longer.

SECOND ITEM ON THE AGENDA.

**COMMUNICATION TO THE INTERNATIONAL LABOUR
OFFICE OF STATISTICAL AND OTHER INFORMATION
REGARDING EMIGRATION AND IMMIGRATION AND
THE REPATRIATION AND TRANSIT OF EMIGRANTS.**

PART I.

The text of Part I of the Questionnaire addressed to the Governments was as follows :

1. Are you willing to send to the International Labour Office, if you do not already do so, at as frequent intervals as possible all available information of statistical or other nature concerning emigration, immigration, repatriation and transit of emigrants, including full particulars concerning the measures taken or contemplated in connection with these questions ?

2. Would you be willing to forward this information at least every three months ?

3. Would you be able to arrange that the information obtained could be forwarded within three months from the end of the period to which it relates ?

4. Are you of opinion that these points should be embodied in a Draft Convention, or do you consider it preferable to embody them in a Recommendation ?

BRAZIL

The Brazilian Government prefaces its reply by the following observations :

The Brazilian Government has examined the resolutions of the International Emigration Commission, which met at Geneva from 2 to 11 August 1921, concerning the various aspects of the problem of the protection of emigrants.

The Government has expressed its opinion on this question on more than one occasion, recognising the necessity through the medium of the International Labour Office of compiling an international documentation dealing with the countries concerned.

As a social phenomenon emigration is in its very nature primarily international; it is therefore not susceptible of detailed study from a purely national point of view. It is a question whose examination must necessarily call for the co-operation of, and take into account the views of, the Governments both of emigration and of immigration countries.

The Brazilian Government indicated its point of view on this matter at the International Emigration Commission and is glad to reply to the Questionnaire recently addressed to it by the International Labour Office on the several questions which are to be discussed at the Fourth International Labour Conference.

The reply is as follows :

1. The Federal Settlement Department under the Ministry of Agriculture, Industry and Commerce has for a number of months past communicated to the International Labour Office statistical and other information concerning immigration into Brazil.

2. The country is too extensive, communications are too difficult and the Settlement Department is too shorthanded for it to be able to give a formal undertaking in this connection. It is, however in a position to furnish information every three months with regard to the large ports of immigration, such as Rio de Janeiro and Santos, for which statistics are collected at the end of each calendar month.

3. The Brazilian Government replies in the affirmative. It considers that it is to its interest as an immigration country and its duty as a Member of the International Labour Organisa-

tion to render its readiest and most willing co-operation possible with other States for the solution of the problem.

4. It is considered that a Convention would better serve the end in view.

CHILE

The Chilian Government prefaces its reply by the following observations :

Before proceeding to reply to the Questionnaire, it is considered necessary to show that the problems connected with the migration of workers are of a special character in American countries.

As a matter of fact, the problem of emigration does not arise in Chile. Up to the present emigration on any considerable scale has been rendered impossible by the geographical situation of the country, the difficulty of transport, the nationalist character of the Chilian worker, the social and economic crises in countries of the South American continent similarly situated with Chile, and the imperfect development of neighbouring countries.

It is, however, considered that in a not too distant future very important emigration movements are likely to take place, for example to the north (the mines of Bolivia) and to the south (Argentine ranches in Patagonia).

Even at the present day there is a certain amount of emigration, but such emigration is by no means periodical or subject to any regulation, and it is not considered of any importance from an economic or juridical point of view inasmuch as emigrants at present do not make for other countries in order to obtain work or because they are impelled by an urgent need, but simply for the purpose of travelling the world or of making money or, as happens for example in the case of the Magallanes, merely to find more civilised towns to live in.

On the other hand, immigration may and will in the future be of the very greatest importance. Chile, however, is interested not only in the number of immigrants who may arrive, but also in the age, occupation, nationality, education etc. of such immigrants. Consequently, the Chilian Government is at the present moment examining not so much the preparation of statistics as more adequate legislation and regulation to deal with the problems raised by the immigration of workers.

Free immigration will probably never exist in Chile, firstly, because the Residence Act and the Health Code do not give permission to enter the country to foreigners "who do not

profess or are incapable of plying a trade or profession by which they can gain their livelihood" (1) or to persons "afflicted with chronic or contagious diseases or incurable organic troubles" (2).

At the same time a number of crises in the mining industry as well as the general economic crisis from which the country is at present suffering have up to the present made it impossible to find a solution for the problem of unemployment, and although employment exchanges find work without distinction for national and foreign workers, it would not be either just or logical to admit further workers who, on account of their superior industrial training, might take the place of unemployed national workers or might increase the social disturbance produced by thousands of unemployed workers whose position, in spite of the efforts of the Government, is a avowedly cirtical.

On the other hand, immigration of workers engaged on contract or so to speak selected would be a great advantage to Chile not so much on account of the new producing as well as consuming power thereby introduced as by the development which might thereby be caused of new industries or new methods capable eventually of finding work for workers at present unemployed.

New countries like Chile and the other countries of the American continent are virgin soil to which all the progressive influences in the world may easily be applied. There is no place here for protectionist legislation which gives incompetent nationals a preference over competent foreigners. Recently in Chile however opinion has been turning towards the adoption of laws to protect the mercantile marine and national industries. Up to the present in a large number of private enterprises foreigners have been more numerous than nationals not only as regards technical staff, but also in respect of the mass of workers. Attention has been drawn to this anomalous situation and it has been necessary to adopt legislation ensuring that only nationals shall be employed in certain industries, as is laid down for example in the case of the coasting trade, or that in other cases at least a minimum of 60 % of the situations shall be filled by nationals.

Moreover, the Government is examining with attention the possibility of providing complete regulations regarding emigrants with a view in the first place to avoiding any economic or social disturbance in respect of national industries, and secondly, in order to guarantee new arrivals fully against all risks or anomalies which might give them the impression

(1) Ley de Residencia (Residence Act), Section 1. Sub section 2.

(2) Código Sanitario (Health Code), Section 110, Sub-section 2.

for a certain time that they had left one situation for another more precarious.

A task of this nature, however, cannot be dealt with for a year or two, at any rate until the effects of the financial crisis of 1920-21 have completely disappeared and the conditions of commerce and industry have become once more normal in European countries affected by post-war problems.

The reply is as follows :

1. The Chilian Government accepts entirely the proposal that it should communicate to the International Labour Office all information which it has available concerning emigration and immigration.

The emigration service, however, has been disorganised since 1912 and the Government must wait until the new Act is put into force to regulate the situation. This Act will be adapted to the principles formulated by the Office.

2 and 3. On account of the fact that the emigration service is being reorganised it would be impossible for the moment to furnish statistical information for the periods proposed, but it is considered that as soon as the above service has become normal again it will be possible to supply the Office with statistics at the periods proposed and with all due regularity and despatch.

4. In view of the fact that the different regulations relating to emigration, immigration and transit of emigrants are dependent on the special conditions of each country, it is considered that the only points on which provisions should be inserted in a Draft Convention are those which do not fundamentally modify the administrative arrangements established in the various countries.

GREECE

The reply of the Greek Government states that the Government finds no difficulty in accepting the classifications proposed by the Office, but that it prefers a Recommendation for this item on the Agenda.

KINGDOM OF THE SERBS, CROATS AND SLOVENES

The replies of the Government of the Kingdom of the Serbs, Croats and Slovenes to the first three questions contained in this Part of the Questionnaire are in the

affirmative. With regard to the fourth question the Government States that it would prefer the form of a Recommendation.

In its letter communicating its replies to the Questionnaire on the second item on the Agenda the Government gives certain information concerning the situation in the Kingdom as regards the matters dealt with in this Part of the Questionnaire which it may be of interest to quote :

By authorisation of the Ministry for Social Affairs, the Emigration Office at Zagreb has lately begun to communicate to the Office every month statistical tables relating to emigration from the Kingdom of the Serbs, Croats and Slovenes, and would be prepared in a short time to furnish the Office regularly with similar statistical tables relating to repatriation of emigrants.

As soon as the general Emigration Commissariat is definitely constituted which was created under Article 107 of the Finance Act of 7 February 1922 to take the place of the above-mentioned office and to extend its functions so as to cover the whole territory of the Kingdom of the Serbs, Croats and Slovenes, other statistical tables relating to emigration will also be communicated to the Office regularly. These tables will cover emigration from the Kingdom to countries of continental Europe, immigration from trans-oceanic and European countries into the Kingdom and the movements of migrants in transit through the Kingdom. Up to the present very little attention has been paid to these three classes of migration for the following reasons : the legislation of the Kingdom concerning emigration regards as emigrants only those persons who leave for trans-oceanic countries; emigration to European countries has always fallen behind emigration to trans-oceanic countries, and the transit of emigrants has only lately begun to increase to any extent, while immigration into the Kingdom has, up to the present, been of no importance.

In order to complete this information, reports on important matters with regard to emigration, transit and immigration as well as texts of laws, decrees and regulations in connection therewith will also be communicated to the International Labour Office.

PART II

The text of Part II of the Questionnaire addressed to the Governments was as follows :

1. Are you prepared to communicate to the International Labour Office the total number of emigrants and immigrants who traverse your frontiers, with information presented in a uniform manner as to their age, sex, family condition and occupation ?

2. Are you prepared to adopt the following classification with regard to age ?

Up to 15; from 15 to 55; above 55.

If not, what classification do you propose ?

3. Are you prepared to adopt the following classification with regard to family condition ?

Single.

Widowed, divorced or separated.

Married persons emigrating alone.

Married couples emigrating together or with their children.

If not, what classification do you propose ?

4. Are you prepared to adopt the following classification with regard to occupation ?

(a) Agricultural occupations.

(b) Unskilled industrial workers.

(c) Skilled industrial workers.

(d) Commercial occupations.

- (e) Other occupations.
- (f) Persons without occupation.

If not, what classification do you propose ?

5. Are you of opinion that information should be supplied on other points than those indicated in question 1 ?

6. Are you prepared to supply the above information (questions 2-5) separately for your nationals and for aliens ?

7. Are you prepared to communicate to the International Labour Office the total figures for emigrants and immigrants traversing your frontiers, with indication as to their country of origin and country of destination ?

8. Are you prepared to compile the above statistics for each calendar month ?

9. Are you prepared to communicate these statistics for each quarter, i.e. on 1 January, 1 April, 1 July and 1 October ?

10. In the event of the Conference adopting a Draft Convention or Recommendation concerning the communication of statistical and other information regarding emigration, are you of opinion that this Draft Convention or Recommendation should contain clauses providing for the communication of the above-mentioned statistics ?

BRAZIL

The Brazilian Government prefaces its reply by stating :

The Brazilian Government is in general agreement with the suggestions advanced by the International Labour Office.

With regard to the uniformity of statistical tables, the scheme suggested by the Italian Government seems greatly to simplify the systemisation of the most important particulars the possession of which is essential to an examination of the phenomena of migration. The adoption of a standard scheme which might be applied by all countries would considerably facilitate the comparative study of statistics, affording a convenient index to the direction and scale of migratory movements.

In view of the conditions peculiar to each country it remains to be seen whether any standardisation could be applied to all the States.

The reply of the Brazilian Government is as follows :

1. Brazilian statistics are arranged according to age, sex, family condition, nationality, and the places from and to which immigrants and emigrants are proceeding who disembark or embark in the ports of the Republic.

With regard to the case of land frontiers, the Settlement Department possesses no Service of its own, statistical information being collected by the Customs officers. There is, however, little transit of workers in either direction and what there is affects almost exclusively the Republics of Uruguay, Argentine and Paraguay.

The Brazilian Government is quite prepared to communicate to the International Labour Office the total figures of immigrants and emigrants passing through its sea-ports, where the statistical service is directly under the Settlement Department.

2. If it is in the general interest the Brazilian Government would be glad to adopt the classification proposed by the International Labour Office. It believes, however, that preference might well be given to a classification based upon the social and economic value of the emigrant, in view of the considerable influence of the migration of workers upon the labour market both in emigration countries and in new countries.

Up to now Brazil has followed the classification mutually agreed upon with navigation companies and which classes emigrants according to the cost of their passage, this varying according to age.

3. Perhaps it would be more simple to retain the following classification which is already in general use and differs from the foregoing only in the naming of the groups: unmarried persons, widowed, divorced and separated persons, married couples emigrating alone, married couples emigrating with their family.

4. The proposed classification seems entirely satisfactory.

5. The answer is in the negative.

6. The Government considers that this would be difficult.

7. There is, strictly speaking, no transit of emigrants across Brazilian territory.

8 et 9. The answers are in the affirmative.

10. This question will it would seem require further examination at the Conference.

CHILE

Note : see reply to Part I.

The reply of the Chilian Government is as follows :

1. As is indicated in the replies to the first part of the Questionnaire the Chilian Government accepts the scheme proposed by the International Labour Office, with the same reservations as were made in the above reply. It may here be remarked that the classification by age, sex, family condition and occupation is similar to that followed in Chilian statistics from 1893 to 1912.

2. As regards age, Chilian statistics prior to 1912 placed the dividing line at 12 years. As a result emigrants are classed in two divisions according to whether they are under or over 12 years of age, and children falling within the second category are again divided into 2 classes: one comprising those above and the other those below one year of age.

At the same time 14 years having been in principle accepted as the minimum age for admission to work the Government considers that, both in order to avoid multiplication of difficulties and unnecessary complexity in the statistics, and also

because it would be unsound officially to look for or to admit workers of an age beneath the legal limit observed in most countries, the dividing line ought to be fixed at 14 years.

In regard to the maximum age, the Chilean Government considers that although 50 years is the limit accepted by most insurance companies the age suggested by the International Labour Office might furnish a basis for arrangements of an international character. It is therefore considered that the following classification for age might be adopted: up to one year, 1 to 14, 14-55, over 55.

3. The third question calls for a special enquiry.

The civil condition of immigrants is of immense importance, from both the social and the moral points of view, especially in the case of immigrants who intend to settle permanently in the country to which they emigrate. Nevertheless, the existing diversity between the national legislations of the several countries at present precludes the establishment of a universal standard.

Statistics ought therefore to be restricted to a statement of the civil condition of immigrants (single persons, married, and widowed persons) in their respective countries at the time of their departure.

In other cases a problem may arise, for instance, in the case of countries where divorce is not recognised. May a divorced person immigrating to such a country there contract a new marriage? On the other hand, may a person proceeding from such a country to one where divorce is recognised repudiate a marriage contracted in his own country?

The moral and social consequences of this state of things are evidently very important, and in general depend upon the international principles observed in the countries in question regarding emigrants, whether, that is to say, these countries recognise "personal status" under which the immigrant brings his legal status with him, or whether they recognise "real status" under which the newcomer is subjected to the law of the country in which he settles.

Confining itself for the present to the terms of the enquiry, the Chilean Government considers the classification proposed by the International Labour Office complete enough, but thinks that separate statistics ought to be compiled on the one hand for workers and individuals emigrating without their families, and on the other hand for families emigrating from one place to another. As a matter of fact the worker who emigrates accompanied by his family gives much better promise of becoming a permanent settler than the worker who emigrates without leaving any family behind him, or leaves his country in the

hope of finding a situation which will permit of his returning to fetch his dependents.

Conditions of work, the necessary legal protection and the actual nature of each case seem to the Chilean Government adequate reasons for justifying the establishment of separate statistics for families and for individuals. Work in certain spheres, as for instance in the mines, which would be suitable in the case of an individual, might be prejudicial to the well-being of a family. Conversely, in the case of occupations such as agriculture, the individual who emigrates by himself, though he may possess the necessary technical qualifications, has less prospect of success and is less likely to become assimilated and to settle down in a country than the immigrant who brings with him his family, his goods, and his implements, and who by his work and his demand for the necessities of life contributes proportionally more to the prosperity and progress of his new country.

4. The Chilean Government has not up to the present followed any systematic classification of occupations. Generally speaking, the occupations of immigrants have simply been classified in alphabetical order.

The Government considers the classification proposed by the International Labour Office to be most suitable, and that results might immediately be obtained if it were divided into two main groups : (a) persons or families with a trade or occupation; agriculture, industry, mining, commerce, other forms of manual labour, and unspecified occupations; (b) persons or families not having any trade or occupation.

The merit of this slight change would be that it would make it possible to determine quickly the number of desirable immigrants and the nature of their usefulness and to make a distinction between such immigrants and those with no particular qualifications who are simply on the look-out for work and drift aimlessly from country to country. In both cases the Government naturally refers to free emigration and free immigration. Individuals falling within group (b) are in fact only very occasionally found among immigrants engaged by contract.

5. In the opinion of the Government, perhaps owing to its inexperience in these matters, the particulars submitted by the International Labour Office appear to be as complete as possible.

6. Question 6 also calls for a special enquiry.

Emigration and the departure of Chilean workers for other countries is of very rare occurrence in Chile, yet there are at the present moment no fewer than 15,000 Chilean workers

in the various countries of the world. If it is only a question of compiling statistics the same rule might perhaps be followed as in the case of immigration; but if it is desired to form or to convey an exact idea of the situation or of the legal condition of nationals and of aliens, the suggested classification gives rise to great difficulties in the case of Chile as of other new countries.

Movements within the country may to begin with be disregarded.

In Latin countries the industrial classes, both workers and employers, are on the whole neither very highly organised nor very enterprising. This explains why, in big industrial crises, they leave everything to the State. At the same time in certain parts of the country extensive mining, agricultural and industrial districts remain entirely unexploited. Hence nationals who leave the country in search of work do so without urgent necessity since their own country offers an adequate field of action for new enterprise. It is this want of enterprise indeed which intensifies the unemployment problem. On the other hand it is the countries of great industrial importance, such as Germany, the United States, Great Britain and so on, which attract the majority of Chilean workers, despite the fact that other countries such as Argentine, Spain and Italy offer them higher salaries and easier conditions of life.

7. All the statistics which have been compiled in Chile up to now indicate the country of origin of immigrants. It has thus been possible to determine that 69 per cent of the immigrants are of Anglo-Saxon or Teutonic origin — English, German, Swedish, Danish and so on — the remainder being of Latin origin. This percentage does not, however, show that any one country is more favoured than another. France in fact provides 19 per cent of the immigrants, Germany 19 per cent, Spain 17 per cent, England 17 per cent, Italy 13 per cent, the Netherlands 7 per cent, Belgium 4 per cent, and other countries 4 per cent.

For the reasons mentioned above it has been impossible to determine the country of destination of Chilean emigrants.

8. As already stated it has only been in the course of the present year that the Chilean Government has begun to deal with the question of establishing a complete up-to-date system of emigration and immigration control. Hence in view of the reorganisation of the existing department of immigration and colonisation it is not possible at the moment to furnish monthly statistics. The old statistics of 1893-1910 were published monthly.

10. The Government considers it impossible to exercise a general control over the movements of workers without uniform statistics regularly published by all countries. It therefore considers that the text to be adopted — whether a Convention

or a Recommendation — should include a special clause fixing the minimum amount of statistical information which must be communicated for every country as well as the form and the periodicity of its communication.

The Chilian Government concludes its reply by the following observations :

The Government considers that it ought to be clearly laid down that the function of the International Labour Office as regards problems which so closely affect the world's peace and the conditions of its workers, ought not to be merely that of a spectator or a compiler of statistics, but rather that of a controlling organisation authorised to exercise a close supervision, attending to the present needs of each country, seeing to the fair treatment of workers who are obliged to leave their own country to find work elsewhere (allowance being made for the various systems of legislation in force), and empowered to approach Governments for the purpose of securing the repatriation of emigrants unfavourably situated.

The Chilian Government ventures to express the view that the International Labour Office ought also to initiate a propaganda campaign for the improvement of the economic position of the consular services and for enabling every consulate to have available means of providing quarters and assistance for those of its nationals who apply to it when in difficulties in their search for work. It might also be arranged that on the recommendation of the Consul-General for any given country foreign workers might be employed in public and governmental works upon the responsibility of the consulate in question.

GREECE

See reply to Part I of the Questionnaire.

KINGDOM OF THE SERBS, CROATS AND SLOVENES

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows :

1. The answer is in the affirmative.
2. As to the age of emigrants and immigrants it might be preferable to take as a basis of classification the following four groups :

Up to 18,
18 to 30,
30 to 50,
Over 50.

In this way the first group would comprise young persons who contribute nothing to production, the second persons of the most productive age, the third older and steadier emigrants and immigrants for the most part coming back from over-seas or again returning thither, and, finally, the fourth group would cover emigrants of fairly advanced age who are for the most part on their way to rejoin their sons or daughters.

3 and 4. The answers are in the affirmative.

5. The answer is in the affirmative, provided that the number and the nature of these questions do not call for the creation of a supplementary statistical department.

6. The answer is in the negative, it being impossible to communicate the particulars referred to in questions 2 and 5 separately for nationals of the State collecting the information and for aliens residing there, the latter not being strictly speaking emigrants and hence not appearing in the registers kept by the emigration authorities.

7, 8, 9 and 10. The answers are in the affirmative.

PART III.

The text of Part III of the Questionnaire was as follows :

1. Are you of opinion that statistics concerning emigration should be drawn up on bases permitting of international comparison ?

2. Are you prepared to examine with the collaboration of the International Labour Office the possibility of arriving at an agreement as regards the definition of an emigrant, the provision of a uniform type of identity paper to emigrants and the method of recording information for emigrants with such other countries as may judge the examination of such a possibility desirable ?

3. Are you of opinion that the Draft Convention or Recommendation concerning the supply to the International Labour Office of statistical or other information with regard to emigration should contain a provision recommending the above course ?

BRAZIL

The reply of the Brazilian Government is as follows :

1, 2 and 3. The answers are in the affirmative.

Every country where peculiar conditions prevail must evidently look to its own requirements and make use of special-statistical methods. Nevertheless, the Brazilian Government believes that it will be possible to reach agreement on fundamental points which apply equally to all countries with regard to the chief particulars to be collected and the means of making them susceptible of comparison by adopting uniform general rules in their collection, for instance, as regards :

Definition of emigrant,
Classification by age, sex, civil condition and occupation,
Means of proving identity.

The Governments concerned might indeed be asked to take a certain amount of trouble. Where Governments are associated together and have interests in common they should not keep too narrowly to national points of view.

The simplest, most practical, reasonable and least laborious methods could be indicated by professional statisticians guided by the experience already gained in a number of countries. A simple scheme universally acceptable should be sought.

GREECE

See reply to Part I of the Questionnaire.

KINGDOM OF THE SERBS, CROATS AND SLOVENES

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows :

1. The answer is in the affirmative.
2. The answer is in the negative. Although it would be to the general interest of all the States and especially to the very great advantage of the International Labour Office if

a uniform identity card for emigrants and the use of common methods of recording statistical information were introduced, the adoption of a uniform definition of emigration is considered absolutely impossible in view of the indisputable fact that in consequence of the existing diversity of social conditions the type and therefore the accepted notion of an emigrant varies from country to country. The result is that the term emigrant has a different meaning in each country and it would never be possible to secure agreement between all countries, seeing that interests and therefore general policy regarding emigration differ as between countries of emigration and immigration and even as between the several countries in these two groups.

3. The answer is in the affirmative, except as regards a uniform definition of the term emigrant. It would be useful, instead of defining the term, to set out the fundamental differences of meaning as between the various countries.

REPORT II.

INTERNATIONAL LABOUR CONFERENCE
FOURTH SESSION
GENEVA – OCTOBER 1922

REPORT ON THE SECOND ITEM
ON THE AGENDA :

COMMUNICATION

TO THE INTERNATIONAL LABOUR OFFICE
OF STATISTICAL AND OTHER INFORMATION
REGARDING EMIGRATION AND IMMIGRATION
AND THE REPATRIATION AND TRANSIT OF
EMIGRANTS.



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GENEVA

INTERNATIONAL LABOUR OFFICE
1922

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INTRODUCTION

In the Questionnaire addressed to the Governments in connection with the second item on the Agenda of the Fourth Session of the Conference a brief statement was given of the circumstances which led the Governing Body of the International Labour Office to include this item on the Agenda of the 1922 Conference.

In accordance with a resolution adopted by the Washington Session of the Conference, the Governing Body, at its session in March 1920, set up an International Emigration Commission instructed "to report what measures could be adopted to regulate the migration of workers out of their own States and to protect the interests of wage-earners residing in States other than their own".

The resolution adopted by the International Emigration Commission were examined by the Governing Body at its 10th and 11th Sessions. The Governing Body, while considering that it was not desirable to include these resolutions on the Agenda of the Conference until they had been more carefully examined, nevertheless recognised that the first condition of such an examination was the centralisation of information regarding emigration problems. In the light of one of the resolutions of the Commission the Governing Body considered that the question of the communication to the International Labour Office of statistical or other information concerning emigration might usefully be submitted forthwith to the Conference and might serve as an introduction to the consideration by subsequent Sessions of the Conference of other resolutions of the Emigration Commission.

In accordance with its usual method the Office addressed a Questionnaire to the Governments on this subject.

The present Report contains the replies of the Governments to this Questionnaire, a general survey of the question in the light of these replies and draft texts submitted by the Office for the consideration of the Conference.

Replies to the Questionnaire on the second item of the Agenda of the Conference have been received by the International Labour Office from the following Governments: Belgium, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, Great Britain, India, Italy, Japan, Luxemburg, Netherlands, Norway, Poland, South Africa, Spain, Sweden, Switzerland.

PART I
COMMUNICATION OF AVAILABLE
DOCUMENTARY INFORMATION

The text of Part I of the Questionnaire addressed to the Governments was as follows :

1. Are you willing to send to the International Labour Office, if you do not already do so, at as frequent intervals as possible all available information of statistical or other nature concerning emigration, immigration, repatriation and transit of emigrants, including full particulars concerning the measures taken or contemplated in connection with these questions ?

2. Would you be willing to forward this information at least every three months ?

3. Would you be able to arrange that the information obtained could be forwarded within three months from the end of the period to which it relates ?

4. Are you of opinion that these points should be embodied in a Draft Convention, or do you consider it preferable to embody them in a Recommendation ?

I. REPLIES OF THE GOVERNMENTS

This chapter contains arranged by countries in alphabetical order the replies of the Governments to Part I of the Questionnaire which were received by the International Labour Office in time for inclusion in this Report.

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows:

1. The Czechoslovak Government would be prepared to communicate to the International Labour Office all statistical and other information regarding emigration, immigration and the repatriation and transit of emigrants so far as it may find it possible to obtain the particulars required.
2. The Czechoslovak Government would also be prepared to furnish full information as to the methods of collecting the relevant statistical material.
3. It would be willing to communicate the required particulars for each quarter within the ensuing three months.
4. A Draft Convention is considered preferable to a Recommendation.

DENMARK

The reply of the Danish Government states that the Government would be willing to adopt the suggestions contained in the first three Questions, except as regards information concerning the transit of emigrants. The Danish Government considers it preferable to adopt the form of a Recommendation for the matters dealt with in this Part of the Questionnaire.

ESTHONIA

The reply of the Esthonian Government is as follows:

1 and 2. The Esthonian Government is prepared to communicate to the International Labour Office regularly once a quarter all available information regarding emigration, immigration and the repatriation and transit of emigrants.

3. This information could be forwarded within three months from the end of the period to which it relates.

4. While no definite objection is made to a Draft Convention it may be urged in favour of the form of a Recommendation that in view of the fact that nothing is involved beyond the communication of certain information it would be possible in the case of Esthonia to give effect to the decisions of the Conference by means of administrative measures. Moreover, the form of a Recommendation has the merit of avoiding the lengthy procedure of ratification and thus enabling the decisions of the Conference to be more speedily put into effect.

FINLAND

The Finnish Government prefaces its reply by stating :

The Government of Finland is of opinion that much valuable light may be thrown upon this important problem of social politics by the accumulation of such statistics as will render international co-operation possible, and has considered the Questionnaires issued by the International Labour Office from that point of view.

The reply is as follows :

1. The Government of Finland is willing to send to the International Labour Office, all available information of statistical and other nature concerning emigration and the repatriation of emigrants, but not concerning the transit of emigrants and immigration, (as these movements occur to such a slight extent that they may be omitted from international emigration statistics.

2. The Government of Finland is willing to forward summary statistics only upon these questions, together with other information, every three months.

3. Such information could be forwarded to the Office within three months from the end of the period to which it relates.

4. The Government of Finland is of opinion that it would be preferable to embody these points in a Recommendation.

FRANCE

The reply of the French Government is as follows :

1. The French Government is prepared to continue the communication to the International Labour Office of publications containing available information of statistical or other nature concerning emigration, immigration, repatriation and transit of emigrants. As regards particularly statistical information it must be explained that statistical information is only collected as regards immigration into French territory and the repatriation of workers. Financial considerations make it at present impossible to contemplate the creation of services for the purpose of extending such statistical information. At the same time, should the Government be in a position to publish information concerning the transit of emigrants and immigration, it would be prepared to communicate such information to the International Labour Office.

The Government will communicate to the International Labour Office all information which it may publish with regard to the measures taken or contemplated in connection with these questions.

2. The Weekly Labour Exchange Bulletin (Bulletin du Marché du Travail) containing information regarding the arrival, departure and employment of foreign workers during each year is already regularly sent to the International Labour Office. The other information suggested in question 1 will be communicated to the Office at least every quarter.

3. The information suggested in question 1 will be communicated to the International Labour Office within three months from the end of the period to which it relates.

4. It does not appear expedient to establish a Draft Convention for the different points contemplated above: the form of a Recommendation is considered preferable.

GERMANY

The reply of the German Government is as follows :

1. The answer is in the affirmative. In this connection it has been noted that, in accordance with the explanations given on p. 20 of the Questionnaire, the Governments retain in all cases the right to decide for themselves what documents are to be communicated.
2. The answer is in the affirmative, provided the information is available.
3. The answer is in the affirmative.
4. It is considered that a Recommendation is preferable and presents more advantages with a view to the more rapid application of the resolutions adopted.

GREAT BRITAIN

The British Government prefaces its reply by the following observations :

1. In transmitting to the International Labour Office the enclosed reply to the Questionnaire issued in connection with Item II of the Agenda of the Fourth Session of the International Labour Conference, His Majesty's Government desire that the reply should be read in the light of the letter and memorandum which were communicated to the Director by Sir Montague Barlow on the 30th May last (*see below*).

2. H. M. Government regret that it was not found possible to adopt the suggestion that a detailed explanation should be given, point by point, of the need for an *international* system of migration statistics and the precise purposes which such a system, if successfully established, may be expected to serve. In the absence of a clear indication of the practical objects to be attained and that these objects are commensurate with the cost entailed, it may be anticipated that, in the present financial stringency, Members of the Organisation will hesitate to incur any additional expenditure in the compilation or communication of statistics of migration which are not essential for their domestic requirements or clearly for the benefit of the Organisation as a whole.

3. As indicated at the time when replies were furnished to the Questionnaire issued by the International Labour Office

for the purposes of the International Emigration Commission, H. M. Government regard questions of inter-Imperial migration as being outside the scope of any draft conventions or recommendations which may be adopted on the subject of the migration of workers; and the Office will doubtless have this reservation in mind when considering the reply to the Questionnaire now forwarded.

The letter of 30 May to which reference is made in (1) above from Sir Montague Barlow, Parliamentary Secretary of the British Ministry of Labour and representative of the British Government on the Governing Body the Office, contained a number of observations on the substance of the Questionnaire, and the memorandum enclosed therewith indicated briefly the present position in Great Britain with regard to the suggestions in the Questionnaire and the extent to which H. M. Government would be prepared to modify their present system in the interests of co-ordination. In order to comply with the desire expressed by the British Government in (1) above extracts from the letter and memorandum are printed in connection with the replies to which they refer.

With regard to (2) above the letter of 30 May contains the following observations:

In the first place, in view of the difficulties which such a problem presents, some doubt is felt as to the necessity of attempting to establish a uniform system of international statistics in regard to world migration. The conditions under which migratory movements manifest themselves in different countries, and the relative importance of the different aspects of such movements vary so greatly that there appears to be little ground for hoping that it may be possible to establish an international system of any practical value. Moreover, at the present time, statistics are kept by countries which are interested in the problem primarily for national purposes and it would be difficult to avoid the necessity of setting up in each country two systems, the first, i. e. the existing system, for national purposes, and the second, that proposed by the International Labour Office, for purposes of international comparison. It is unlikely, having regard to the urgent need for economy at the present time, that the Governments concerned would

be prepared to accept such a proposal. Even if they did, the subsidiary statistical system specially established for the purposes of international comparison would be of less value to the international statistician than the existing national statistics, which will generally be found to have been designed to bring out most clearly those aspects of emigration which are of greatest interest and significant in view of that nation's particular circumstances.

With regard to the scope of the proposals contained in the Questionnaire the memorandum contains the following observations :

In the preparation of Schedules for the record of migration it has to be borne in mind that there is nothing in the existing powers of the British Government which enables them to control the movements of British subjects, nor has it been the policy of the British Government to attempt any such control. The passport system is not intended to afford, and does not in fact provide a means of such control; and passports are regarded in Great Britain rather as documents of nationality and identity, than as *billets d'entrée*, and are withheld only in exceptional circumstances. There is, therefore, no possibility of making the landing and embarkation of British subjects conditional upon their filling up an elaborate questionnaire and vouching for its accuracy.

In these circumstances, unless the necessity for establishing a uniform international system is proved, it is doubtful whether the proposals put forward in the Questionnaire will meet with general acceptance. It is suggested, accordingly, that the Questionnaire might include a detailed explanation, point by point, of the need for such an international system and the precise purposes which such a system, if successfully established, may be expected to serve.

Provided that a satisfactory explanation of this nature is set out in the Questionnaire, the countries concerned might be prepared to consider the necessity of establishing within the bounds of practicability, some degree of co-ordination, but the suggestions in the Questionnaire appear to go considerably further than what is likely to be accepted. It would appear most desirable, therefore, to limit the scope of these proposals accordingly.

A statistical appreciation of emigration must therefore be based on such information as shipping companies can reasonably be required to furnish for administrative purposes (relating to accommodation on board ship) and such other simple details as are not likely to be resented by the emigrants

or to impose too much labour on the officials of the shipping companies. Such administrative particulars are limited to numbers, sex and age, (i. e., whether "children" under 12 or "adults" over 21.) To require a definite statement of the age of the emigrant does not arouse much opposition, but as the statements cannot be checked and there is a well-known tendency to state round figures only, the particulars are only reliable when summarised into broad groups. The question "British Subject or Aliens" is unambiguous, but further enquiry as to "origin and or nationality"—especially in the present condition of Eastern and Central Europe—is impossible. An emigrant may, for example, have been born in Poland, but, before coming to the United Kingdom, to settle or as a transmigrant, have been resident in Germany. Another may be an Italian who has spent some time, long or short, in France to avoid the Italian emigration laws. How is the shipping officer to check the statements that will be made to him in such cases? The same is equally true with regard to statements of civil or matrimonial status. Who will return herself as "divorced"? Will a man always be careful to distinguish between his status as "bachelor" or as "widower", which has no legal significance? Will a man elaborately explain that the lady who is travelling under his name is in fact not married to him?

The central fact about migration statistics is that it is not possible without immense labour and great loss of time, to check the correctness of the information furnished by the traveller, and that all information that is given may be coloured by the ignorance or stupidity of the migrant, by his desire to "cover up his tracks" (the Board of Trade's experience with enquiries by wives after errant husbands is conclusive on this point), or by his malice or frivolity. Obscurity of intention affects particulars as to occupation and country of future permanent residence. Frequently a man emigrates, intending to pursue a different occupation in his new country from that which he followed in the old, and may even have trained himself for the new occupation. Which occupation is he likely to enter in the form, and which is it desirable that he should state? The country he is leaving will wish to know the kind of man it is losing, i. e., the old occupation; the new country will desire rather to know the new occupation as descriptive of the kind of man it is getting and there is no apparent reason why one view should have preference over the other. Again, a man goes to the United States intending to spend three months in looking round and to take up a permanent residence there if a suitable opening presents itself; or, alternatively, to

go on to Canada and, if nothing offers there, to come home. Is he a traveller or an emigrant? In distinguishing between the two classes we are classifying by the intention of the passenger, that is by something in its nature unreliable, and even if we define "permanent residence" as "residence for a year" it is still a question of interpretation of intention. The only certainty is the country for which the man booked his passage, for the shipping company knows that. Over-elaborateness in classification tends to the intensification of error.

In the experience of H. M. Government only three countries — the United Kingdom, Canada, and the United States — have statistics which are reasonably satisfactory as showing general tendencies of migration, and even these statistics have to be interpreted broadly and with many qualifications. The information now collected in the United Kingdom represents the maximum that is rationally possible in the circumstances there prevailing, and its limitations are well-known to those entrusted with its interpretation. To impose an "ideal" scheme of international application will be a hindrance, not an aid, and it is suggested that the best course at present for the International Labour Organisation would be to take steps to encourage other countries, so far as financial and administrative considerations may permit, to amplify the statistical information which they already collect for national requirements, so that the information might be generally as complete as that now available in the United Kingdom, Canada, and the United States.

The reply of the British Government to Part I of the Questionnaire is as follows :

1. His Majesty's Government are willing to furnish statistics relating to the passenger movement to and from the United Kingdom, and particulars of any measures taken or contemplated with regard to the collection of such statistics.
2. The answer is in the affirmative.
3. As a general rule, the information obtained could be forwarded within three months from the end of the period to which it relates.
4. For the reasons indicated in Sir Montague Barlow's letter of 30th May, para. 6, H. M. Government are not prepared to recommend that the points covered by Questions 1 to 3 should be embodied in a Draft Convention.

Paragraph 6 of the letter of 30 May to which reference is made in the reply of H. M. Government to Question 4 above is as follows :

The Questionnaire raises the question whether the proposed international agreement should take the form of a draft Convention or a Recommendation, and, while noting that the question may be decided after the replies of the Governments have been received, sets out arguments in favour of a draft Convention. It is assumed that a draft Convention is suggested in preference to a Recommendation because a series of detailed proposals might be accepted by the Conference and would have to be accepted in detail by States which ratify the draft Convention. It may, however, be anticipated that under the present system of voting at Conferences, the draft Convention in its final form would contain a number of provisions which would not be acceptable in their entirety to all the members of the Organisation. The practical effect would be that States being unable to ratify with reservations would have to withhold ratification. On the other hand, if a Recommendation were adopted, the question of accepting the whole Recommendation as it stood would not arise and States would be able to accept the greater part of the Recommendation without giving effect to minor provisions with which they were not in agreement. It is suggested, accordingly, that the Questionnaire should be redrafted, either so as to leave the question entirely open, or so as to indicate the desirability of adopting a Recommendation rather than a draft Convention. In this connection it must be remembered that the Memorandum circulated by the International Labour Office is likely to be accepted without serious question by countries which are not vitally interested in the problem, and the International Labour Office may find itself in the position of appearing to create among such countries a body of opinion at variance with the views held in countries more directly concerned.

INDIA

The reply of the Indian Government is as follows :

1. The Government of India already supply to the International Labour Office such information as they at present publish regarding emigration and immigration and papers connected with measures taken or contemplated in connection with these matters. They will be glad to continue the practice.

2. Such information as is available will be forwarded every 3 months.

3. A definite undertaking to supply information within 3 months cannot be given until it is known what information is required. The Government of India are prepared to furnish information to the International Labour Office as soon as practicable.

4. The Government of India are inclined to agree that a Draft Convention would be preferable to a Recommendation.

ITALY

The Italian Government prefaces its reply by the following observations :

The criteria and other material contained in this reply to the Questionnaire have already been given with full explanatory comments in the first and third parts of the reply of the Italian Government to the Questionnaire issued in preparation of the work of the International Emigration Commission. (1)

The Italian Government would, in particular, draw the attention of the International Labour Office to the progress which long experience has enabled Italy to realise along two lines of enquiry which are of essential importance in the statistical presentation of migratory movements.

1. *Definition of the term "emigrant"*. This definition on which all Italian emigration law is based is the result of a series of attempts to embrace in a single definition all the essential characteristics which distinguish as such the worker who leaves his country, and it can therefore be easily adapted to the requirements of all countries affected by emigration.

2. *Model of passport or identity paper*. The Italian model has certain special practical advantages even in comparison with the model for a uniform passport for all countries which was suggested by the International Passport Conference held under the auspices of the League of Nations at Paris in October 1921. The Italian model appears preferable because :

(1) " Note on the administrative organs, services and methods of protection and assistance existing in connection with Italian emigration". Reply to the enquiry made by the International Labour Office of the League of Nations in view of the studies entrusted to the International Emigration Commission.

- (a) It consists of a *single page folded concertina-wise*, thus preventing substitution and falsification of pages, which is so easy in ordinary passports in book form;
- (b) It contains, solely for statistical purposes, *two additional coupons*, one for *expatriation* and the other for *repatriation*.

These give all necessary personal information concerning the holder and may be detached at the moment of his leaving or entering the country as the case may be. This method makes it possible to collect the required information quickly and ensures accuracy.

The reply is as follows :

1. The Italian Government is prepared to send periodically to the International Labour Office all available information with regard to the expatriation, repatriation and transit of emigrants, and to communicate legislative and other measures adopted with regard to emigration.

With regard to the transit of foreign emigrants, however, the Italian Government could only supply total figures in the case of such of these emigrants as embark or disembark in Italian ports on proceeding to or returning from oversea countries.

2. The Italian Government is prepared to communicate statistical data on emigration at intervals of three months.

3. The answer is in the affirmative at any rate with regard to total figures.

4. It would be better that the communication to the International Labour Office of the data mentioned in the preceding paragraphs should be regulated by a Convention. In this way the communication of such data would be obligatory and, moreover, it would be possible to lay down in the text of the Convention itself the methods to be followed in preparing these data for communication in order to obtain as far as practicable the necessary uniformity.

JAPAN

The reply of the Japanese Government is as follows :

1. The Japanese Government are willing to send to the International Labour Office at as frequent intervals as possible all available information of the desired nature. But they would have it understood that, while possessing fairly complete statistics with regard to emigrants, they have so far taken no statistics

of immigrants and emigrants in transit, their numbers being so small as to make it not worth while to compile statistics regarding them. The information available with regard to repatriation is only partial and refers only to repatriation from the continent of North America.

2 and 3. The answers are in the affirmative.

4. The relevant statistics being incomplete in this country, it would be difficult for Japan to carry out the above proposals as obligations under a Convention. As far as existing statistics are concerned it is thought that the same result may be attained by means as a Recommendation, without resorting to a Convention. Japan therefore considers it preferable to embody the proposals in a Recommendation.

LUXEMBURG

The Government of the Grand Duchy of Luxemburg prefaces its reply by the following observations :

The carrying into effect, on the lines indicated by the International Labour Office, of the second item on the Agenda for the Fourth Session, that is to say by the recording of statistical and other information regarding emigration, immigration and the repatriation and transit of emigrants, would undoubtedly provide valuable material for the study, appreciation and solution of a number of social and economic problems. The Government of the Grand Duchy would therefore be willing to co-operate in compiling this international record, provided that such co-operation does not entail work and expenditure disproportionate to the results that may be expected.

At the present time the only available statistical materials in the Grand Duchy that are capable of use in this connection are those which have been supplied since 1904 by emigration agents and which deal exclusively with emigration to overseas countries. These particulars relate to age, sex, family condition and nationality of emigrants and have not hitherto been published, and the Government of the Grand Duchy is prepared to communicate them to the International Labour Office if and when required.

In the light of the foregoing observations and those contained in the replies, the replies of the Government of the Grand Duchy to the different points contained in the Questionnaire are in the affirmative.

The reply states that the Government would be willing to adopt the suggestions contained in the first three

Questions with regard to the information at present available, which as is indicated above is collected in the Grand Duchy through the medium of emigration agents and deals only with emigration to overseas countries. The Government of the Grand Duchy sees no objection to proceeding by the method of a Draft Convention.

NETHERLANDS

The reply of the Government of the Netherlands is as follows :

1. The answer is in the affirmative.
2. The answer is in the affirmative as regards the figures of emigrants leaving from the ports of Amsterdam, Rotterdam, Dordrecht and Harlingen (see reply to Question I, Part II),
3. The answer is in the affirmative.
4. The Netherlands Government prefers the form of a Recommendation.

NORWAY

In communicating the reply of the Norwegian Government to the Questionnaire on the first item on the Agenda of the Conference the Department of Social Affairs enclosed copies of a letter from the Central Statistical Bureau with regard to the Questionnaire on the second item to which it was requested that reference should be made. This letter contains an analysis of the Questionnaire, replies to the questions asked, explanations regarding the present system in Norway and indications as to the measures which would be required to bring the present system into line with the suggestions contained in the Questionnaire. Extracts from the letter in question are resumed under the several questions contained in the three Parts of the Questionnaire.

1. The letter states that all statistical and other material relating to emigration and immigration could be communicated to the International Labour Office. It is not, however, considered that particulars regarding emigrants in transit should be included inasmuch as such particulars are only of interest to Scandinavian countries. The only emigrants in transit through Norway are emigrants from Sweden, and statements dealing with such emigrants are already sent to the Swedish authorities and included in the statements covering emigration from Sweden.

2. It is stated that under the present system of statistics dealing with emigration and immigration it would not be possible to communicate statements every three months. Norwegian emigration statistics only deal with emigration to trans-oceanic countries and are compiled annually from information supplied by the police authorities. They include all persons emigrating from Norway, except Swedish subjects emigrating via Norway. Moreover, statements, partly quarterly and partly monthly, are received from all important emigration ports, and a summary at the end of each year is rendered showing the number of persons emigrating to the United States and to other trans-oceanic countries as well as the number of emigrants during each month of the year. In order to communicate quarterly statements dealing with trans-oceanic emigration the information collected by the police authorities would have to be compiled quarterly. It is stated that this change could not be undertaken immediately, but that an endeavour might be made to effect it.

Immigration statistics are collated annually by the Central Statistical Bureau from information supplied by the police authorities, and the above observations with regard to a quarterly communication of emigration statistics would apply equally in the case of immigration statistics.

3. With regard to emigration statistics, it is considered that, provided it were possible to introduce a system of monthly statements, quarterly statements might be communicated to the International Labour Office within three months after the period to which they relate. The same observations would apply to Immigration statistics provided that the quarterly statements were only summaries.

4. It is recommended that the form of a Recommendation be adopted.

POLAND

The reply of the Polish Government is as follows :

1. For some time past the Polish Government through its representative on the Governing Body has regularly communicated to the International Labour Office all the particulars covered by this question.

2. Particulars have all along been forwarded every quarter.

3. They have been forwarded within the contemplated period of three months.

4. The Government of Poland is definitely in favour of an international Convention on this subject for the following reasons:

(a) since in all countries from which emigration takes place on any considerable scale such documents as are referred to on page 20 of the Questionnaire and on the utility of which the Governments are to decide already provide the relevant information, the periodical communication of such information can present no great difficulty; and (b) such communication would be of the utmost utility to all emigration countries.

SOUTH AFRICA

The reply of the South African Government is as follows :

1 to 3. The answers are in the affirmative.

4. In connection with this point reference should be made to the letter of 7 June 1921 from the Department of Mines and

Industries ⁽¹⁾ in which is pointed out the difficulty in adapting the conditions laid down by Conventions to the circumstances of many countries especially if the Conventions deal in great detail with their subject matter. For this reason the South African Government favours the embodiment of the points 1 to 3 above in the form of a Recommendation.

SPAIN

The Spanish Government prefaces its replies by stating :

The problems raised by the matters dealt with in the Questionnaire make a very special claim on the attention of the Spanish Government. The International Labour Office is fully justified in deeming it desirable to take the initiative in submitting these questions for discussion by the Conference, as the problems involved are essentially international in character, that which has the aspect of emigration in one country making itself indirectly felt in the form of immigration into another. Everything goes to emphasise the necessity of securing information as to the normal and abnormal phases of emigration and as to the movements of native population from one country to another, and for this purpose it will be of the utmost value to compile international statistics of emigration in the light of data supplied by all the nations concerned. The attitude of Spain is indicated by the replies to the Questionnaire furnished by the competent departments which have been consulted by the Government.

The answers of the Spanish Government to the first three questions are in the affirmative. The Spanish Government considers that it would be preferable to adopt the form of a Recommendation.

(1) The letter in question, which is published in Vol. IV No. 2 of the Official Bulletin of the International Labour Office, drew attention to the difficulty of adapting detailed Draft Conventions to the circumstances of countries where conditions are peculiar and suggested for consideration whether it would not be more effective that Draft Conventions and Recommendations adopted by the Conference should be limited as far as possible to a statement of principles and should avoid too great detail of application.

SWEDEN

The reply of the Swedish Government is prefaced by a description of the present system in Sweden with regard to the collection and compilation of emigration and immigration statistics. Further information in this connection will be found on pp. 35-36 of the documentary study "Methods of compiling emigration and immigration statistics" issued by the International Labour Office. It is indicated that the annual publication of the Central Statistical Office which is based on memoranda from the parish registers containing particulars furnished in accordance with an Order of 3 December 1915 regarding all persons settling in or departing from the parish gives with regard to any given country the chief information on emigration and immigration alluded to in the Questionnaire, but that this publication does not include particulars regarding the transit of emigrants or as to whether a married emigrant is accompanied by his family or not. The statistics contained in this publication invariably cover a full calendar year and are not completed before the end of the third quarter of the year following. It is stated that this system could not be modified without great difficulty.

At the same time particulars regarding emigration to extra-European countries only are collated by the Department of Labour and Social Welfare from information furnished by an examination of emigration contracts conducted by the local authorities in certain districts where the chief emigration ports are located as well as from information provided by the Norwegian and Danish Statistical departments with regard to persons whose last fixed domicile was in Sweden and who emigrate from certain Norwegian or Danish ports on emigration contracts. These particulars include information on all

the points suggested in the Questionnaire except as to civil condition, but it is considered that this deficiency could easily be remedied. They are however limited to emigration to extra-European countries and thus do not include immigration, emigration to European countries, or the repatriation or transit of emigrants. They could without difficulty be drawn up monthly and communicated to the International Labour Office every quarter.

It is further pointed out that there is at present very little emigration from Sweden, that recently over a period of three years immigration was greater than emigration, and that there are no considerable periodical movements of labour between Sweden and adjoining countries. Hence some doubt is felt as to the practical utility to Sweden of international emigration statistics and as to the possibility at least for the present on grounds of expense or for other reasons of taking measures with a view to giving effect to the suggestions contained in the Questionnaire.

Nevertheless, the Swedish Government recognise the the importance of international collaboration with regard to emigration and immigration statistics, which have so significant a bearing upon social policy, and consider it necessary to communicate its replies to the Questionnaire.

The reply is as follows :

1. Sweden is prepared regularly to transmit to the International Labour Office all the information that is available on these matters. As already remarked, information on some of these points is entirely lacking.

2 and 3. With regard to emigration to extra-European countries, a general affirmative answer may be given.

4. The form of a Recommendation is preferred.

SWITZERLAND

The Swiss Government prefaces its reply by the following observations :

The condition of Swiss statistics of migratory movements was very fully treated in a statement communicated to the

International Labour Office in 1920 in reply to the Questionnaire issued by it to the various Governments. In that statement Switzerland was shown not to possess any complete statistics of emigration and immigration movements. As a matter of fact, the emigration statistics drawn up regularly by the Federal Emigration Office only cover emigration to extra-European countries and incidentally disregard any emigrants, irrespective of their destination, who have not put themselves in communication with a Swiss emigration agency. According to the estimate of the Federal Emigration Office, these statistics nevertheless include about 97% of the total number of emigrants. As regards immigration, statistical particulars are almost entirely lacking. A census is indeed taken every ten years of the resident population of Switzerland, and this census makes it possible to fix the number of immigrants who have settled in Switzerland between any two such epochs, but the value of these materials is clearly very limited for the purposes of a serious study of migratory movements. Repatriation and transit are not at present dealt with in any statistical returns.

The Swiss Government does not, however, fail to recognise the value of full and accurate statistics of emigration and immigration both from the national as well as the international point of view and it is quite ready to consider whether and to what extent it will be able further to develop Swiss statistics in this field. There is, however, one matter which will present some serious difficulties, namely, the provision of statistics regarding transit. The journey from frontier to frontier in Switzerland is so short that arrangements for securing statistical particulars en route are quite out of the question. The only possible procedure would be to secure the relevant information at the points of entry and departure, but this procedure would involve delays out of all proportion to the time spent in crossing Swiss territory. Moreover, it may be questioned whether a succession of these returns rendered in a number of countries with respect to the same persons would offer sufficient advantages to warrant a disregard for the difficulties opposing their introduction. At all events the Swiss Government must make every reservation with regard to the introduction into Switzerland of a system of statistics with regard to the transit of emigrants.

The reply is as follows :—

1. The Swiss Government is not opposed to the communication to the International Labour Office of the information referred to in this question, always provided that no information is contemplated beyond what is at present available.

2 and 3. The Swiss Government is prepared to communicate available statistics once a quarter and this within the three

months following the latest date to which such statistics refer, but must point out that the only statistics which could be forwarded each quarter are those giving the bare total numbers of emigrants to extra-European countries.

4. Considering the present position of Switzerland as regards the questions raised and the investigations still to be undertaken in the statistical field as well as the possibility of establishing a more complete system of statistics than now exists, a greater freedom of action would appear to be demanded than could be secured under a Draft Convention. The Swiss Government therefore considers that the Conference might adopt a Recommendation.

II. GENERAL SURVEY OF THE QUESTION IN
THE LIGHT OF THE REPLIES OF THE
GOVERNMENTS

Before attempting to summarise the opinions which have been expressed by the Governments in their replies with regard to the first part of the Questionnaire, it would seem desirable to make one or two observations on the Memorandum of the British Government of 30 May, quoted on pages 10 and following as this Memorandum raises considerations of a general character.

It should be pointed out in the first place that this Memorandum contains the observations of the British Government not in reply to the Questionnaire as officially sent out to the Governments in order to obtain the replies upon which the present Report is based, but the observations of the British Government on a preliminary draft of the Questionnaire which was communicated to the members of the Governing Body for their individual comments. At the request of the British Government the Memorandum has been very fully quoted in the present Report, but it will be noted that a number of the observations made therein have already been taken account of in the Questionnaire as finally sent to the Governments. The most important point of a general character is the suggestion that a detailed explanation should be given of the need for an international system of migration statistics and the precise purposes which such a system, if successfully established, might be expected to serve. The Memorandum indicates that in the present financial stringency Members of the Organisation would probably hesitate to incur additional expenditure as regards migration - statistics unless they

were essential for their domestic requirements or unless it could be clearly proved that they were for the benefit of the Organisation as a whole.

It is hardly possible in the present Report which, according to the usual practice of the Office in preparing for the Conference, is devoted to summarising the opinions of the Governments in the endeavour to arrive at a kind of average proposal to be submitted for discussion to the Conference, to set out in full the case which may be made out in favour of an international system of migration statistics of the kind to which the British Memorandum would appear to refer. The study of the "Methods of compiling emigration and immigration statistics" which has been prepared by the International Labour Office and distributed to the Governments indicates the confusion which exists in the present methods adopted by the various countries and the difficulty of utilising the figures as prepared by the national administrations at present for the purpose of any kind of comprehensive study of the migration problem. The difficulties of collecting statistics of emigrants are discussed in the volume. In so far as national administrations find it necessary to keep a record of their emigrants it is clearly desirable that the record should be as complete as possible. The level of accuracy which can be attained without an undue complication of control and formalities can never, however, be so high as would be desirable, and figures for emigration in a particular country could therefore only be controlled if comparable statistics were available for immigrants elsewhere. Hence the desire which has been expressed by many countries that an effort should be made to secure the compilation of emigration and immigration statistics on a comparable basis.

Whatever may be the desirability of securing a general system of uniform migration statistics, the International

Labour Office was aware of the very great practical difficulties in the way of achieving any such system at the present time. After very careful consideration of them the Office decided that no such proposal was practicable, and the scheme for the improvement of migration statistics put forward in the Questionnaire as finally officially communicated to the Governments was of a much more modest character. In addition to the communication to the International Labour Office of existing statistical and other documentary material concerning emigration and immigration two series of suggestions of a limited character only were made, namely, that the Governments should consider the possibility of communicating certain particulars where the information concerning them existed, tabulated according to a uniform plan, and, secondly, that those States who were willing to do so should attempt to secure a basis of uniformity by particular agreements. The last suggestion, which the Office regarded as the only step which could be practically made at present towards a general uniform system, was made specially in respect of those countries which have as yet no migration statistics or whose systems are still in the embryo stage in which they are susceptible of modification without difficulty. It is obviously desirable that as new statistical systems are created they should not add to the complexity of the systems already in existence, and there is certainly every advantage to be gained if they can be established on lines which correspond as closely as possible to those which experience has proved to give the best results and towards which it may be hoped that existing systems will tend as financial considerations allow and as administrative needs may require.

The observations in the British Memorandum therefore which refer to the attempt "to establish a uniform system of international statistics in regard to world migration" do not apply with full force to the much more modest

proposals which were finally made in the Questionnaire. The Office, however, fully recognises their validity, and they do, in fact, only confirm the appreciation of the vast difficulties of any attempt to secure general uniformisation which are set out in detail in the report of the Office on the methods of compiling emigration and immigration statistics. It has, however, been thought desirable to refer to them here in order that their exact application to the proposals which the Office now submits for the consideration of the Conference may be clearly understood.

Communication of Available Information

If certain Governments are not in a position to furnish the Office with statistical information regarding all the points indicated in the Questionnaire, it is of interest to note that all the Governments have stated that they would be prepared to communicate to the Office all information which they may have available.

The Governments of Poland, India and France have replied that they already furnish the Office with all the available information regarding emigration and immigration. The Government of Luxemburg indicates that, although the information collected regarding emigration is not published, it would be prepared to communicate such information to the Office.

A number of Governments have indicated in their replies that they have no information available as regards certain classes of statistics. The Finnish Government, for example, states that it is not in a position to communicate any information regarding the transit of emigrants and immigrants because, as it states, these movements are of no practical importance in Finland. The Governments of Denmark and Norway also make an exception in the case of transit. In the case of Denmark this exception is due to the fact that the transit of emigrants in that

country is of very small proportion, while the Government of Norway points out that returns regarding the transit of Swedish emigrants through Norway are already made each year by the Swedish authorities.

Quarterly Communication of the Above Information

The second and third questions contained in this part of the Questionnaire have not given rise to any objections on the part of the Governments. All are agreed that they would be in a position to communicate to the Office, every quarter, such information as is available for that quarter regarding emigration. Some Governments, however, have indicated that under their present systems the information which would normally be available for quarterly communication to the Office could only be summary figures relating to one or more aspects only of the problems connected with emigration.

The Swiss Government, for example, states that under its present system it would be in a position only to furnish quarterly the total number of emigrants to extra-European countries, while the Netherlands Government declares that the only information available for communication every quarter would be the total figures of emigrants leaving from the ports of Amsterdam, Rotterdam, Dordrecht and Harlingen. The Government of Norway also states that at present quarterly returns regarding emigration and immigration could not be made, but that the Government would endeavour to modify the existing system in such a way as to make possible a quarterly communication of the returns in question.

There is also a general agreement expressed in the replies with regard to the possibility of communicating

these quarterly statements within three months after the end of the period to which they refer.

The Government of Norway, however, indicates that the rendering of such returns within such periods would necessitate a change in their present system, which might be made provided that the returns in question were limited to summaries of the information required.

Draft Convention or Recommendation

Five Governments have expressed the opinion that the provisions contained in the first three questions of this part of the Questionnaire should be embodied in a Draft Convention.

Among these Governments is the Italian Government, which prefers the stricter form of obligation inherent in a Draft Convention. The Polish Government also points out that, since it is a question merely of communicating information already available, such communication would probably not encounter any serious difficulty, and that in view of the utility of such information to all emigration countries it would be desirable that the above-mentioned provisions should be embodied in a Draft Convention.

On the other hand, the other Governments prefer the form of a Recommendation. It is pointed out that a Recommendation would avoid the lengthy procedure involved in the ratification of a Draft Convention and could, therefore, be more easily put into effect. This view is held by the Governments of Germany, Great Britain, Japan, South Africa and other Governments. It is indicated that it would be possible to put into effect certain provisions of a Recommendations by means of

administrative measures, as for example, in the case of the communication of the information to the Office, and that for this reason it might be desirable to avoid the procedure involved in the ratification of a Draft Convention. In view of the fact that all the Governments state they would be prepared to communicate all available information on the subject in question, it would seem that, as the Japanese Government has in fact pointed out, the same result might be obtained by a Recommendation as by a Draft Convention.

III. CONCLUSIONS.

It was indicated in the Questionnaire that the question as to whether a Draft Convention or Recommendation should be adopted was not of vital importance, and that the replies furnished by the Governments to the Questionnaire might serve as a guide to the Conference on this point. In view of the fact that a great majority of the Governments which have sent replies have expressed their preference for a Recommendation, the Office submits for the consideration of the Conference a draft Recommendation in which provisions relating to the points dealt with in the first part of this Report might be included as follows :

The General Conference recommends that each Member of the International Labour Organisation communicate to the International Labour Office, at least every three months and within three months following the end of the period to which it refers, all information available for such period concerning emigration, immigration and the transit of emigrants, including full particulars concerning the measures taken or contemplated in connection with these questions.

PART II.

FORM OF PRESENTATION OF EXISTING STATISTICS

The text of Part II of the Questionnaire addressed to the Governments was as follows :

1. Are you prepared to communicate to the International Labour Office the total number of emigrants and immigrants who traverse your frontiers, with information presented in a uniform manner as to their age, sex, family condition and occupation ?

2. Are you prepared to adopt the following classification with regard to age ?

Up to 15 ; from 15 to 55 ; above 55.

If not, what classification do you propose ?

3. Are you prepared to adopt the following classification with regard to family condition ?

Single.

Widowed, divorced or separated.

Married persons emigrating alone.

Married couples emigrating together or with their children.

If not, what classification do you propose ?

4. Are you prepared to adopt the following classification with regard to occupation ?

(a) Agricultural occupations.

(b) Unskilled industrial workers.

(c) Skilled industrial workers.

- (d) Commercial occupations.
- (e) Other occupations.
- (f) Persons without occupation.

If not, what classification do you propose ?

5. Are you of opinion that information should be supplied on other points than those indicated in question 1 ?

6. Are you prepared to supply the above information (questions 2-5) separately for your nationals and for aliens ?

7. Are you prepared to communicate to the International Labour Office the total figures for emigrants and immigrants traversing your frontiers, with indication as to their country of origin and country of destination ?

8. Are you prepared to compile the above statistics for each calendar month ?

9. Are you prepared to communicate these statistics for each quarter, i.e. on 1 January, 1 April, 1 July and 1 October ?

10. In the event of the Conference adopting a Draft Convention or Recommendation concerning the communication of statistical and other information regarding emigration, are you of opinion that this Draft Convention or Recommendation should contain clauses providing for the communication of the above-mentioned statistics ?

I. REPLIES OF THE GOVERNMENTS.

This chapter contains arranged by countries in alphabetical order the replies of the Governments to Part II of the Questionnaire which were received by the International Labour Office in time for inclusion in this Report.

BELGIUM

The reply of the Belgian Government is as follows :

1. From the beginning of this year the Government Commissariat for Emigration at Antwerp has regularly forwarded to the International Labour Office yearly, quarterly and monthly figures as to emigration through the port of Antwerp.

The forms used for the compilation of Belgian emigration statistics correspond almost exactly with the requirements of the International Emigration Commission and should require only slight modifications.

2. The classification for Belgian statistics is as follows:
Emigrants above the age of 16.

Emigrants below the age of 16.

Belgium is prepared if necessary to modify this scheme and to adopt the classification proposed.

3. Belgian statistics do not include family condition of emigrants. It would be possible to adopt the proposed classification.

4. It seems difficult to differentiate clearly for statistical purposes between categories (b) and (c) (skilled industrial workers and unskilled industrial workers). The particulars given on the passports and other documents with which emigrants are provided at the time of their embarkation at Belgian ports make no distinction in this respect.

Belgian statistics provide for the following five categories: (1) agricultural occupations, (2) commercial occupations, (3) day labourers, (4) other occupations, (5) emigrants unclassified or without occupation.

5. It is not considered that information should be supplied on other points than those indicated in Question I.

6. Belgian statistics include particulars as to nationality. The figures for Belgian and for foreign emigrants are thus separately given.

7. Belgian statistics already supply these particulars.

8. In Belgium the above statistics are compiled for each calendar month.

9. These statistics have been communicated since the beginning of 1922.

10. In principle the Belgian Government has no objection to the suggestion contained in this Question.

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows :

1. The Czechoslovak Government would be willing to communicate to the International Labour Office the total figures in its possession with regard to emigrants and immigrants, together with uniformly presented information as to their age, sex, family condition and occupation.

2. The proposed classification with regard to age is not considered the most suitable. It is recommended that the line of division between middle age and old age be raised to 60 years, and that the period from 15 years to 60 years be subdivided into three periods. The following classification is proposed :

Up to 14
From 15 to 24
From 25 to 39
From 40 to 59
60 and over.

3. It is suggested that divorced and separated persons be distinguished from widowed persons and that the following classification be made :

Single.

Married persons; men; women; emigrants or immigrants travelling without their families.

Married persons; men; women; emigrants or immigrants travelling with their families; with their wives or their children.

Widowed.

Divorced or separated.

4. It is not easy to distinguish skilled from unskilled workers and it seems undesirable to class industrial *workers* with agricultural and commercial *occupations*. The following classification is proposed :

- (a) Agriculture 1. Persons of independent standing
2. Workpeople.
- (b) Industry 1. Persons of independent standing
2. Workpeople.
- (c) Commercial occupations
- (d) Other occupations
- (e) Persons without occupation.

5. It is considered desirable that information should also be furnished as to race, possibly as to mother tongue, ability to read and write, nationality and perhaps also as to religious persuasion.

6. The Czechoslovak Government would be willing to furnish the information separately in respect of its nationals and of foreigners.

7. Up to the present no statistical data are available as to emigrants and immigrants crossing the frontiers of Czechoslovakia : as soon as such statistics are available the Government would be prepared to communicate the results obtained.

8-9. The Government would be prepared to communicate the above-mentioned figures for every quarter : for each calendar month only total numbers will be communicated without any more detailed classification.

10. If the Conference adopts a Draft Convention or a Recommendation, it is considered that such Draft Convention or Recommendation should contain detailed provisions as to the subject matter and form of communication of the above statistics.

DENMARK

The reply of the Danish Government is as follows :

- 1. The answer is in the affirmative.
- 2. The Danish Government proposes the following classification :

- Up to 15
- from 15 to 30
- from 30 to 55
- above 55.

3. The Danish Government proposes the following classification :

Single
married
widowed, divorced and separated.

In addition the Government proposes that countries in a position to do so should furnish further particulars regarding married persons emigrating alone as well as regarding married persons emigrating with their families, including in this latter case particulars as to the number of members in the family.

4. The Danish Government proposes the following classification :

- (a) agricultural occupations
- (b) industrial workers
- (c) occupations connected with commerce and transit
- (d) workers who do not profess any special occupation (day-labourers, etc.)
- (e) other occupations
- (f) persons without occupation.

5. The Government considers that it might be desirable to indicate the nationality of the emigrants.

6. The Government would be prepared to supply the above information as far as possible separately for nationals and aliens.

7. The Government would be prepared to carry out the suggestions contained in this Question as far as possible.

8 and 9. The Government does not consider it necessary that statistics should be drawn up for each calendar month, but that it would be sufficient to supply them for each quarter, namely on 1 January, 1 April, 1 July and 1 October, with further and more detailed statistics once a year.

10. The answer is in the affirmative.

ESTHONIA

The reply of the Esthonian Government states that the Questions contained in this Part of the Questionnaire give rise to no objection and may therefore be answered in the affirmative.

FINLAND

The reply of the Finnish Government is as follows :

1. The Government of Finland is prepared to communicate information regarding the total number of emigrants and returning emigrants, and concerning their age, sex, family condition and occupation.

2. The most suitable classification with regard to age would be as follows: (a) under 15, (b) 15-30, (c) 30-55, and (d) above 55. The second age-group proposed by the International Labour Office appears to be too large, and the Government of Finland therefore proposes that it be divided into two: 15-30 and 30-55. The lower age-group would then correspond most nearly with the ages at which emigration actually takes place.

3. The best classification with regard to family condition would be as follows: (a) single, (b) married, and (c) widowed, divorced or separated. It would also be possible to furnish information with regard to married persons travelling alone and married couples travelling together or with their children.

4. The classification with regard to occupation should include the following main groups: (a) agriculture, (b) industry and handicrafts, (c) trade and transport, (d) unclassified workers, (e) other occupations, and (f) persons without occupation. It seems almost impossible to divide industrial workers into skilled and unskilled, and a simple division by occupations such as that proposed would therefore be preferable.

5. It would seem unnecessary to add any other information of this nature.

6. The above information can be supplied separately for nationals and aliens.

7. The country of destination can be indicated in the case of emigrants, and in the case of returning emigrants the country from which they come.

8. The Government of Finland does not consider it possible or necessary to compile the above statistics for each calendar month, but

9. Summary statistics only, namely the totals, could be communicated quarterly, viz. for the quarters beginning on January 1st, April 1st, July 1st and October 1st, and the other more detailed information should only be supplied for the year.

10. The Recommendation suggested should contain clauses providing for the communication of the statistics in question, but only such as are proposed above.

FRANCE

The reply of the French Government is as follows :

1-8. As regards emigration, the French Government does not collect information regarding age, sex, family condition or occupation of French or foreign emigrants leaving France. It cannot, therefore, at the present moment furnish any information in this respect.

As regard immigration, the information at present collected does not refer to all immigrants, but only to such immigrants as come to France for the purpose of taking up paid work. In view of the fact that, as has been indicated above, it would be impossible for the moment to contemplate the creation of further departments in France, or the extension of those departments already existing, the French Government cannot undertake to furnish other information than that which is supplied at present by French statistics. It may be noted that these statistics do not include any classification according to age or according to family condition.

9. Reference should be made to the answer given to Question 2 Part I of the Questionnaire.

10. It is considered that in any case provision with regard to the communication of the above statistics should be made in a Recommendation.

GERMANY

The reply of the German Government is as follows :

1 to 6. The answer is in the affirmative so far as the information is available. For the present, no proposals can be considered which exceed the limits of German statistics. The following remarks may be made regarding the different questions.

1. Statistics of the Empire regarding trans-oceanic emigration take account of the details given in Question 1 (age, sex, family condition and occupation). There are also collected at Hamburg, Bremen and Emden, statistics regarding trans-oceanic immigration. In the case of immigration, the statistics indicate age only.

2. With regard to emigration, German statistics make the following classifications as to age :

under 1
1-6
6-10
10-14
14-17
17-21
21-25
25-30
30-50
over 50.

With regard to immigration the following classification is made;

under 1
1-12
over 12.

3. German statistics classify persons simply as married or single.

4. German statistics adopt the following classification regarding occupations :

A. Agriculture and forestry (including gardening, cattle-aising, hunting and fishing).

1. Independent workers (proprietors, farmers).

2. Day labourers, male and female farm servants and other assistants.

3. Members of the family of the persons indicated under 1 and 2, without occupation.

B. I. Mines, including blast furnaces and salt works.

1. Persons with an occupation.

2. Members of the family of the persons indicated under 1, without occupation.

B. II. Industry, including building.

1. Independent workers (employers).

2. Assistants of all kinds and workers in a particular industry.

3. Members of the family of the persons indicated under 1 and 2, without occupation.

C. I. Commerce, including insurance.

1. Independent workers (employers).

2. Assistants of all kinds.

3. Member of the family of the persons indicated under 1 and 2, without occupation.

- C. II. Hotels, cafés and other public establishments.
 - 1. Independent workers (employers).
 - 2. Assistants of any kind.
 - 3. Members of the family of the persons indicated under 1 and 2, without occupation.
- D. I. House servants (non-industrial, these being included under Headings A 2, B II 2, C. I 2, and C. II 2).
 - 1. Persons with an occupation.
 - 2. Members of the family of persons indicated under 1, without occupation.
- D. II. Various paid occupations.
 - 1. Persons with an occupation.
 - 2. Members of the family of the persons indicated under 1, without occupation.
- E. The "liberal professions", including the public services, State and other.
 - 1. Independent workers.
 - 2. Members of the family of the persons indicated under 1, without occupation.
- F. Persons without occupation or whose occupation is not stated.
 - 1. Independent.
 - 2. Members of the family of the persons indicated under 1, without occupation.

In view of the situation of industrial workers in Germany it is hardly possible, with regard to immigration statistics, to make a classification into skilled and unskilled workers.

5. It would perhaps be of interest to collect information regarding the place where the frontier was crossed and the port of embarkation for emigration and immigration.

6. Emigration statistics distinguish between German emigrants and foreign emigrants. The statistics supply the details enumerated in Question 1 with regard to German emigrants, but not with regard to foreign emigrants.

7. The answer is in the affirmative.

8. The answer is in the affirmative in so far as this is done at present. Statistics regarding trans-oceanic emigration and immigration are always kept up-to-date.

With regard to the principal details (sex, nationality, occupation, port of embarkation or of disembarkation, country of origin and of destination) statistics are prepared every month; with regard to the other details, every year only.

8. The answer is in the affirmative, in so far as such statistics are available.

10. The answer is in the affirmative. In addition to statistics concerning trans-oceanic emigration and immigration, statistics are prepared in Germany regarding foreign workers. These give details regarding all foreign workers in the country or immigrating to it. They are prepared on the basis of identity certificates at the frontier (immigrants) and in the interior, and they classify according to nationality, sex (men, women and children) and profession. These statistics are always kept up-to-date and totals are compiled quarterly.

GREAT BRITAIN

Note: see introduction to the reply to Part I.

The reply of the British Government is as follows :

1. H. M. Government are prepared to communicate the total numbers of emigrants to and immigrants from non-European countries, with particulars as to their age, sex and occupation, but not as to their family condition. As regards the presentation of these particulars in a uniform manner it would only be practicable to do this within the limits of the classifications already made.

The memorandum communicated to the Office on 30 May makes the following observations :

It does not appear to be necessary or possible to collect the same particulars for emigrants, immigrants, transmigrants, etc. In particular it appears unnecessary to collect detailed particulars with regard to emigrants in transit.

2. The suggested classification could not be adopted. The nearest approach to it which could be made would be : Under 12; 12 to 17; 18 to 45; 46 and over.

The memorandum adds the following observations :

The classification adopted by the Board of Trade for the British statistics of immigration is as follows: Aliens coming into the country are classified by the Home Office as under or over 16, that age being the dividing line required by the passport regulations.

Under 21 years; 12 to 17; 18 to 30; 31 to 45; 46 and over. The classification of children as "under 12" is statutory, that being the age governing the requirements of the Merchant

Shipping Act as to accommodation on board ship. So far as the United Kingdom is concerned, 18 is a better age than 21 for denoting the economic adult, since it is the dividing line for Factory Act purposes and for military service. Further divisions at 30 and 45 appear to be desirable. In 1913, taking the United Kingdom as a whole, 65% of the male emigrants over 12 years of age and 57% of the female fell within the age group 18 to 30; while males and females falling within the 31-45 group formed over 22% and over 26% respectively. These are consequently the two dominant age groups for emigration purposes, denoting respectively the young man or woman emigrant and the established family class, and require to be distinguished. In the experience of H. M. Government classification into separate groups over the age of 45 serves no useful end.

3. H. M. Government are not prepared to compile statistics of family condition of emigrants and immigrants.

The memorandum contains the following observations :

Classification of men and women into "Single", "Married", "Divorced", "Separated" or as emigrating without their wives or husbands, does not appear to serve any useful purpose. In the British returns if a couple, ostensibly a man and wife, travel together the man is recorded as "accompanied by wife" but no use is made of the information. It might be of interest to trace the proportion of family migration to individual migration, but it is not possible to construct a statistical record. In some cases the husband goes first and is joined later by his wife and family; in other cases the younger members of the family go out first and are followed by their parents; in some cases the parents go out late in life, as grandparents, to live with children who emigrated long before; in other cases members of the same physical family who emigrate at different times and rejoin each other abroad were not in the same economic family while in the homeland. It would be necessary to define "family" and to find a means of piecing the fragments together statistically. Information as to civil status satisfy only serves to satisfy statistical curiosity.

4. Occupations could be classified as follows :

Males.
Agricultural.
Commercial, Finance and Insurance.
Professional.
Skilled Trades.

Mining and Quarrying.
Metal and Engineering.
Building.
Other.

Transport and Communications.
Labourers, not in Agriculture or Transport.
Other, and ill-defined occupations.

Females.

Domestic, Hotel etc. Service.
Commercial, Finance and Insurance.
Professional.
Clothing Trades.
Wife, or Housewife (not otherwise described).
Other and ill-defined occupations.

The memorandum indicates that from the information furnished by migrants they have hitherto been classed according to occupation as "agricultural", "commercial and professional", "skilled trades", "labourers", and "miscellaneous" or "not stated", but that at present the British Government is experimenting with the above classification of the information furnished, which appears so far to be working out satisfactorily.

5. H. M. Government are not aware of other points on which information could usefully be supplied.

6. As regards Questions 2 and 4 separate particulars could be given for British Subjects; as to 3 and 5 see answers above.

7. In the case of emigrants to and immigrants from non-European countries the numbers could be classified (on the lines of the returns compiled by H. M. Government) according to the country of last and future permanent residence, (residence for a year or more being treated as permanent residence) as follows :

British Empire.

England.
Wales.
Scotland.
Ireland.
British North America.
New Zealand.
British South Africa.

Foreign Countries.

United States of America.
Other Foreign Countries.

India (including Ceylon).

Other British Colonies and Possessions.

8. Quarterly statements could be furnished, not monthly.

9. Total numbers of migrants could be communicated, as a general rule, about one month after the end of the quarter to which they relate. Particulars classified according to ages and occupations are prepared for complete years only.

10. H. M. Government wish to make it clear that, whatever decision may be adopted by the Conference, they fear they will not be in a position to furnish statistical and other information regarding migration otherwise than as indicated by the above answers. In addition, it would not, in their opinion, be expedient to prescribe the preparation of statistical data which assume that any person covered by the record is furnished with a personal document of identity containing full details of his or her past history and present condition. Documents fulfilling this requirement more or less completely may be common in some continental countries, but they have not been acceptable to peoples of British origin, and any statistical requirements which assume their existence could not be applied to the natives of this country. No. 3 above is of this character. In addition, the classifications which are significant for national purposes must be made, and any additional classifications for international comparative purposes would require careful scrutiny as well as consideration of the trouble involved in compilation. His Majesty's Government are restricting Departmental staffs owing to the imperative need of economy and would feel precluded at the present time from undertaking any new work which would interfere with this process unless they are satisfied that it is of vital importance.

INDIA

The reply of the Indian Government is as follows :

The Government of India do not maintain statistics of emigrants and immigrants traversing their frontiers by land, and are not prepared to do so. They find it difficult to give a precise answer with regard to emigrants and immigrants by sea in the absence of a definition of the terms " emigrant " and " immigrant. " They consider, however, that the maintenance of complete statistics of all persons traversing their sea frontiers would involve trouble and expense disproportionate to the results obtained. They are prepared to furnish statistics for all persons emigrating from India or repatriated to India under the terms of the Indian Emigration Act 1922, and to consider

also whether similar statistics can be furnished for all emigrants travelling by native passenger ships. They are not yet in a position to state whether the particular information asked for in the Questionnaire can be supplied. The matter is under investigation.

ITALY

The reply of the Italian Government is as follows :

1. As was explained in the reply to Part I Question I, the Italian Government would be prepared to communicate to the International Labour Office full information in the case of Italian emigrants leaving Italy or returning to Italy; but in the case of foreign emigrants it could supply only total figures and that with regard to those only who embark or disembark in Italian ports.

2. The proposed classification denotes very approximately the three chief periods of the life of the worker in most countries, inasmuch as it distinguishes one from the other the ages in which the economic value of the worker (1) is nil, (2) is at its height, (3) declines and ceases.

3. With regard to family condition, it is recognised that it is very advisable to present exact information on the civil status of the emigrant, i. e., whether he is single, married, widowed, legally separated or divorced, whether he is emigrating alone, leaving his family behind him or whether he is accompanied by his children and other relatives. In the last case the number of these dependants should be given.

Moreover, inasmuch as in emigration questions a peculiar importance attaches to the emigration from a country of whole family groups, the Italian Government proposes to add to the information required under the above heads the sex, age, profession etc. of those who travel along with the head of the family, without omitting the information concerning their relationship by blood or marriage with the head of the family.

It should be observed that in Italy these special statistical details as regards Italian nationals both proceeding to or returning from over-sea countries have already been obtained for some time past from passenger lists.

4. The Italian Government would propose the following system of classification which many years of statistical experience have shown to be a very complete system aptly dividing the various trades and professions of emigrants into a restricted number of categories :

- (a) Agricultural workers,
- (b) Industrial workers,
- (c) Workers in commerce and private employment,
- (d) Liberal professions,
- (e) Various trades and occupations,
- (f) General workers not professing any definite or specified trade,
- (g) Workers without occupation (including women and minors).

To obtain international statistics of the trades and professions of emigrants it is not sufficient to establish by common agreement a uniform system of classification for the same trades and professions. It is also necessary to decide at the same time in which of the categories mentioned in the above classification each several occupation falls. Consequently, it is necessary to have at one's disposal a detailed *nomenclature* of the various trades and professions to be included in the above categories. This nomenclature will, in practice, serve as a useful guide for obtaining and classifying the statistical data in question and, without it, it will be impossible to obtain international statistics sufficiently complete and mutually comparable.

5. To the primary statistical data relating to the country from or to which the emigrant proceeds there should be added further information concerning each emigrant, namely:

For *expatriation*: it should be determined whether the emigrant comes from a rural or an urban locality, whether he is emigrating for the first, second, third, or fourth time, etc., whether he is leaving the country in order to join parents or friends.

For *repatriation*: each emigrant should be asked how long he has remained abroad, whether he is returning finally or temporarily, whether he has been naturalised in the course of his residence abroad, whether he has been repatriated as indigent at the expense of the consular authorities, whether he is returning by reason of having been refused admission to the country of immigration, and, if so, on what grounds the admission was refused, and whether he is returning for military service.

6. The Italian Government could furnish replies to Questions 2 to 5 only in the case of Italian nationals.

In the case of foreign emigrants, the general principle may be found in the reply given to Part I, Question I. More particularly, total figures could be furnished for the present only in the case of foreign emigrants proceeding to or returning from overseas countries, with specification of sex, age, profession and the country to or from which they are proceeding.

In order to complete the information derived from this classification by age, civil status and profession (see replies to

Questions 2, 3, 4) it is clearly necessary that the various countries conform to a common standard in the presentation of their data.

In the case of Italian emigrants the Italian Government could communicate total figures relating to the Italian localities from which and the foreign States to which the emigrants are proceeding.

In the case of foreign emigrants who cross the Italian frontiers total figures can be given only if these emigrants are proceeding to over-sea countries (see reply to Part. I, Question 2).

8-10. The replies are in the affirmative.

JAPAN

The reply of the Japanese Government is as follows :

1. The answer is in the affirmative.
2. No objection to the classification proposed.
3. So far as the Japanese Government are concerned, they are desirous that the detailed classification proposed should be avoided and that emigrants should be classified only as single or married according to their condition at the time of their emigration. In Japan information as to whether emigrants are widowed, divorced or separated can only be ascertained by reviewing all the records in the official registration books in respect of the families to which emigrants have belonged in the past and as such records are kept separately the procedure in question is very difficult. Enquiries as to whether married persons are emigrating alone or together would have to be made at the time of their embarkation and this work would entail a considerable amount of difficulty. Besides, statistics of this nature may not in the opinion of the Japanese Government necessarily be of any special value.
4. The Japanese Government are desirous that all industrial workers should be brought under one head and not divided into skilled and unskilled. Moreover they are of opinion that this classification should be applied exclusively to males of 15 years of age and over and that no occupational distinction should be made as regards minors under 15 years of age or women.
5. The answer is in the negative.
6. All the statistics which Japan furnishes should be understood to relate only to Japanese nationals; no statistics of alien immigrants into this country exist since the number of such immigrants is extremely small. When any new departure

is made in future with a view to taking statistics of aliens, returns will be made classifying foreigners and Japanese apart.

7. As stated above, no statistics of immigrants are kept in Japan. The Government is prepared to make statistical returns of Japanese emigrants according to countries of destination.

8 and 9. The answers are in the affirmative.

10. So far as this country is concerned, it is considered desirable that clauses providing for the communication of the above mentioned statistics should be embodied in a Recommendation.

LUXEMBURG

The reply of the Government of the Grand Duchy of Luxemburg indicates that there is no objection to Question I provided simple and practical methods are devised and that the Government is prepared to adopt the classifications under Questions 2, 3, 4. The Government suggests that particulars as to nationality should be included in the information to be furnished, and is prepared to furnish such information separately for its nationals and aliens. The Government is prepared to accept the proposals contained in Question 7, provided they do not entail undue complications, and the answers to the remaining three Questions are in the affirmative.

NETHERLANDS

The reply of the Government of the Netherlands is as follows :

1. *a.* As regards *immigrants*, the only particulars available are (1) the total numbers of persons who arrive each year from abroad and are entered in the population registers.

As regards *emigrants*, it would be possible to communicate (2) total figures of Dutch emigrants who leave by the ports of Amsterdam, Rotterdam, Dordrecht and Harlingen on board the boats of trans-oceanic shipping lines and (3) the total number of persons leaving each year for abroad and struck off the population registers.

b. It would be possible to communicate statistics as to sex for (1), (2) and (3); as to age for (2) and (3); as to family condition for (3) and as to occupation for (2) and (3).

2. The Netherlands Government is not prepared to adopt the classification given but proposes the following classification :

Up to 10
between 10 and 20
between 20 and 40
above 40.

3. It is not possible to communicate particulars as to family condition, except as regards the yearly numbers of persons leaving unaccompanied and leaving with their families.

4. It would be possible to supply accurate figures according to the classification proposed as to emigrants leaving by the above-mentioned ports (see reply to Question 1), with the exception of the port of Amsterdam, as to which the figures required in this classification could be given only in the case of Dutch emigrants, and as to persons leaving for abroad (see (3) in reply to Question 1).

5. Further information might be supplied as to financial position according to the following classification;

- (a) persons of substantial means.
- (b) persons of moderate means.
- (c) poor persons.
- (d) persons of unknown financial condition.

6. It will be possible to supply the information required as regards sex and age for emigrants leaving from the above-mentioned ports.

It would be possible to furnish the other information separately only in the case of nationals.

7. The Netherlands Government answers this Question in the affirmative as regards emigrants who leave from any of the above-mentioned ports and as regards the total yearly numbers of persons coming from or leaving for abroad (see (2) and (3) in reply to Question 1).

8. The Netherlands Government is prepared to compile the above statistics for each quarter as regards the particulars as to emigrants who leave from the ports of Amsterdam and Rotterdam (see (2) in reply to Question I) and for the calendar year as regards the total number of persons coming from and leaving for abroad (see (1) and (2) in reply to Question I).

9. The Netherlands Government would be prepared to communicate these statistics in the course of the months of January, April, July and October.

10. The Netherlands Government answers this Question in the affirmative, on the understanding that Governments do not undertake to furnish any further particulars on the above-mentioned points beyond those which the national administrations already have available.

The Netherlands Government feels bound to state that in view of the pressing need for the strictest economy in its national expenditure it is not in a position to carry its activities in the field of statistics beyond the limits indicated in the foregoing replies.

NORWAY

Note : see introduction to reply to Part I.

The following extracts may be resumed from the letter of the Central Statistical Bureau communicated by the Department of Social Affairs.

1. It is stated that statements containing the information required might be communicated to the International Labour Office in as uniform a form as possible.

2. The following age groups are proposed :

Over 15
15-30
30-55
55 and over.

It is indicated that experience shows that the number of persons over 55 years of age who emigrate is very small, and that the age group of 15-55 suggested in the Questionnaire should be split up into three or, at any rate, two groups, as proposed above.

3. The following classification is proposed :

Unmarried,
Married,
Previously married (that is widows, widowers,
divorced, separated).

It is further suggested that the following classification should be given in separate statements :

Married persons emigrating alone,
Married persons emigrating with their children,
Number of children travelling with their parents.

It is considered that only a few countries will be able to differentiate between married persons emigrating alone and married persons emigrating with their family, and it is therefore suggested that such information should be shown on separate statements by such countries as may be in a position to supply it.

4. It is considered impossible to differentiate between skilled and unskilled labourers in official emigration statistics, and it is therefore suggested that this distinction be not made. It is further suggested that a group for general labourers should be inserted in order to avoid the inclusion of such persons in the other groups proposed. The following classification is, therefore, proposed, both for men and women :

Agriculture and cattle-raising, etc.
Industry,
Commerce and communications,
General labourers unspecified,
Clerks, etc.,
Other occupations,
Persons without occupation.

5. It is suggested that an attempt should be made to obtain information as to the nationality of immigrants in order to ascertain the extent of re-immigration.

6 and 7. The answers are in the affirmative.

8. As far as Norway is concerned, it is considered that detailed statistics should be rendered once a year, and that summary statistics relating to migration, classified

according to countries of departure and destination, should be rendered monthly if possible.

9. It is stated that, provided it is possible to organise the system of statistics in Norway, as indicated in the answers above, the necessary information might be furnished quarterly as suggested in the Questionnaire.

10. It is considered that provisions as to the extent and form of the above statistics should be embodied in a Recommendation.

POLAND

The reply of the Polish Government is as follows :

1. The Government of Poland is prepared to furnish the particulars required, except as regards war-repatriation (i. e. the repatriation of persons who, without any intention of leaving their country on economic grounds, have been compelled to do so by the vicissitudes of war, as, for instance, by the evacuation of factories and offices by the Russian authorities in Russia in 1915 in what had at one time been Russian territory, by German and Austrian invasions, etc.). With regard to repatriation so abnormal in character the Emigration Office can furnish particulars only as to the age and sex of the persons repatriated.

2. The proposed classification is considered on the whole satisfactory, provided that 60 be substituted for 55 as marking the completion of the period of maximum vitality.

As shipping companies still treat the 10th or 11th year as completing the period of childhood and as this is also the extreme age for obtaining the benefit of a half-fare ticket with a corresponding reduction of the state subvention towards payment of the ticket the Polish Government would prefer, pending a modification of the above-mentioned delimitation of periods which could only occur as the result of international agreement, to adhere to the following classification :

up to 1
from 1 to 12
from 12 to 60
above 60.

For the purpose of emigration by land and of war- repatriation 15 is treated as terminating the period of childhood.

3. It would be simpler to group unmarried, widowed and divorced persons in a single class, as their proposed differentiation is of no economic importance.

4. It seems desirable to add a class of "female domestic servants", so as to avoid their inclusion in some of the other classes.

5. Information concerning religion and nationality in the sense of race consciousness rather than in the legal meaning of the term (Poles, Ruthenes, Germans and Jews being regarded, as distinct nationalities) is extremely important; without such particulars a true appreciation of some very large emigration movements, such as for example that of the Jews, could not be obtained.

6. Particulars will be furnished separately for nationals and aliens.

8. The Emigration Office is prepared to compile these statistics for each calendar month.

9. This the Emigration Office is equally ready to do.

10. Any draft Convention contemplated should embody these provisions; without them the international Convention proposed in Part I of the Questionnaire would lose almost all its practical value.

SOUTH AFRICA

The reply of the South African Government is as follows :

1 to 4. The answers are in the affirmative.

5. There are no further points occurring to the Government, on which it is considered information should be supplied.

6 to 9. The answers are in the affirmative.

10. To satisfy the purposes for which the statistics are called for they require to be rendered on uniform lines and to be capable of comparison as between various countries. Failing this, statistics must lose in value. It is considered therefore that the Recommendation should contain clauses providing for the communication of the statistics mentioned.

SPAIN

The reply of the Spanish Government is as follows :

1 to 9. The Spanish Government, while agreeing to the proposed classification, ventures to point out that should the Conference decide upon its application it would need to be submitted to the consideration of Parliament with a view to changing the existing legislation.

10. The Spanish Government agrees in principle to the regulation by the Conference of the form in which statistics shall be communicated to the International Labour Office.

SWEDEN

Note : see prefatory note to the reply to Part I.

The reply of the Swedish Government is as follows :

1. Within the limits already indicated (*see page*) the Swedish Government declares itself ready to make every effort to satisfy the requirements suggested.

2. The classification according to age should perhaps comprise the four following classes : up to 15, from 15 to 30, from 30 to 55 and above 55.

3. The classification according to family condition should distinguish between the following groups: (a) single persons; (b) married persons; (c) widowers, widows, divorced persons. For persons belonging to group (b) information might also be given as to whether they are accompanied by wife, husband or children, and in this last case by what number of children. Further information might be given as to children accompanying persons belonging to group (c).

4. The classification according to occupation should comprise the following leading groups; (a) agricultural workers; (b) industrial workers and artisans; (c) workers employed in commerce and transportation; (d) workers not professing any special qualification; (e) other occupations; (f) persons without occupation.

5. Immigration statistics should also indicate the nationality of immigrants.

6. No distinction can, it is considered, at present be drawn between Swedish nationals and aliens, and it is doubtful whether it would be possible to attain a sufficient standard of accuracy in making such a distinction.

7. The particulars in question could be supplied.

8 and 9. It does not appear necessary for these particulars to be collected every month or forwarded every quarter. A brief summary could be furnished every quarter and detailed information communicated annually.

10. Should a Recommendation be drafted, it would be desirable to insert provisions as to the foregoing points.

SWITZERLAND

The reply of the Swiss Government is as follows :

The Swiss Government has once more to point out that the only available statistics are those concerning emigration to extra-European countries. These indicate the various particulars as to sex, age, civil status and occupation of emigrants. These different elements on which statistics are based are collected every month, but the actual statistics are drawn up only for the complete year. Switzerland would thus not be in a position each quarter to transmit monthly statistics comprehending the particulars envisaged in the Questionnaire. This could not be done without introducing appropriate changes in the departments responsible for compiling the statistics in question, a matter which would be wholly dependent upon the possibility of securing the needful budgetary credits. The budget falls within the competence of Parliament, and though the Government is alive to the value which such statistics would possess, it is unable for the time being to reply definitely as to the possibility of compiling them every month or of communicating them every quarter to the International Labour Office.

II. GENERAL SURVEY OF THE QUESTION IN
THE LIGHT OF THE REPLIES
OF THE GOVERNMENTS

The answers to the questions contained in Part I of the Questionnaire indicate clearly that the Governments are willing to furnish the International Labour Office with such statistical and other information concerning migration as already exists in their respective countries, and that such information as is available under the different national systems could be communicated every quarter and within three months of the end of the period to which such information refers.

As is pointed out, however, in the Questionnaire and as is indicated in greater detail in the special documentary study "Methods of Compiling Emigration and Immigration Statistics" recently issued by the International Labour Office, there is at present a great diversity in the form of presentation of the existing national statistics regarding migration. With regard, however, to certain essential elements in such statistics, which are of great utility for an international study of migration problems, it would not seem impossible to obtain a greater measure of uniformity. In Part II, therefore, of the Questionnaire it was suggested that it might be desirable to secure a certain uniformity in the presentation of migration statistics as regards :

- (1) Classification of emigrants and immigrants according to age, sex, family condition and occupation;
- (2) Indication as to country of origin and country of destination.

The Governments were asked to examine the possibility of presenting these elements in a uniform manner. As was indicated in the Questionnaire, it was not intended to ask the Governments to include within their statistical survey certain classes of emigrants for which information it not at present collected, or to tabulate figures separately for emigration by sea and by land, if this distinction is not at present effected in their statistics. The Office merely asked the Governments to examine the possibility of furnishing, on the basis of the available information, either total figures or detailed figures tabulated under certain uniform headings, and certain classifications were proposed by the Office for the consideration of the Governments in order that in the light of the replies which might be received it might be seen whether it would be possible to establish headings susceptible of being generally adopted by the Governments.

The replies of the Governments would seem to indicate that it is generally agreed that a greater measure of uniformity in the presentation of migration statistics would be desirable, and that as regards the proposals contained in this part of the Questionnaire the Governments would be prepared to collaborate towards establishing such uniformity at least within the limits of their existing systems. Some Governments, for example Spain and Finland, have emphasised the fact that such uniformity could not but facilitate an international study of migration problems and thereby throw valuable light on certain aspects of a number of economic and social problems. Other Governments, for example, Czechoslovakia, Denmark, Finland, Japan, Netherlands, Norway, South Africa and others state that they would be willing to present in as uniform a manner as possible the information suggested in the first question in Part II of the Questionnaire. The Belgian Government indicates that very slight modifications in the existing system would

enable the Government to furnish the information required, and the Governments of Sweden and Switzerland point out that they would be willing to consider whether and to what extent it would be possible for them to develop their own systems with a view to giving effect to the suggestions made.

Other Governments are prepared in the general interests of the Organisation to attempt to establish a greater uniformity in the presentation of their existing statistics although they indicate that in view of their own peculiar circumstances the practical advantages which they might secure from such a procedure are not very clear. France, Germany and Great Britain state that for financial reasons it would not be possible to accept proposals which might involve changes in their existing systems and might entail extra charges out of proportion to the results to be obtained.

A certain number of Governments indicate that they would be prepared to adopt the different classifications proposed in the Questionnaire. Other Governments have proposed modifications in these classifications.

It may however be considered that nearly all the Governments have available statistics regarding one or more classes of emigrants according to sex, age, family condition and occupation. Although the details of these classifications vary considerably in the different countries, it would appear that there are nevertheless general broad divisions which it might be possible to submit for the consideration of the Conference.

Ser.

The Governments are agreed that information regarding sex should be furnished. The Government of France however points out that no information as to sex is collected in the case of emigrants.

Age.

The following Governments have signified that they would be prepared to accept the classification proposed in the Questionnaire — Belgium, Esthonia, Japan, Luxemburg, South Africa, Italy. The Government of Poland considers that 60 should be substituted for 55 as the age denoting the upper limit of economic efficiency. The Governments of Denmark, Finland, Norway and Sweden are of opinion that the middle group proposed in the Questionnaire should be divided into two groups 15-30 and 30-55. The Government of France points out that as no information as to age is collected this proposal could not be accepted. The Government of the Netherlands proposes—up to 10, 10-20, 20-40, 40 and over; the Government of Czechoslovakia — up to 14, 15-24, 25-39, 40-59, 60 and over. The German Government states that the present classification for emigrants is— up to 1, 1-6, 6-10, 10-14, 14-17, 17-21, 21-25, 25-30, 30-50, 50 and over, and the British Government states that the nearest approach to the classification proposed which could be made would be — under 12, 12-17, 18-45, 46 and over.

The British Government further indicates that 18-30 and 30-45 are in its experience the two dominant age groups for emigration purposes, denoting respectively the young man or woman emigrant and the established family class.

The Spanish Government has no objection to the proposed classification but points out that were any proposal adopted by the Conference in that sense it would have to be submitted to Parliament with a view to changing existing legislation.

The Italian Government is of opinion that the proposed classification denotes very approximately the three chief periods of the life of the worker in most countries, inasmuch

as it distinguishes the ages at which the economic value of the worker is (1) nil, (2) at its height, (3) declines and ceases.

An examination of the replies resumed above shows that all the Governments are agreed that a classification according to age is necessary but that there is a certain divergence of opinion and practice with regard to the upper age limit in the penultimate group. It is consequently impossible to find a classification which would correspond with the proposals made and the classifications at present in practice, but it would seem that there is general agreement that an age classification should be based on stages in the life of the worker according to his economic value. From a purely international point of view the period from manhood to the end of middle age is probably the most important, and it would clearly be of utility to divide this period into two groups. The essential thing however is to find a small number of divisions regarding which the Governments might agree. Those Governments which desire to do so could of course establish any further sub-divisions which might be considered desirable.

Family condition.

The majority of the replies of the Governments indicate that it is generally agreed that information as to family condition should be furnished. A number of Governments are prepared to accept the classification proposed in the Questionnaire, and others suggest further subdivisions.

On the other hand, the Government of France states that information as to family condition is not and could not be at present collected.

The Governments of Germany and Japan point out that the classification at present in use only divides migrants into married or single; further information as

to whether the persons concerned are widowed, divorced or separated could not be obtained in Japan without very great difficulty, and the Government considers that such information if collected would not be of any practical value.

The Government of Poland is also of opinion that persons unmarried, widowed, divorced or separated should be grouped in one class, as their proposed differentiation is of no economic importance.

The British Government points out that no information as to family condition is at present collected and that it is not prepared to undertake its collection.

The British Government recognises that it might be of interest to trace the proportion of family migration to individual migration, but considers that classification of men and women into single, married, divorced, separated, or as emigrating without their wives or husbands does not appear to serve any useful purpose. Moreover, in the observations submitted in connection with its replies to Part I of the Questionnaire the British Government emphasises the difficulties which would be encountered in any attempts to obtain reasonably accurate statistics as to the matrimonial condition of emigrants.

The Netherlands Government states that it would not be possible to communicate particulars as to family condition except as regards yearly numbers of persons emigrating alone or with their families.

The Italian Government suggests that particulars further to those contained in the proposed classification should be furnished, e. g. the number of dependents emigrating with the head of the family, the sex, age, occupation etc. of such dependents and their degree of relationship by blood or marriage to the head of the family. The Italian Government further points out that these particulars have for some time past been collected from passenger lists regarding Italian subjects proceeding to or returning from oversea countries.

A number of Governments, including Denmark, Italy, Norway and Sweden have emphasised the necessity of giving separate information as to the number of children and dependents.

It would seem that, as is suggested in the reply of the British Government, the utility of securing information as to family condition depends on the possibility of tracing the proportion of family migration to individual migration. This aspect of the migration problem would undoubtedly be of great interest from an international point of view if sufficiently reliable information could be obtained, for it would appear that family migration more frequently tends to permanent expatriation and settlement in the country of immigration.

The replies of the Governments would generally appear to indicate that it might be possible to furnish information on this point.

Were a general agreement to be reached regarding a uniform classification of emigrants travelling alone and emigrants accompanied by their families including, if possible, indication as to the number of children, important progress would have been made towards the constitution of a record the value of which might subsequently be enhanced, if necessary, by the addition of figures under more sub-divided headings.

The replies of the Governments would seem to indicate that such a classification might be generally accepted by the Governments without entailing any considerable departure from existing systems or any undue additional expenditure.

Occupation.

A number of considerations are suggested by the replies of the Governments with regard to the classification according to occupation proposed in the Questionnaire.

Firstly, it would seem that some broad general groups could be established which it would not be difficult to adapt to the proposals made by the Governments or to the classifications already in use, the latter of which in a number of cases go beyond the classification suggested in the Questionnaire.

Secondly, a number of Governments are of opinion that it would be difficult in practice to draw any distinction between skilled and unskilled industrial workers and that therefore such workers should be included together in one group.

Thirdly, a number of replies indicate that it would be desirable to establish a group for workers professing no special occupation (day labourers etc.).

Some Governments have also suggested that a group for the "liberal professions" should be included.

The French Government is the only Government which states that it does not collect information regarding occupation of emigrants. The majority of the other Governments are agreed on the three main groups, agriculture, commerce and industry. Some Governments propose that transport and communications should be included under commerce; the British Government indicates that the two classes might be kept separate. It may however be proposed in the interests of securing a general agreement that commerce and transport be included in one group, especially as Governments which maintain statistics separately in the two cases have indicated in their replies to Part I of the Questionnaire that they are prepared to furnish the Office with all available information.

As to the inclusion of a group for the liberal professions, there would seem to be considerations to be examined on both sides. On the one hand, it may be pointed out that comparatively speaking the number of emigrants belonging to the professions is not large enough to warrant the constitution of a separate group for such persons.

On the other hand, from the point of view of the migration of the wage-earning workers with which the International Labour Organisation particularly has to deal it may be desirable that persons belonging to the liberal professions should not be included in another group, in order that statistics relating to wage-earning workers may be more easily comparable.

It would therefore seem that the following classification might secure general agreement: it would fall within the limits of the more important existing systems and would seem to cover the proposals made.

Agriculture

Industry

Commerce (including transport)

Liberal professions

Other occupations not coming under the above four groups

Persons without occupation.

It may be added in this connection that the Italian Government has made the suggestion that for the purposes of determining what trades and professions should be included in the different groups under the above or any such classification it would be desirable to have a detailed classification and definition of the various trades and professions.

It is clear that such a guide could not but help to diminish discrepancies and divergences in statistics furnished by different countries under the classification suggested. Certain countries doubtless have a working system for the determination of the groups into which the different trades and professions should be classified, but even in national statistics allowance is sometimes made for a certain margin of error in this respect, and it would seem extremely difficult to establish a standard

detailed list of trades and occupations which it would be possible for the different Governments to adopt.

Other information.

A number of Governments have suggested that information as to nationality might be furnished. The Governments of Czechoslovakia and Poland have proposed that information as to religion should be included, and the Government of Czechoslovakia has further suggested that it might be desirable to have information as to race, mother tongue and ability to read and write. The German Government has suggested that indications as to the place where the frontier was crossed and the port of embarkation might be given, and the Government of the Netherlands proposes the inclusion of particulars as to the financial position of the emigrant. The Italian Government, moreover, has made a number of suggestions as regards the expatriation and repatriation of emigrants.

These various suggestions have doubtless been made in the light of the experience and circumstances of the individual Governments, and would undoubtedly present a great interest for the international emigration statistician. It is, however, clear that information on any of the different points suggested is collected by a very few Governments, and it would therefore seem that any proposal providing for the collection of such particulars would encounter serious financial and administrative difficulties.

From the point of view of international comparison the most important of the suggestions made is perhaps the proposal to include information as to nationality. The British Government suggests that a classification might be made as to nationals and aliens, but considers that any attempts to establish nationality would be

frustrated by incorrect information furnished by the emigrants or immigrants. The general experience of the British Government is, that though their statistics are reasonably satisfactory as showing general tendencies of migration, they have to be interpreted broadly and with many qualifications.

It would not, however, seem that particulars as to nationality would be less satisfactory than particulars as to age or occupation. The attention of the Conference might be drawn to the fact that the communication by the different Governments, of information regarding nationality might enable reasonably exact estimates to be made of the general tendencies of national emigration, a question in which it would seem that Governments have a particular interest.

Separate information for nationals and aliens.

A number of Governments have stated that they would be willing to supply information as to sex, age, family condition and occupation separately for their own nationals and for aliens.

It is, however, clear that, while most Governments already have available the greater part of such information as regards their nationals and would be willing to endeavour to secure a measure of uniformity in the presentation of such information, very few collect the same detailed information as regards aliens. The German Government, for example, points out that quite full information is collected regarding nationals, but not regarding aliens. The Japanese Government also indicates that no statistics are compiled as regards aliens, but adds that should any new departure be made in the future with a view to collecting such statistics returns could be made, classifying nationals and aliens apart. The Netherlands Government could supply separate inform-

ation as to sex and age only as regards alien emigrants leaving the ports of Amsterdam, Rotterdam, Dordrecht and Harlingen. The British Government would be prepared to supply separate particulars only as regards nationals. The Italian Government could only supply approximate information on the various points in the case of certain classes of alien emigrants.

In view of the paucity of the information at present generally collected as regards aliens the Conference may think it preferable and in the light of present circumstances more practicable to direct its attention more particularly to securing more uniformly presented information regarding nationals and to propose that nationals may be classified separately from aliens and according to the groups which it may suggest, a proposal which in view of the existing practice in most countries would not seem difficult of realisation, and that separate information may be furnished as regards aliens within the limits of the particulars which may be already or in the future collected.

Country of origin and country of destination.

As was explained in the Questionnaire it was proposed by the Office that information on the points so far dealt with might be compiled in one tabulation, and that a second tabulation might be furnished indicating for each country the total number of emigrants and immigrants without distinction of age, sex, family condition and occupation, but merely dividing them according to country of origin and country of destination. The majority of the Governments, including Germany and South Africa, have replied that they would be prepared to furnish the second tabulation in question. The Belgian Government points out that information as to country of origin and country of destination is already compiled.

At the same time the replies indicate that there is a certain diversity in the present practice of the Governments, both as to the nature of the information compiled and the classes of migrants in respect of whom it is collected. On the one hand, it is clear that in the case of emigrants to over-seas countries information as to the country of destination could be furnished without great difficulty; as the British Government points out, the country for which an emigrant has booked his passage can be easily ascertained, and it would seem that the information in question could be supplied equally in the case of nationals and of aliens. On the other hand, many countries do not maintain statistics of emigration by land, and it is not of course at present intended that such Governments should be asked to compile such information.

Compilation of above statistics every month and communication every quarter.

As was indicated in the first part of the present Report, many countries only collect total figures of migration every quarter and compile detailed statistics every year. This practice, of course, must affect the possibility of the Governments compiling every month and communicating every quarter detailed information under any uniform classifications which may be proposed by the Conference, and the replies of the Governments would seem to indicate that the monthly compilation of such detailed statistics is considered unnecessary. It would, however, seem that it might be possible to agree to a quarterly compilation and communication of the total numbers of emigrants and immigrants and an annual compilation and communication of the detailed classifications. The important thing is not so much to secure the compilation and communication of the information in any special period but to ensure that uniformly presented information may

becomplied over uniform periods and communicated at the same time.

Necessity of a Recommendation.

On the basis of the replies of the Governments to the first part of the Questionnaire the Office has already submitted to the Conference a draft Recommendation dealing with the communication of available information.

Most Governments are of opinion that further provision should be made in a formal decision of the Conference with a view to securing a more uniform presentation of migration statistics along the lines suggested in the second part of the Questionnaire.

The Government of Poland has pointed out that unless some such decision is taken by the Conference a Recommendation concerning the communication by the Governments of available information would not probably be of any great value. The South African Government is of opinion that migration statistics must lose in value and fail to satisfy the purposes for which they are required unless they can be rendered on uniform lines and are capable of comparison as between the different countries.

The possibility of making migration statistics internationally comparable depends almost entirely on the action of Governments, and the replies of the Governments indicate that they are for the most part prepared to explore the means of securing some uniformisation of their national statistics. As a matter of fact, such uniformisation is in the interests of the Governments themselves as well as of the International Labour Organisation.

III. CONCLUSIONS.

The International Labour Office submits for the consideration of the Conference the following provisions regarding the points dealt with in the second part of this Report, with a view to their insertion in a Recommendation:

The General Conference recommends that each Member of the International Labour Organisation communicate to the International Labour Office, within six months following the year to which they refer, the total figures of emigrants and immigrants, separating its nationals from aliens, and giving the following details for its nationals and, as far as possible, also for aliens :

1. Sex.
 2. Age : below 15 : from 15 to 55 : above 55.
 3. Family condition.
 - (a) Persons travelling alone (married or not married);
 - (b) Persons travelling with other persons in their charge, with indication as to the number of such latter persons.
 4. Occupation.
 - Agriculture
 - Industry
 - Commerce (including transport.)
 - Liberal professions.
 - Other occupations not coming under the above four groups.
 - Persons without occupation.
 5. Country of origin and country of destination.
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PART III.

COLLECTION OF STATISTICAL MATERIAL ON A UNIFORM BASIS

The text of Part III of the Questionnaire addressed to the Governments was as follows :

1. Are you of opinion that statistics concerning emigration should be drawn up on bases permitting of international comparison ?

2. Are you prepared to examine with the collaboration of the International Labour Office the possibility of arriving at an agreement as regards the definition of an emigrant, the provision of a uniform type of identity paper to emigrants and the method of recording information for emigrants with such other countries as may judge the examination of such a possibility desirable ?

3. Are you of opinion that the Draft Convention or Recommendation concerning the supply to the International Labour Office of statistical or other information with regard to emigration should contain a provision recommending the above course ?

I. REPLIES OF THE GOVERNMENTS

This chapter contains arranged by countries in alphabetical order the replies of the Governments to Part III of the Questionnaire which were received by the International Labour Office in time for inclusion in this Report.

BELGIUM

The replies of the Belgian Government to the Questions contained in this Part of the Questionnaire are in the affirmative. With regard to Question 2 relating to the possibility of providing a uniform type of identity card for emigrants, the reply states that the card in use in Belgium which serves instead of a visa for the transit of foreign emigrants across Belgium indicates all the particulars required for the compilation of Belgian statistics and closely resembles the type of card used in France and England

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows :

It is considered that it would be of great utility to compile international emigration statistics on such lines as to ensure the possibility of comparing results, and the Czechoslovak Government would be willing to agree to a Convention by which every State would undertake to make use of uniform methods prepared by the International Labour Office. The Govern-

ment cannot adopt a new definition of the word "emigrant" or "immigrant", seeing that the meaning of the word "emigrant" is already settled by its Emigration Law in the following terms :

"An emigrant, within the meaning of this Act, is one who leaves the territory of the Czechoslovak Republic and goes abroad for the purpose of earning a living or with the intention of never returning, as well as any member of his family who accompanies or follows him.

All persons who travel by sea in the steerage or in a class of ship declared by law equivalent thereto are regarded as emigrants unless circumstances show that they are going abroad with a different intention from that defined in paragraph 1 of this Article."

DENMARK

The replies of the Danish Government to Questions 1 and 3 are in the affirmative. With regard to Question 2 the reply states :

The Danish Government is prepared to collaborate with the International Labour Office and with other countries in examining the possibility of arriving at an agreement for adopting a uniform definition of 'emigration' and a standard type of identification card for emigrants with a view to facilitating the establishment of uniform methods for compiling statistical material.

ESTHONIA

The reply of the Esthonian Government states that the Questions contained in this Part of the Questionnaire give rise to no objections and may therefore be answered in the affirmative.

FINLAND

The reply of the Finnish Government is as follows :

1. The Government of Finland considers it desirable that statistics concerning emigration and immigration should be drawn up on bases permitting of international comparison.

2. The Government of Finland is prepared to examine, with the collaboration of the International Labour Office and of such countries as are similarly inclined, the possibility of arriving at an agreement as regards the definition of an emigrant, the provision of a uniform type of identity paper to emigrants, and the methods of recording information concerning emigration.

3. The Government of Finland is of opinion that the Recommendation concerning the supply to the International Labour Office of statistical or other information with regard to emigration should contain draft provisions recommending the above course.

FRANCE

The reply of the French Government is as follows :

1. Without entering into a discussion on the possible utility of rendering national statistics internationally comparable, the French Government can only point out that it is not at the present moment for financial reasons in a position to adopt other bases than those which are at present employed in the compilation of its own statistics.

2 and 3. The possibility of concluding agreements with other countries with regard to the adoption of a uniform definition of emigrant and immigrant, the establishment of a uniform identity card for emigrants and the adoption of common methods of recording statistical information is a question to be examined after the Conference. As a matter of fact, if the Conference adopts a Draft Convention or Recommendation on these points, such Draft Convention or Recommendation would render futile the conclusion of agreements limited to particular countries. In any case the deliberations at the Conference will enable a more definite opinion to be formed of the possibility of such agreement.

GERMANY

The reply of the German Government is as follows :

1. The answer is in the affirmative. The utility of such a system of international statistics allowing of a comparison of results is not to be underrated, but in practice its application would encounter serious difficulties.

2. The answer is in the affirmative.

3. There is no objection to introducing such a provision into the Draft Convention or Recommendation.

GREAT BRITAIN

Note : see introduction to the reply to Part I.

The reply of the British Government is as follows :

1. Yes, provided that no appreciable additional expenses were involved and that such statistics could be compiled from the particulars already obtained. Where conditions vary greatly in different countries, international comparability cannot be secured by a formal identity of classifications.

2. H. M. Government would be prepared to examine the possibility of arriving at agreement as regards the definition of an emigrant, but they do not regard as a practicable proposition the provision of a uniform type of identity paper or a uniform method of recording information respecting emigrants.

3. As indicated above, in the opinion of H. M. Government, the inclusion in an international Convention or in a general Recommendation, of provisions covered by (1) and (2) above would not be desirable.

INDIA

The reply of the Indian Government is as follows :

1. International comparison is of little importance to India. The Government of India are willing to co-operate in giving effect to any international scheme of collection of emigration statistics provided that the form of statistics proposed satisfies the domestic requirements of India and does not entail undue labour or expense.

2. The answer is in the negative. The Government of India have specified in their provisional answer to Part II (see page...) the classes of emigrants and immigrants regarding whom alone they are prepared to collect and furnish statistics.

3. The Government of India are not in favour of the adoption of the course suggested.

ITALY

The reply of the Italian Government is as follows :

1. This is clearly essential from every point of view, inasmuch as the statistical data collected by individual States, by reason of the different methods of their presentation and their fragmentary character, do not lend themselves to comparison. Uniformity of the criteria to be used in presentation is, therefore, the essential aim of a system of international regulation of this matter.

2. In the meantime the Italian Government considers it necessary that steps be taken to standardise methods of compiling emigration statistics by means of agreements between those countries which are the most ready and willing to carry out such standardisation.

The Italian Government is moreover of opinion that these standards should be carried out strictly on the three-fold basis proposed, namely :

(a) A *common definition of the term "emigrant"*, applicable to all countries;

(b) A *uniform model of the special passport or identity paper for emigrants settled by mutual agreement and recognised as valid for all countries*;

(c) The establishment of common methods for the presentation and classification of statistical data.

With regard to a common definition of the term "emigrant" applicable to all countries, the Italian Government would point out that for some time past a formula which defines the essential characteristics of the emigrant as such has been known to Italian law.

In article 10 of the Single Text of the law on emigration now in force (13 November 1919) an "emigrant" is defined as "*any citizen who leaves his or her country solely in order to perform manual labour or to engage in commerce on a small scale or who goes to join his or her wife or husband, parents, children, brothers, uncles, nephews, or connections by marriage of the same grade if those have already emigrated in order to perform manual work or who is returning to a foreign country to which he has already formerly emigrated under the same conditions*".

In order to differentiate more clearly between occupations characteristic of an emigrant which are not purely manual, this definition should be completed by the addition of the words *industry on a small scale*.

With regard to a *uniform model* for all countries of the *passport* or *identity paper*, the Italian Government proposes the adoption of the type of *special emigrant passport* already in use in Italy. An illustration of this was given last year in the reply of the Italian Government to the questionnaire prepared in view of the International Emigration Commission.

This model performs completely the double function which it is intended to perform, namely, a *legal* function, inasmuch as it is a document of personal identity which carries with it the right to travel, and a *statistical* function, inasmuch as it provides a means of ascertaining the facts of emigration. Moreover, it has certain practical advantages which have already been indicated. For instance, the fact that it consists of a single page folded "concertina-wise" lessens the risk of the substitution of pages, which so often happens to passports in book form. Another appreciable advantage which should not be forgotten is the ease with which a passport consisting of one page can be made out by the Office of issue which has before it a single sheet and is thus able to take in at a glance all particulars thereon.

From the statistical point of view the type of passport adopted in Italy has the advantage of enabling the presentation of statistics on emigration to be based on actual cases of expatriation and repatriation. This end is achieved by attaching to the passport two coupons for "expatriation" and "repatriation" which, after being detached at the frontier, are sent to the Central Statistical Office.

By this procedure statistics are obtained which represent the true facts of emigration with all necessary particulars concerning both the time and the place of their occurrence.

On the model of a passport similar to that used for the Italian emigrant, of which a copy is attached, it would be easy, by means of the addition of certain details proposed in the third part of the Questionnaire of the International Emigration Commission, mentioned above, to decide on a model for a *standard international passport* consisting of a single page with annexed coupons as described above.

The international passport should be of two kinds: an *individual passport* for the emigrant who leaves the country by himself and a *family passport* for the head of a family travelling in company with relations or connections.

Moreover, the validity of the passport should extend to a single return voyage and should be without time limit.

In the special case of the transit of emigrants across one or more foreign countries, a special supplementary transit paper could be used which could be left with the competent consular authorities.

Finally, with regard to the determination of common methods of the presentation of data, it is evident that the required unifor-

mity will result from the adoption of a common definition of emigration for all countries, as a basis for a uniform presentation of its phenomena, and of a single instrument for recording this data, such as the international passport.

In the task of collecting and classifying statistical data, each country will then be able to follow the methods which it considers most convenient, provided that they are suitable to the compilation of standard statistics comparable with those of other countries, to be sent to the International Labour Office.

3. It should be remembered, as was mentioned in the reply to Part I, Question 4, that in order to attain standardisation and uniformity of method in the presentation of international statistics of emigration, it would certainly be desirable for international Conventions in true and proper form to be concluded by the various countries. Nevertheless, in view of the obstacle which the variety of statistical methods at present in force in different countries places in the way of immediate standardisation, it may for the moment be advisable simply to adopt a Recommendation laying down a minimum number of principles and criteria to which the various countries might conform in the presentation and classification of the data which they will supply to the International Labour Office.

This procedure will allow of a gradual approach towards the required uniformity to which the conclusion of partial agreements between the States principally interested will be an immediate step.

JAPAN

The reply of the Japanese Government is as follows :

1. The answer is in the affirmative.
2. The Japanese Government has no intention to take any steps to arrive at such an agreement in view of the fact that Japanese emigrants number no more than some 10,000 a year and do not occupy a place of any great importance in the world.
3. No objection to the inclusion of the proposed provisions in a Recommendation.

LUXEMBURG

The replies of the Government of the Grand Duchy of Luxemburg to the questions contained in this Part of the Questionnaire are in the affirmative.

NETHERLANDS

The replies of the Governemnt of the Netherlands to the questions contained in this Part of the Questionnaire are in the affirmative.

NORWAY

Note : see introduction to reply to Part I.

The following extracts may be resumed from the letter of the Central Statistical Bureau communicated by the Department of Social Affairs.

1. It is considered desirable that statistics relating to emigration and immigration in the various countries should be drawn up so as to permit of international comparison.

2. Readiness is expressed to co-operate with the International Labour Office in investigating the possibility of introducing a uniform type of identity certificates for emigrants and the methods of collecting information concerning emigrants.

3. It is considered that a provision recommending the above course should be embodied in a Recommendation.

POLAND

The reply of the Polish Government is as follows :

1. It would be of great utility to have emigration statistics for the different countries compiled on bases permitting of comparison.

2. The Government of Poland is therefore prepared to examine the possibility of arriving at such agreements as are suggested and will take such action as may be necessary to secure the conclusion of such agreements between as many States and upon bases as comprehensive as is possible under existing circumstances.

3. It is to be preferred that provision for the procedure above indicated should be made in the Draft Convention contemplated.

SOUTH AFRICA

The reply of the South African Government states that in view of the answer given to question 10 in the second Part of the Questionnaire the answers to questions 1 and 2 in this Part are in the affirmative, and that there would appear to be no objection to the course proposed in question 3.

SPAIN

The reply of the Spanish Government is as follows :

1. The Spanish Government think it would be of utility to arrange international emigration statistics on such bases as would render possible the comparison of results.

2. This would necessitate a change in the existing legislation, which does not however imply that the Spanish Government does not fully intend to do its best to overcome the difficulties involved in the adoption of a uniform definition of emigration.

3. The Spanish Government is bound to intimate that it prefers the form of a Recommendation.

SWEDEN

Note : see prefatory note to the reply to Part I.

The reply of the Swedish Government is as follows :

1. This question may be answered in the affirmative.

2. Although difficulties may present themselves in the adoption of the contemplated identity cards, the answer of Sweden ought, it is thought, to be in the affirmative.

3. Should a Recommendation be drafted, it would be desirable to insert provisions as to the foregoing points.

SWITZERLAND

The reply of the Swiss Government is as follows :

The Swiss Government is able to express its general agreement with the suggestions advanced in this Part of the Questionnaire. Their practical application will not be free from difficulty, but it is recognised that it would be desirable, as is suggested to take preliminary steps with a view to placing international emigration statistics on such a footing as would enable results to be compared.

II. GENERAL SURVEY OF THE QUESTION
IN THE LIGHT OF THE REPLIES
OF THE GOVERNMENTS

Collection of Statistical Material on a Uniform Basis

The replies of the Governments to the first question indicate clearly practical unanimity of opinion as to the desirability of drawing up emigration statistics on bases permitting of international comparison of the results. A number of Governments which have made reservations on this point seem to have done so because of a misunderstanding of the meaning of the question, the idea influencing them being that the adoption of an international Convention on this matter was intended instead of the conclusion of separate agreements between States. This is probably the case as regards the Governments of Germany, Great Britain and Switzerland.

The Government of India is of opinion that international comparison is of little importance to India, but states that the Government would be willing to cooperate in giving effect to any international scheme provided the form of statistics proposed satisfies the domestic requirements of India and does not entail undue labour or expense.

The French Government states that without discussing the possible utility of rendering national statistics internationally comparable it is not at the moment for financial reasons in a position to adopt other bases than those at present employed.

Conclusion of Agreements between States.

An analysis of the replies of the Governments to the second question shows that the great majority of the Governments recognise that it is eminently desirable to

obtain a certain measure of uniformity as regards the three essential bases of emigration statistics (uniform definition of emigrant, employment of uniform papers for statistical information, common methods for recording such material) and that they are prepared to examine, with the collaboration of the International Labour Office, the possibility of arriving at agreements with other Governments with a view to securing such uniformity.

The Italian Government has further made very interesting suggestions regarding the definition of "emigrant" and the adoption of a uniform type of identity paper. The Czechoslovak Government states that it would be willing to agree to a Convention by which every State would undertake to make use of uniform methods prepared by the International Labour Office but would prefer to see a definition of "emigrant" adopted corresponding to the definition already settled by its emigration law.

The Japanese and Indian Governments, however, have replied to the second question in the negative, the Japanese Government stating that Japanese emigrants number no more than 10,000 a year and do not occupy a place of any importance in the world, and the Indian Government indicating that the Government does not maintain statistics of emigrants and immigrants by land and is not prepared to do so, that the maintenance of complete statistics of all persons emigrating by sea would involve trouble and expense disproportionate to the results obtained, but that the Government is prepared to furnish statistics for all persons coming under the Indian Emigration Act 1922 and to consider also whether similar statistics can be furnished for all emigrants travelling by native passenger ships.

With regard to the reply of the Indian Government it may be pointed out again that the question put before the Governments related merely to the possibility of arriving at agreements, should the Governments desire

to do so, with other States with a view to adopting certain uniform bases for the compilation of emigration statistics which may be at present collected or introduced in the future.

With regard to the reply of the Japanese Government, it would not seem that the comparative unimportance of emigration from any given country (though such unimportance might be disputed in the case of Japan) constitutes sufficient reason to prevent the conclusion with other Governments of agreements for the adoption of uniform bases for the compilation of emigration statistics. Indeed, the adoption of such uniform bases would appear rather to be facilitated in such a case in consequence of the comparative simplicity of the measures which would be required. Moreover, experience shows that the situation of a country as regards emigration may quickly change and that a country from which very few emigrants leave for abroad may in a short time become important from the point of view of emigration.

The British Government states that they would be prepared to examine the possibility of arriving at an agreement as regards the definition of an emigrant, but that they do not regard as a practicable proposition the provision of a uniform type of identity paper or a uniform method of recording information respecting emigrants. The British Government further observes that for various reasons it would be impossible to employ identity papers for persons of British origin and that consequently any statistical requirements which assume their existence could not be applied to British subjects.

On the other hand, other Governments (Italy, Spain) which have already applied the system of identity papers indicate that such system in their opinion has certain practical advantages.

The replies to the third question contained in the third part of the Questionnaire, namely as to whether the Draft Convention or Recommendation should contain provisions regarding the adoption of uniform bases by means of agreements between States, have almost all been in the affirmative. Only the Governments of Great Britain, India and France have replied in the negative.

The French Government states that the possibility of concluding the agreements contemplated is a question to be examined after the Conference, and that if the Conference adopts a Draft Convention or Recommendation proposing uniform bases on the three points referred to in the second question the conclusion of agreements between particular countries would be rendered impossible.

As has already been explained, however, it is not intended to ask the Conference to define in a Draft Convention or Recommendation uniform bases for the compilation of emigration statistics. In face of the great diversity existing as regards the bases on which emigration statistics are compiled in the different countries, such a proposal would be premature at the present moment and, it would appear, only possible after very considerable investigations and preparations in the direction of the gradual adjustment of national systems. For the present the first step is to secure the initiation of such investigations and preparations with the collaboration of the International Labour Office with a view to arriving at an agreement or agreements between those Governments which consider such a procedure desirable.

III. CONCLUSIONS.

The International Labour Office submits for the consideration of the Conference the following provisions regarding the points dealt with in the third part of this Report, with a view to their insertion in a Recommendation :

The General Conference recommends that each Member of the International Labour Organisation examine the possibility of concluding with other Members agreements regarding the adoption of a uniform definition of emigrant, the provision of a uniform type of identity paper for emigrants, and the employment of common methods for recording statistical information, and that it have recourse to the collaboration of the International Labour Office for the preparation of such agreements.

TEXT OF A DRAFT RECOMMENDATION

The International Labour Office submits for the consideration of the Conference the following text of a draft Recommendation concerning the communication to the International Labour Office of statistical or other information concerning emigration, immigration and the transit of emigrants.

DRAFT RECOMMENDATION CONCERNING THE COMMUNICATION TO THE INTERNATIONAL LABOUR OFFICE OF STATISTICAL OR OTHER INFORMATION CONCERNING EMIGRATION, IMMIGRATION AND THE TRANSIT OF EMIGRANTS.

I. The General Conference recommends that each Member of the International Labour Organisation communicate to the International Labour Office, at least every three months and within three months following the end of the period to which it refers, all information available for such period concerning emigration, immigration and the transit of emigrants, including full particulars as to the measures taken or contemplated in connection with these questions.

II. The General Conference recommends that each Member of the International Labour Organisation also communicate to the International Labour Office, within six months following the year to which they refer, the total figures of emigrants and immigrants, separating its nationals from aliens, and giving the following details for its nationals and, as far as possible, also for aliens :

1. Sex.
2. Age : below 15 ; from 15 to 55 ; above 55.
3. Family condition.
 - (a) Persons travelling alone (married or not married.)
 - (b) Persons travelling with other persons in their charge, with indication as to the number of such latter persons.
4. Occupation.
 - Agriculture
 - Industry
 - Commerce (including transport.)
 - Liberal professions.
 - Other occupations not coming under the above four groups.
 - Persons without occupation.
5. Country of origin and country of destination.

III. The General Conference recommends that each Member of the International Labour Organisation examine the possibility of concluding with other Members agreements regarding the adoption of a uniform definition of emigrant, the provision of a uniform type of identity paper for emigrants, and the employment of common methods for recording statistical information, and that it have recourse to the collaboration of the International Labour Office for the preparation of such agreements.

REPORT

INTERNATIONAL LABOUR CONFERENCE
FOURTH SESSION
GENEVA — OCTOBER 1922

REPORT ON THE FIRST ITEM
ON THE AGENDA :

- 1) REFORM OF THE CONSTITUTION OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE.
- 2) PERIODICITY OF THE SESSIONS OF THE CONFERENCE.



X: 9.1-1, 4/11/22

F2

GENEVA
INTERNATIONAL LABOUR OFFICE
1922

**(A) Reform of the Constitution of the Governing Body
of the International Labour Office.**

I. INTRODUCTION

When during the 1921 Session the question of the reform of the constitution of the Governing Body came before the Conference, it was recognised that the various claims made by the Members of the International Labour Organisation and more particularly the claims of non-European States could only be satisfied by the revision of those provisions of the Treaty which settle the composition of the Governing Body. It was for this reason and because it believed that a revision made in virtue of Article 422 could not be of an improvised character that the 1921 Conference decided not to proceed at once to such a revision. It considered that it would be more prudent to submit the question to the preliminary examination of the Governing Body and to ask the Governing Body to submit to the 1922 Session definite proposals for the modification of Article 393. In conformity with the invitation of the Conference, the Governing Body, during its 12th session (April 1922), approved the proposals which form the first item on the Agenda of the Fourth Conference. These proposals were submitted to the Governments in the Questionnaire prepared by the International Labour Office on the first item on the Agenda, and the observations on them are dealt with in the present Report.

The following countries have forwarded their observations to the International Labour Office in

time to be inserted in the Report : Belgium, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, Great Britain, India, Italy, Japan, Luxemburg, Netherlands, Norway, Poland, South Africa, Sweden, Switzerland.

The Spanish Government informed the International Labour Office that with regard to the first item on the Agenda they were not forwarding a reply to the Questionnaire but were giving instructions to their Delegates.

The draft for a new Article 393 of the Treaty of Peace as submitted by the Governing Body, on which these observations were made, was framed in the following terms :

1. The International Labour Office shall be under the control of a Governing Body consisting of 32 persons :

**16 representing the Governments,
8 ,, ,, Employers, and
8 ,, ,, Workers.**

2. Of the 16 members representing the Governments, one each shall be nominated respectively by France, Germany, Great Britain, Italy, Japan, and the United States of America.

3. The 10 other members representing the Governments shall be elected by all the Government Delegates at the Conference. Four members of the 10 shall belong to non-European States.

4. The members representing the employers and the members representing the workers shall be elected respectively by the employers' Delegates and the workers' Delegates at the Conference. Two employers' members and two workers' members shall belong to non-European States.

5. The period of office of the members of the Governing Body will be years (*the period of office of the members of Governing Body will require to be fixed at three or four years according as the Sessions of the Conference take place annually or once every two years*).

6. The method of filling vacancies and other similar questions, such as that of substitutes, may be determined by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall from time to time elect one of its members to act as its chairman, shall regulate its own procedure, and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 12 members of the Governing Body.

8. The Governing Body may, when it considers that a question on its agenda is of particular interest to a State which is not represented on the Governing Body, invite the Government of this State to appoint a delegate to take part in the discussions on this question, but without power to vote.

9. No one can be nominated as a member of the Governing Body or as a substitute if the State to which he belongs has not paid its contribution for the preceding year.

II. REPLIES OF THE GOVERNMENTS.

The following are the replies of the Governments which have been received by the International Labour Office in time for inclusion in this Report.

BELGIUM

The reply of the Belgian Government is as follows :

The Belgian Government supports the draft prepared by the Governing Body of the International Labour Office for the revision of Article 393 of the Peace Treaty with regard to the constitution of the Governing Body. It considers that this draft is calculated to secure an equitable representation to extra-European States, while at the same time safeguarding the rights of the other nations.

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows :

1. The Government of Czechoslovakia is in agreement with the resolution on page 15 of the Questionnaire adopted by the Third International Labour Conference, for which the Czechoslovak Delegates themselves voted.

2. The Government of Czechoslovakia desires to make the following observations on the subject of the new text of Article 393 on pages 28 and 29 of the Questionnaire proposed by the Governing Body.

The Government of Czechoslovakia welcomes this new text, which implies an improvement in the situation of the smaller States, since the number of privileged States who will be entitled to permanent representation on the Governing Body is to be 6 instead of 8, as at present, and the somewhat vague conception of the countries of the chief industrial importance will be removed. The Government recognises the necessity of repre-

sentation in the Government group for the larger States. If it is desired that the larger States ratify the Conventions adopted, it is necessary that these States should participate in and exercise some influence on the preparation of drafts for the Conference.

The Government of Czechoslovakia proposes, however, and will repeat its proposal at the Conference, that paragraph 3 of the suggested text of Article 393 should include an amendment with regard to the election of the 10 Government members to the effect that none of the States should be elected for two successive periods. This system of rotation is proposed in order that representatives from as great as possible a number of States may sit in turn on the Governing Body of the International Labour Office, and in order that such States may exercise some influence on the administration of the International Labour Office. The present disability of such States is illustrated by the fact that subjects of the smaller States, even when acquainted with the official languages as well as the language of their own country, are represented on the staff of the International Labour Office in quite inconsiderable numbers, corresponding in no way to the contributions of these States to the expenses of the International Labour Office. This fact constitutes an obstacle to the maintenance of close relations with the International Labour Office, particularly in the case of workers' associations, which can correspond as a rule only in the language of their country.

DENMARK

The reply of the Danish Government is as follows :

The Danish Government can agree to the draft amendment of Article 393 of the Treaty of Versailles adopted by the Governing Body of the International Labour Office. It has, however, to make the following observations regarding paragraphs 3 and 6 of the draft.

Paragraph 3.

The Government is of opinion that this modification is not altogether consistent with the principles hitherto observed by the International Labour Organisation, but it recognises the existence of grounds on which such a proposal could be justified and will not offer any opposition.

Paragraph 6.

The Government would draw attention to the question as to whether, in view of the importance of the resolutions adopted

by the Third International Labour Conference with regard to substitutes for Government members of the Governing Body of the International Labour Office, it would not be desirable to insert these resolutions in the Treaty itself.

ESTHONIA

The reply of the Esthonian Government is as follows:

The draft of Article 393 proposed by the Governing Body of the International Labour Office is acceptable to the Esthonian Government, which considers that the proposed text offers a solution which would seem to afford an adequate representation on the Governing Body to all the Members which take a real interest in the International Labour Organisation.

FINLAND

The reply of the Finnish Government is as follows :

As the Government of Finland has already stated in its reply to the Questionnaire relating to the first item on the Agenda of the Third Session of the International Labour Conference, the question of the constitution of the Governing Body of the International Labour Office can scarcely be settled satisfactorily without amendment of the provisions relating to the constitution of the International Labour Organisation laid down in Part XIII of the Treaty of Versailles. Since, moreover, the Third Session of the Conference also pronounced in favour of such amendment of the Treaty, it is probable that there is more or less complete unanimity in principle as to the manner in which the reform of the Governing Body of the Office should be effected. With regard to the several points in the proposed new Article 393 of the Treaty of Versailles, the Government of Finland desires to put forward the following considerations.

1. A diminution of the number of Government representatives as compared with the number of Employers' and Workers' representatives seems to be undesirable for several reasons. It is a generally recognised fact that the impartial position of the Government representatives has made their positive contribution to the work of the International Labour Organisation more valuable than that of either the Employers' or Workers' representatives. On the other hand, an increase in the total number of members of the Governing Body as proposed by the Office is desirable, especially as it will afford

the smaller countries a better chance of being represented upon the Governing Body. The Government of Finland therefore supports the proposed clause 1 as it stands.

2. The Government of Finland makes no objection to this proposal.

3. If a certain number of States are to be given representation on the Governing Body as of right, abstract justice would seem to require that these States should not take part in the election of the other Government representatives. The election of these representatives would then be left to the remaining States, as is the case under the present regulations, and those States would perhaps then be able to group themselves more freely, as they might consider desirable, in order to secure the election of the candidates agreed upon. It seems nevertheless that there are also arguments to be adduced in favour of the present proposal, and the Government of Finland, therefore, does not wish to ask for its amendment.

The distribution of seats between the representatives of European and non-European countries proposed in this clause and in clause 4 appears to be fair.

4 and 5. The Government of Finland makes no objection to the proposals contained in these clauses.

6. The election of substitutes is of great importance to the smaller States which cannot be sure of securing seats on the Governing Body and therefore make agreements beforehand for mutual support in the election of both members and substitutes. For this reason the regulations concerning the election of substitutes are of such importance that they ought perhaps to be included in the Treaty itself. The provisions concerning substitutes contained in the recommendations which the Third Session of the Conference made to the three groups are right in principle, and the Government of Finland therefore enquires whether it would not be possible to insert in clause 6 provisions to the same effect regarding the election of substitutes for the Governing Body.

7. The provisions contained in this clause appear to be expedient.

8. It was unquestionably right not to adopt the proposal that paragraph 5 of Article 4 of the Covenant of the League of Nations should be applied directly to the Governing Body of the International Labour Office. All kinds of complications would undoubtedly have arisen from a regulation providing for a temporary increase in the number of members of the Governing Body in consideration of the right of interested States to take part in the discussion of, and to vote upon, certain questions

On the other hand, neither does it seem quite satisfactory to give the Governing Body unlimited discretion to judge when an interested State shall be allowed to send a representative to take part in the deliberations. It might be well that the new constitution should require the Governing Body, for the purpose indicated, to give to a State which is specially interested in any question the opportunity of sending a representative to take part in the discussion thereon. Subject to this suggestion the Government of Finland supports clause 8.

9. The Government of Finland gives this clause its unqualified support.

It would seem that in some cases, and especially in respect of the smaller States, the rotation system in the constitution of the Governing Body which has already been proposed and debated but which is not included in the present draft might have certain advantages. It must however be recognised that such a system might prove to be insufficiently elastic and lead to the drawbacks pointed out by the Office. As, further, it could in case of need be applied by voluntary agreement without being prescribed in the Treaty, it would seem expedient to omit it.

FRANCE

The reply of the French Government is as follows :

The French Government is of opinion that the text proposed by the Governing Body as an amendment to Article 393 is the most equitable solution of the problem of the reform of the Governing Body.

GERMANY

The reply of the German Government is as follows :

The German Government considers it unnecessary to discuss this item on the Agenda at any great length. A prolonged and thorough examination of the question of the reform of the Governing Body has been made by the Governing Body as well as by the Third Session of the Conference. No new arguments capable of influencing the settlement of this question are likely to be advanced.

The German Government proposes that Article 393 of the Treaty of Versailles be amended in accordance with the resolution adopted by the Governing Body during its session in April 1922. (See page 28 of the English edition of the Questionnaire).

As a provisional settlement of the question, the German Government recommends adopting, for the purposes of the next election of the Governing Body, the proposals made by the Conference in November 1921 (see pages 15-16 of the Questionnaire).

GREAT BRITAIN

The reply of the British Government is as follows :

1. As regards the draft of Article 393 which appears on Pages 28-30 of the Questionnaire H. M. Government are prepared to accept the proposals embodied in the first four paragraphs of that draft. The proposed extension of numbers was not opposed by the representative of the British Government when it was originally discussed and the proposals as now made for an increase are accepted on the understanding that the increase in the number of Government representatives on the Governing Body of the International Labour Office from 12 to 16 will give satisfaction to those countries which are dissatisfied with the existing arrangement.

If, however, in the course of discussion at the ensuing Conference it should appear that the increase proposed does not seem likely to achieve this result, H. M. Government reserve the right to withdraw their acceptance of the principle of increased membership and to consider the matter *de novo*.

2. H. M. Government are, however, of opinion that the text of the four paragraphs under discussion might, with advantage, be revised both as to form and as to terminology. As regards the form of the four paragraphs, it is felt that the more closely the revised paragraphs follow the form of the present Article 393 the greater is the chance of their being accepted by the Conference and the Members of the Organisation. As regards their terminology, the following observations are offered:

- (a) The use of the word "Members" to indicate "Members of the Governing Body" is undesirable because of the special use of this word in the Treaty to indicate "Members of the League of Nations."
- (b) The use of the word "nominate" in paragraph 2 is open to criticism (although the word is used in the present text of Article 393), because it would appear to connote the right of some person or body to object to the person appointed by a Government to represent it on the Governing Body, and this would constitute an encroachment on the sovereign rights of that Government. The word "appointed" is, therefore, preferable.

(c) Paragraph 3, as at present drafted, would appear to mean that the Government Delegates at the Conference are to elect the actual persons who are to fill the ten unreserved Government seats on the Governing Body. This would constitute an encroachment on the sovereign rights of the Governments concerned, which is presumably not intended, and it may be apprehended that Governments would have difficulty in consenting to this procedure. Even if the word "Member" in the phrase "10 other Members" is used in the Treaty sense of a "Member of the League of Nations", the drafting is still imperfect.

3. For these reasons, H. M. Government put forward for consideration the following revised draft of the four paragraphs in question, which appears to be free from the objections indicated above :

"The International Labour Office shall be under the control of a Governing Body consisting of 32 persons appointed in accordance with the following provisions —

- 16 persons representing the Governments;
- 8 persons elected by the Delegates to the Conference representing the Employers;
- 8 persons elected by the Delegates to the Conference representing the Workers.

Of the 16 persons representing the Governments, 6 shall be appointed respectively by France, Germany, Great Britain, Italy, Japan and the United States of America, and 10 shall be appointed by the Members selected for the purpose by all the Government Delegates to the Conference. Four of the 10 Members so selected shall be non-European States. Of the 16 persons elected to represent the Employers and Workers, 2 representing the Employers and 2 representing the Workers shall be elected from the Employers and Workers respectively of non-European States."

4. On the question of the inclusion of the six States named as having representatives as of right on the Governing Body, H. M. Government feel that provision should be made in the Standing Orders of the Conference in case, (as occurred in 1919, with regard to the United States), any State should feel itself, at any rate at the moment, not disposed to accept the position suggested for it on the Governing Body. It is suggested that among the consequential amendments to Article 20 of the Standing Orders of the Conference should be included a paragraph on the following lines to meet this point :

“ If and for so long as one of the 6 States named does not elect to fill the place reserved for it on the Governing Body, the vacancy so created shall be filled by a person appointed by a Member selected for the purpose by all the Government Delegates to the Conference. ”

5. As regards the period of office of the Governing Body (paragraph 5 on page 29 of the Questionnaire), H. M. Government are disposed to favour an arrangement whereby Sessions of the Conference shall be held every two years, unless by the vote of the Conference it shall be decided to hold the next Session within the ensuing calendar year. If this suggestion meets with general approval, it will apparently be necessary to amend Article 393 of the Treaty in order to provide that the Governing Body shall be elected for a period of four years instead of for three years as at present. Moreover, it may happen that two Sessions of the Conference have been held in the second and third years of office of the Governing Body and that it will be undesirable to hold a further Session in the last year of their period of office. In order to provide for this contingency, the following further amendment to Article 393 is suggested —

“ Should the period of office of the Governing Body expire in the course of a year during which no Session of the Conference is to be held, the Governing Body shall remain in office until the next Session of the Conference. ”

6. On the question of the addition of the words “ such as that of substitutes ” to the relevant paragraph of Article 393, (paragraph 6 on page 29 of the Questionnaire), H. M. Government see no objection to the inclusion of these words as a basis of discussion at the Conference.

7. H. M. Government accept the increase from 10 to 12 in the number of Members of the Governing Body who, on a written request, may demand a special meeting of that Body, (paragraph 7 on page 29 of the Questionnaire).

8. H. M. Government accept paragraph 8 of the draft of Article 393 on page 29 of the Questionnaire. It is for consideration, however, whether, if the new paragraph is accepted by the Conference, a provision should not be inserted in the Standing Orders whereby the Director should seek the authority of the Chairman of the Governing Body before a Government not represented on that Body is even approached on the question of sending a representative under the provisions of this paragraph. In any event, H. M. Government concur that the effective decision on the matter must rest with the Governing Body.

9. As regards paragraph 9 of the draft Article 393, H. M. Government, while being in strong general sympathy with any proposal for enforcing payment of contributions due, feel that this proposal raises certain points of difficulty. It may, for instance, be argued that, since the expenses of the International Labour Organisation are paid out of the general funds of the League of Nations (Article 399), it is no part of the functions of the International Labour Conference to seek to place penalties on a Member of the League for failing to contribute its quota towards the expenses of the League, and that this would appear to be essentially a question in which the initiative should come from the Council of the League.

INDIA

The reply of the Indian Government is as follows :

The Government of India view with apprehension the increasing cost of the International Labour Organisation, and they anticipate that an increase in the membership of the Governing Body will lead to increased expenditure. India as one of the heaviest contributors towards the expenses of the Organisation is specially concerned with this aspect of the question.

If, however, in order that a sufficient number of States may obtain representation, no other solution can be found than by increasing the size of the Governing Body, the Government of India object strongly to the proposal contained in paragraph 2 of the draft that six named States should enjoy permanent representation. No other ground for the selection of these six States has been given than that they possess a special importance *vis-a-vis* the International Labour Organisation. This is exceedingly vague and cannot be regarded as sufficient justification for the grant of this special privilege. The provisions of the Treaty may not be altogether satisfactory and may be difficult to apply in practice but at all events they are based on rational principles and in the view of the Government of India it is unsound in principle to grant permanent representation to any named States. One of two alternative courses seems to be indicated — either that a limited number of States should be chosen on the ground that they satisfy to the greatest extent definite tests and conditions laid down in the Treaty, the other States being elected, or that all the States entitled to nominate Government representatives should be elected by the Conference. Past experience has shown the difficulty of devising tests, and the Government of India would prefer therefore that in the amended Article no such attempt should be made but that the Conference should be left free to elect the 16 States, subject

to the condition that a certain number at least should be non-European States. Whatever proportion of the total may be decided upon now as affording reasonable satisfaction to the claims of the non-European States it would be unwise to fix that proportion definitely as these States, speaking generally, are industrially in a state of expansion, and it may well happen that any proportion laid down now may be found unsuitable in the future. The Government of India would suggest therefore that the number of seats reserved for non-European States should be a minimum and not a maximum.

ITALY

The reply of the Italian Government is as follows :

1. The Italian Government is aware that councils, committees and other administrative bodies need to be limited in size if their deliberations are not to degenerate into academic debates. In view, however, of the difficulties inherent in the present constitution of the Governing Body, it does not object to an increase in the number of members from 24 to 32, 16 to represent the Governments, 8 the employers and 8 the workers.

2. In spite of what has been said regarding the "privilege" of the States of the chief industrial importance the Italian Government favours the view that these States ought to be given permanent representation for the important considerations adduced in this connection by the Commission on Standing Orders. It is also of the opinion that no alteration in paragraph 6 of Article 393 of the Treaty of Versailles is needed in this connection and that it would perhaps be better to let the eight States at present represented on the Governing Body retain their right to permanent representation. Though Belgium and Switzerland are small countries whose industrial activities cannot from a quantitative point of view be classed among the most important, their social legislation is nevertheless well developed and comprehensive and the organisation of their workers and employers exceptionally strong, and the only effect of excluding them from the Governing Body will be to deprive it of the cooperation of some of its best elements.

As, however, the proposal recommended to the Members of the permanent Labour Organisation is the result of prolonged discussion and examination in the course of which all the arguments have been seriously considered, the Italian Government does not oppose the proposal made by the Governing Body.

3. Though no objection is made to the Governing Body's proposal that the European and extra-European membership of

the Governing Body should be in the proportion of ten to six, it may be pointed out that, considering the inconvenience of frequent journeys to Geneva, where the sessions of the Governing Body are usually held, the extra-European members may not be able to attend all the sessions.

4. No observations.

5. In view of its reply regarding the periodicity of the Sessions of the Conference the Italian Government considers that the term of office of members of the Governing Body should be fixed at three years.

6. No observations.

7. It is desirable that the number of members required to necessitate the holding of a special meeting should be eight rather than twelve. This will enable either the Employers' or the Workers' representatives independently to secure the convening of a special meeting when the interests of either party demand it.

8. No observations.

9. This proposal is considered most expedient.

JAPAN

The reply of the Japanese Government is as follows :

The Japanese Government agree to the proposed reform adopted by the Governing Body embodying the proposal to increase the membership of the Governing Body to 32, to give an increased representation to non-European countries on that body, etc. In view of the fact that the provision relating to the eight States of the chief industrial importance has given rise in its application to many disputes and difficulties, the Japanese Government consider it particularly necessary to replace that provision as is proposed by one specifying the States by name.

LUXEMBURG

The reply of the Government of Luxemburg is as follows :

The Government of the Grand Duchy sees no objection to the adoption of the text which the Governing Body proposes to substitute for Article 393 of the Treaty of Versailles.

NETHERLANDS

The reply of the Netherlands Minister of Labour is as follows :

The Minister of Labour is in favour of the proposal to amend Article 393 of the Peace Treaty on the lines indicated on pp. 28-30 of the Questionnaire.

He has to make the following observations, however, with regard to the following points :

“ 1. Nothing is said in paragraph 2 as to what is to be done in case one of the States in question should fail to nominate a representative on the Governing Body. It seems desirable that this question should be settled. This could be done by means of a clause providing that in a case of this kind a representative to the Governing Body should be appointed by a State to be decided upon by the Governing Body.

2. Since the six principal States, by virtue of the terms of paragraph 2, are sure of representation on the Governing Body and since it is desirable for its activities to be shared in by as many States as possible, it is suggested that provision be made for the selection of the ten remaining Government members to be left in the hands of the other States, excluding the six principal States.

Moreover, circumstances do not appear to warrant any modification of the provision of Article 393 as at present in force, by virtue of which those States which are certain of representation on the Governing Body are denied a voice in deciding as to which other States shall also be represented.

Again, according to the text of paragraph 3 proposed, the Government Delegates at the Conference would themselves have to select the members to represent the other ten States. It is considered desirable that, as required by paragraph 4 of the text of Article 393 as at present in force, the Conference should merely select the States whose Governments are to appoint representatives on the Governing Body, leaving to the Governments of these States complete freedom in the choice of their representatives.

It is therefore proposed that paragraph 3 be worded as follows :

“ The ten other members representing the Governments shall be appointed by the Governments selected for this purpose from among the Governments not mentioned in the foregoing paragraph by the Government Delegates at the Conference,

excluding the Delegates of the six Governments mentioned above. Four of the ten members in question shall belong to extra-European States ”.

In forwarding the above reply to the International Labour Office the Netherlands Minister of Labour pointed out that in the Questionnaire prepared by the Office on the “ Reform of the Constitution of the Governing Body of the International Labour Office ” the Netherlands is not mentioned on page 4 amongst the States which protested against the proposed list of the eight States of the chief industrial importance prepared by the Organising Committee of the Washington Conference. It may be recalled that on 26 September 1919, by a letter addressed by the Netherlands Chargé d’Affaires at London to the Organising Committee of the Washington Conference, the Netherlands Government made its first protest against its exclusion from the list of the eight States.

NORWAY

The reply of the Norwegian Government is as follows :

The Norwegian Government is ready to support the draft of Article 393 as proposed by the Governing Body (pp. 28-29 of the Questionnaire). In principle it would, however, have preferred a system of rotation as recommended by it in its letter of 22 June 1921. (1)

POLAND

The reply of the Polish Government is as follows :

1. Paragraph 3 of the proposed amendment of Article 393 of the Peace Treaty departs from the intention of the Article at present in force in that the choice of Government representatives for the States not represented as of right on the Governing Body would not lie solely with the Delegates of such States but would also be influenced by the Delegates of the States repres-

(1) Vide Report on the “ Reform of the Constitution of the Governing Body of the International Labour Office ”, Geneva, October 1921, p. 25-28.

ented as of right. The Polish Government is deferring until the General Conference the expression of its opinion on this change.

2. While the desire of extra-European States to exert their due influence in the International Labour Organisation is fully appreciated it may be indicated that even on the basis of the present provisions of Article 393 of the Treaty it is impossible to conceive of these States being inadequately represented if they all took an active part in the work of the Organisation and in its General Conferences.

The determination by a clause in the Treaty of a minimum number of extra-European members might give rise to difficulties in the future, seeing that this minimum might be disputed in the event of the importance of the several States in the International Organisation happening to change. For these reasons the Government thinks it would be desirable to consider whether the purpose of the proposed amendment might not be more conveniently achieved by an equivalent addition to the Standing Orders of the Conference. This would be more susceptible of subsequent alteration.

3. The foregoing remarks apply with equal force to the last sentence of paragraph 4 of the proposed amendment of Article 393.

4. Paragraph 9 of the proposed amendment of Article 393 would not be open to any objection if the following words were added at the end :— “ unless the Council of the League of Nations has recognised as legitimate the reasons of such State for disputing the amount of the contribution or in deferring payment thereof.”

The contribution of a State to the League of Nations constitutes a single whole; if there are any disputes as to the legality of this contribution or as to the possibility of its payment (as has quite recently been the case), it is for the competent authority under the League to declare whether the State in question is or is not in default and whether such State should suffer the legal disabilities consequent on its refusal or delay.

SOUTH AFRICA

The reply of the South African Government is as follows :

The South African Government cordially supports the desire for additional representation of extra-European countries on the Governing Body to which expression was given at the Washington Conference and on other more recent occasions. It is considered by this Government that such additional

representation would be of distinct advantage to the Governing Body itself, in that it would add to the general sense of confidence in that body on the part of the non-European countries while at the same time the contention that the existing constitution of the Governing Body is inconsistent with the international character of the Labour Organisation would be met.

The Government has noted the opinion of the Commission of Selection that a satisfactory solution of this difficult question can only be attained by a revision of Part XIII of the Treaty of Versailles, and has examined the terms of the re-draft of Article 393 drawn up by the Governing Body of the International Labour Office for submission to the Fourth Session of the Conference.

While in general agreement with the principles embodied in the proposed amended Article, this Government is of opinion that paragraphs 2 and 3 of the draft will require modification. It is observed that the Governing Body proposed the deletion of the provision in Article 393 of the Treaty excluding the privileged States from taking part in the election of the other Government representatives on the Governing Body, in order to enable the privileged States to exercise legitimate influence in such election, but it appears to this Government that paragraph 3 of the re-draft goes further than this in enabling the privileged States not only to take part in the election of other members of the Governing Body, but also to secure further representation for themselves. Moreover, the United States of America and Japan, as extra-European countries to which it is proposed to give representation as of right under paragraph 1, not being excluded from election among the four non-European States mentioned in paragraph 3, would enjoy the right of election of a third representative.

The Government has no doubt that the intention is to adhere to the principles of the Peace Treaty in this regard so as to confine each member of the Labour Organisation to the right of election of one representative only on the Governing Body and the suggestion is put forward that the terms of the present Article should not be departed from more than is necessary to give effect to the desire for wider representation, and the possibility of any member obtaining more than one representative should be excluded. Some further confusion appears to arise from the fact that the term "members" is used in the re-draft to denote individual members of the Governing Body, while in the Treaty it is invariably used as meaning Members of the International Labour Organisation.

The Government presumes, from the reference made to the subject in the letter of the International Labour Office of 28 February last, that an endeavour will be made to give effect to the terms of the resolution of the 1921 Conference (vide page

15 of the Questionnaire) in regard to the provisional steps to be taken in the direction of greater representation of the chief non-European areas pending the contemplated revision of the Treaty.

SWEDEN

The reply of the Swedish Government is as follows :

The draft adopted by the Governing Body of the International Labour Office with a view to amending Article 393 of the Treaty of Versailles seems on the whole satisfactory.

Some observations may, however, not be out of place with regard to certain of the provisions in the draft.

The provisions proposed in paragraph 3, under which the representatives of the Governments of the 6 States named in paragraph 2 would also have a right to take part in the election of the ten other members, seem inconsistent with the principles governing the Labour Organisation and its activities. Since, however, there is doubtless something to be said in favour of these provisions, there is no desire on the part of Sweden to urge the alteration of the draft.

As regards paragraph 6, it is considered that it might be desirable, in view of the importance of the system of substitutes, to embody in the Peace Treaty itself more definite provisions with regard to the appointment of substitutes. The decisions of the International Labour Conference on this subject in 1921 might well be taken as a model.

Finally, with regard to paragraph 9, the French and English texts do not appear exactly to correspond. The disqualification with which these texts are concerned seems, according to the former, to have reference to the case of a State which has failed during the preceding year to pay the contribution which fell due from it that year, whereas the latter text seems to apply to the case of a contribution for the preceding year being still outstanding. The former interpretation is open to no objection. With regard to the latter, however, it may be observed that as a general rule there is no obligation to pay the contribution for any given year before the following year.

SWITZERLAND

The reply of the Swiss Government is as follows:

The Swiss Government has no observations to make with regard to the draft of Article 393 (Clauses 1 to 9) prepared by the Governing Body of the International Labour Office in accordance with the invitation addressed to it by the Third Session of the Conference.

*III. GENERAL SURVEY OF THE QUESTION
IN THE LIGHT OF THE REPLIES
OF THE GOVERNMENTS*

From the replies of the Governments forwarded to the International Labour Office it will be at once seen that in no case was disputed either the necessity for the reform of the constitution of the Governing Body or the advisability of increasing the number of its members, so as to give satisfaction as far as possible to the claims made by various States and to secure a more equitable representation for non-European States. The following countries in particular declared themselves, subject to certain particular observations, in favour of the proposals of the Governing Body : Belgium, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, Great Britain, Italy, Japan, Luxemburg, Netherlands, Norway, South Africa, Sweden, Switzerland.

With regard to the different points in the draft for a new Article 393, certain remarks were made by the Governments, and these are examined below at the end of each paragraph of the proposed new Article 393 to which they refer :

(1) The International Labour Office shall be under the control of a Governing Body consisting of 32 persons:

16	representing the Governments
8	„ » Employers, and
8	„ » Workers.

This provision did not give rise to any particular observations, although the British Government state that they will accept it only if the increase from 12 to 16 in

the number of Government representatives on the Governing Body gives satisfaction to all those countries which are dissatisfied with the present situation.

(2) Of the 16 members representing the Governments, one each shall be nominated respectively by France, Germany, Great Britain, Italy, Japan and the United States of America.

The majority of the Governments recognise the advisability of the suppression of the present provisions of Article 393 of the Treaty of Peace which grant permanent representation on the Governing Body to the eight States of the chief industrial importance.

The Government of India, however, state that they object strongly to the naming in the Treaty of the States to which a permanent seat on the Governing Body is to be assigned. They would prefer the complete suppression of all privileges, so that the Government Delegates at the Conference may be left free to elect the 16 Government members of the Governing Body. The Italian Government, without opposing the proposal of the Governing Body, express the fear that the method suggested by the Governing Body will result in the loss to the Governing Body of the collaboration of certain small States, which in spite of their size, are able to exercise a valuable influence in it.

The Government of Czechoslovakia, on the other hand, consider that the provisions proposed by the Governing Body to take the place of the present para. 3. of Article 393 will prove advantageous to States of small or medium size by reason of the decrease in the number of seats reserved by right to the large States. While expressing pleasure at the abandonment of the vague idea of States "of the chief industrial importance", the Government recognise that permanent representation should justly be given to certain States which are able to

contribute to the largest degree in the success of the annual Conferences, in order to guarantee to such States the possibility of sharing in the preparation of the work of the Conferences. As a matter of fact, it is these States which bear the largest share in the expenses of the International Labour Organisation.

In this connection the Governments of Great Britain and of the Netherlands point out that it may prove advisable to make provision in a special article of the Standing Orders of the Conference for cases in which one of the six States named in the Treaty decides, at least for the moment, not to accept the seat offered it on the Governing Body. For this purpose the British Government propose to add to Article 20 of the Standing Orders of the Conference a paragraph framed in the following terms :

“ If and for so long as one of the 6 States named does not elect to fill the place reserved for it on the Governing Body, the vacancy so created shall be filled by a person appointed by a Member selected for the purpose by all the Government Delegates to the Conference. ”

The Office does not consider that there would be any objection to regulating by a definite provision the situation, which may arise owing to the abstention of one of the 6 States to which a seat on the Governing Body is assigned (this is the case of the United States of America, which are not a Member of the International Labour Organisation). It may, however, be questioned whether such a provision should not logically be incorporated in Article 393 rather than in the Standing Orders of the Conference. It should be noted, moreover, that even though a provision of this kind is not in existence, this practice has been followed until now in the provisional assignment of the seat reserved to the United States as one of the eight States of the chief industrial importance.

(3) The 10 other members representing the Governments shall be elected by all the Government delegates at the Conference; four members of the 10 shall belong to non-European States.

Of the nine paragraphs of the draft submitted by the Governing Body this is undoubtedly the one on which most objections on the part of the Governments are raised. It is pointed out by them that, according to the Governing Body draft, the representatives to the Conference of the Governments which possess a seat on the Governing Body by right will enjoy the right to take part in the election of the 10 other Government members of the Governing Body, whereas by para. 3. of the present Article 393 the Delegates of the eight Members "of the chief industrial importance" are not authorised to take part in the election of the four countries invited to occupy the seats filled by election. Thus the Governments of Denmark and of Finland, the Minister for Labour of the Netherlands, and the Governments of Poland and Sweden in their replies declare themselves opposed to the provision allowing the representatives of the six States to be named in the Treaty to take part in the election of the ten other Government members of the Governing Body.

The Government of South Africa, the Government of Great Britain and the Minister for Labour of the Netherlands, moreover, have stated that they are opposed to another innovation introduced by the Governing Body in the provision in question.

This innovation is as follows : Whereas up to the present the Government representatives at the Conference simply select by vote the Governments of the countries which are to be invited to send a representative to the Governing Body to fill one of the four seats held by election, the proposal of the Governing Body will result in the nomination by the Government represent-

tatives at the Conference, not of the *Governments* invited to send representatives to the Governing Body, but of the *persons* themselves invited to be members.

The Minister for Labour of the Netherlands and the Government of India consider, moreover, that it would be desirable to add a special clause providing that the ten Government members elected must belong to countries other than the six to be named in the Treaty.

It should be pointed out that in proposing the modification of para. 3 of the present Article 393 so as to authorise the Delegates of the privileged States to take part in the election of the other Government representatives, the object of the Governing Body was to introduce within the Government group the same unity as exists in the other groups. Furthermore, the proposal that the Government group at the Conference should elect the persons who are to occupy seats on the Governing Body was a result of the desire of the Governing Body to allow the Government group to vote for such persons as they might consider the most competent. However, it will be for the Conference to decide for or against these proposals of the Governing Body.

The Governments of Denmark, Finland, and Sweden have also made certain observations with regard to the new method of election proposed by the Governing Body. Nevertheless they make it clear that they are not opposed to the adoption of this provision.

The Polish Government, while appreciating the desire of non-European States to exert their due influence in the International Labour Organisation, consider that it would be desirable to examine the possibility of inserting the proposal assigning a definite proportion of seats on the Governing Body to non-European States in the Standing Orders of the Conference, because it will be possible to revise the Standing Orders of the Conference more quickly and more easily if the proportion of seats now

reserved for non-European States be challenged at any time in the future. The Government of India ask that the number of seats which it is proposed be reserved for non-European States shall be considered as a minimum and not as a maximum.

Here it should be pointed out that the proposal to insert in the Standing Orders of the Conference the provision determining a fixed proportion of seats to be assigned to non-European States had already been put forward by the Committee on Standing Orders of the Governing Body, and that during the plenary sitting of the Governing Body it was considered preferable to insert the provision in question in the text of the Treaty.

With regard to the observation of the Government of India, the addition of the words "at least" after the figures proposed for the number of seats to be reserved for non-European countries would change the text in no way, since it would not result in an imposition on the groups of the Conference of an obligation to increase the figures proposed, but would only define more clearly the freedom which the groups already possess in this matter.

The Governments of Norway and Czechoslovakia state that in their opinion it would be preferable to adopt a system of rotation, which would allow all the States to share in the work of the Governing Body. As explained in the reply of the Government of Finland, the value of securing some degree of rotation among the States invited to sit on the Governing Body must not be neglected, for such a system would probably help to maintain close contact between all the Governments of the Members and the International Labour Office. The importance of some degree of rotation in the Governing Body would appear to be so evident that it may be considered unnecessary to make it the subject of an imperative provision of Part XIII. It would perhaps

be preferable to leave the matter to the Conference, since a system of compulsory rotation, although it presents advantages which cannot be contested, has drawbacks the gravity of which it would be dangerous to forget. In fact, the Governing Body unanimously pronounced against the insertion in the future Article 393 of clauses providing for a system of compulsory rotation, and this, more particularly, because it was believed that a provision of this kind would in the end result in the attribution of seats to States which had shown no interest in the International Labour Organisation and had probably no intention of making use of their right to be represented at the sessions of the Governing Body. By reason of the disadvantages inherent in any system of automatic rotation it appears preferable to trust that the Conference itself will secure such an amount of rotation among the States represented on the Governing Body as may appear advisable.

(4) The members representing the employers and the members representing the workers shall be elected respectively by the employers' delegates and workers' delegates at the Conference. Two employers' members and two workers' members shall belong to non-European States.

No objection is made to this provision by the Governments which have replied to the Questionnaire.

The Government of Great Britain have submitted certain observations on the form in which the four preceding paragraphs are submitted, and on the phrases used in them. With other Governments they point out that confusion may arise from the use of the word "member" in two different senses : in the first place, meaning member of the Governing Body, and, in the second place, meaning Member of the International

Labour Organisation. The British Government also object to the use in the English text of the word "nominate", which they hold should be replaced by the word "appoint". The British Government in consequence have submitted the following draft for the first four paragraphs of the future Article 393 in accordance with the modifications which they propose to introduce in it and which have been already mentioned :

"The International Labour Office shall be under the control of a Governing Body consisting of 32 persons appointed in accordance with the following provisions :

16 persons representing the Governments,
8 persons elected by the Delegates to the Conference representing the Employers,
8 persons elected by the Delegates to the Conference representing the Workers.

Of the 16 persons representing the Governments, 6 shall be appointed respectively by France, Germany, Great Britain, Italy, Japan and the United States of America, and 10 shall be appointed by the Members selected for the purpose by all the Government Delegates to the Conference. Four of the 10 Members so selected shall be non-European States. Of the 16 persons elected to represent the Employers and Workers, 2 representing the Employers and 2 representing the Workers shall be elected from the Employers and Workers respectively of non-European States."

(5) The period of office of the members of the Governing Body will be..... years. (*The period of office of members of the Governing Body will require to be fixed at three or four years, according as the Sessions of the Conference take place annually or once every two years.*)

On this point, it is necessary to refer to the replies sent by the Governments to the second part of the Questionnaire : "Periodicity of the Sessions of the Conference" (see page 36).

The British Government point out that it may happen that two Sessions of the Conference have been held in the second and third years of office of the Governing Body. They believe that it would not be desirable in this case to hold a further Session in the last year of office of the Go-

verning Body, solely with the object of electing a new Governing Body. To provide for this possibility, they propose the following new amendment to Article 393 :

“ Should the period of office of the Governing Body expire in the course of a year during which no Session of the Conference is to be held, the Governing Body shall remain in office until the next Session of the Conference. ”

(6) The method of filling vacancies and other similar questions, such as that of substitutes, may be determined by the Governing Body, subject to the approval of the Conference.

The Governments of Denmark, of Finland, and of Sweden insist, in this connection, on the importance of the resolutions adopted by the Third Session of the International Labour Conference regarding substitutes, and suggest the possibility of inserting in the Treaty provisions in conformity with the resolutions of the Conference.

It should be noted here that the resolutions adopted by the 1921 Conference were directed solely to give a provisional solution of the difficulties resulting from the present composition of the Governing Body, and that this solution was to be applied only until these difficulties had been settled by a revision of Article 393. The proposal of the Governing Body for an increase in the number of its members is directed to the same ends as the recommendation made by the 1921 Conference regarding substitutes. The Governing Body, however, considered it dangerous to give a permanent form to the provisional arrangements for substitutes, which were only contemplated to meet a passing difficulty. It is evident that a considerable increase in the number of persons taking part in the sessions of the Governing Body would render the work of the Governing Body more difficult.

(7) The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall

regulate its own procedure, and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 12 members of the Governing Body.

The Italian Government consider it advisable to fix the number of members necessary for the convocation of a special session at 8. They point out that by such an arrangement the Employers group and the Workers group, like the Government group, would be able to obtain the summoning of a special session whenever required by the interests of the group.

The number of members required for the summoning of a special session is at the present moment fixed at 10 out of 24 members. In raising this number to 12 only, at the same time as the number of members is raised to 32, the Governing Body has fixed a proportion distinctly lower than that at present in force, and thus has, to a large extent, satisfied the wish expressed by the Italian Government. It would appear to be difficult to go further and to place within the power of any one group of the Governing Body the summoning of an extraordinary session. The interests of the International Labour Organisation demand that the Governments which provide the funds necessary for its expenditure should always preserve a certain power of supervision. In the system proposed by the Governing Body, moreover, this power is greatly reduced, since it would be sufficient for the Employers group or the Workers group to obtain the support of only four Governments to secure the convocation of a special session.

(8) The Governing Body may, when it considers that a question on its agenda is of particular interest to a State which is not represented on the Governing Body, invite the Government of this State to appoint

a delegate to take part in the discussions on this question, but without power to vote.

The Government of Finland declare that they favour a provision which would oblige the Governing Body to invite States particularly interested in a question to send a representative to the Governing Body to take part in discussions on this question, but without power to vote.

At the same time, the Government of Great Britain suggest the possibility of the insertion in the Standing Orders of the Governing Body of a provision by which the Director should be required to seek the authority of the Chairman of the Governing Body before even approaching a Government not represented on the Governing Body on the question of sending a representative in accordance with the provisions of paragraph 8. In any event the British Government consider that the final decision on this matter must rest with the Governing Body.

On this question, it is sufficient to note that the text proposed by the Governing Body entrusts to the Governing Body the duty of deciding to invite or not to invite a State to be represented at a session.

(9) No one can be nominated as a member of the Governing Body or as a substitute, if the State to which he belongs has not paid its contribution for the preceding year.

The British Government state that they approve in principle any proposal for enforcing payment of contributions due. Nevertheless they feel that the proposal of the Governing Body raises certain points of difficulty, owing to the fact that the expenses for the International Labour Organisation are paid out of the general funds of the League of Nations (Article 399 of

the Treaty of Peace). In consequence, they consider that it is not part of the functions of the International Labour Conference to impose penalties on a Member of the League of Nations for failing to contribute its quota towards the expenses of the League, and that this question is one in which the initiative should come from the Council of the League of Nations.

The Polish Government, too, consider that the contribution of a State to the League of Nations constitutes a single whole, and, if protests are made with regard to this contribution, it is for the competent authority of the League to declare its opinion.

Finally, the Swedish Government point out that the French and English texts of paragraph 9 of the draft submitted by the Governing Body are open to different interpretations. The French text appears to have reference to the case of a State which has failed during the preceding year to pay its contribution which fell due for that year, whereas the English text seems to refer to cases in which the contribution for the preceding year is still outstanding. The Swedish Government protest against the second interpretation, observing that as a general rule there is no obligation to pay the contribution for any given year before the following year.

The question whether a contribution for one given year should be paid during that year depends exclusively on the Assembly of the League of Nations, and the Governing Body is not entitled to make any suggestions on this point. The intention of the Governing Body was only to provide that, whatever rules might be made for the payment of contributions, it was necessary for the countries of the members of the Governing Body to have paid at the moment of appointment of those members what they had to pay for the preceding year.

As to the objections made by the Governments of Great Britain and Poland with regard to paragraph 9

it should be noted, in the first place, that this text only concerns the election of members of the Governing Body and that it should not be interpreted as if in virtue thereof it were possible to exclude members during their term of office. The Governing Body has no power to impose penalties on States which do not pay their contributions. That is a question which concerns the Council and the Assembly of the League of Nations even though one State, Germany, is a Member of the International Labour Organisation without being a Member of the League of Nations. All that the Governing Body desired to indicate was that it should not be possible for those countries which do not contribute to the funds of the Organisation to possess authority sufficient to be called upon to hold a seat in the Governing Body. This being the interpretation intended, it does not appear that the provision in question constitutes an encroachment by the International Labour Conference on the rights of the Council or of the Assembly of the League of Nations.

IV. CONCLUSIONS

To sum up, the majority of the Governments, which have replied to the Questionnaire, have expressed their agreement with the general outline of the proposals which the Governing Body has drawn up and which the International Labour Office submits for the consideration of the Conference.

It is nevertheless necessary to point out that a large number of Governments have formulated reservations on the two following points :

(1) Several Governments consider that it is inadvisable to modify the system established in the present text of Article 393 for the election of the Governments not represented by right on the Governing Body by providing that these Governments be appointed by all the Government Delegates inclusive of those represented by right.

(2) Certain Governments state that they are opposed to the proposal that the election to seats to be held by the Governments shall be the election of the *persons* themselves who are to represent the Governments, instead of, as under present practice, of the Governments, these Governments having the right to choose their own representatives in full freedom.

These reservations are important. In particular the appointment by the Conference of the persons chosen to represent the Governments might, it would seem, be considered by the latter as an infringement of their sovereignty and might give rise to serious difficulties.

(B) Periodicity of the Sessions of the Conference

I. INTRODUCTION

In consequence of a proposal submitted by the representative of the Swiss Government, the Governing Body at its eleventh session decided to include on the Agenda of the Fourth Session of the International Labour Conference the amendment of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace with a view to modification as regards the periodicity of the Sessions of the Conference.

In the prolonged discussion on this question which took place both in the Governing Body itself and in the Committee on Standing Orders two solutions were considered.

The former of these two solutions consisted in giving the following wording to the first paragraph of Article 389 :

“The meeting of the General Conference of the Representatives of the Members shall be held from time to time as occasion may require and at least once in every two years”.

The second solution included the retention of the present text of Article 389, qualified, however, by the suggestion contained in the letter addressed by the International Labour Office to the Governments on 28 February 1922 to the effect that the Sessions of the Conference should be divided into two classes alternating from year to year : on the one hand those Sessions at which the Conference might be called upon to adopt Draft Conventions and Recommendations, and on the

other hand those at which it would have merely to take note of results already obtained and difficulties encountered in the application of its decisions and to settle any general questions regarding the working of the International Labour Organisation.

The Governing Body considered these two solutions at its session held in April last, but did not feel able to recommend either in preference to the other. It accordingly decided that the Office should merely lay both solutions before the Governments.

In the Questionnaire which it addressed to the Governments on the first item on the Agenda of the Fourth Conference the International Labour Office set out the two solutions contemplated and invited the Governments to communicate to it their views, indicating that the replies would form the subject of a Report intended to serve as a basis for discussion at the Conference.

19 replies have been received by the International Labour Office, namely from the following Governments :

Belgium, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, Great Britain, India, Italy, Japan, Luxemburg, Netherlands, Norway, Poland, South Africa, Sweden, Switzerland. The Spanish Government informed the Office that with regard to the first item on the Agenda they were not forwarding a reply to the Questionnaire but were giving instructions to their Delegates.

The present Report sets out and analyses the observations contained in these replies.

II. REPLIES OF THE GOVERNMENTS

The following are the replies of the Governments which have been received by the International Labour Office in time for inclusion in this Report.

BELGIUM

The reply of the Belgian Government is as follows :

Experience has proved that the system of annual Sessions of the Conference is fraught with possibilities prejudicial to the very life of the International Labour Organisation. In actual fact, while every Session sees the adoption of a certain number of Draft Conventions, the various national parliaments, overburdened as they are with business, are much too pressed for time to examine them within the prescribed period. The result is that the Draft Conventions waiting to be laid before Parliaments accumulate from Session to Session, a state of things which the Belgian Government considers calculated to bring the International Labour Organisation into discredit.

Certain defenders of the existing arrangement have laid stress on the necessity for the Conference once a year to supervise the activities of the Office and to take cognisance of the measures adopted by States Members for giving effect to the Conventions ratified. The Belgian Government considers that this duty of supervision may without difficulty be entrusted to the Governing Body, which in a real sense represents the Members of the International Labour Organisation. As their mandatory the Governing Body will act for them in all matters of management and administration, including the regulation and supervision in question, and it will be to the Governing Body that the Director will be called upon to submit his yearly reports in the intervals between successive Sessions of the Conference. For these reasons the Belgian Government supports the draft amendment of Article 393 of the Peace Treaty and favours the proposal for making the Sessions of the Conference biennial.

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows :

The Government of Czechoslovakia has found that, in spite of all its efforts to ratify the Draft Conventions and to apply the Recommendations adopted by the International Labour Conference as soon as possible, difficulties of a constitutional and parliamentary character render it difficult for parliament to deal with them all in time, as long as Sessions of the Conference are held annually and a large number of Conventions and Recommendations are adopted each year. International labour legislation is only in its infancy and the war has resulted in considerable progress in labour questions, and consequently the earlier Conferences adopted more Draft Conventions and Recommendations than is likely to be the case in the future at the same number of Sessions.

At the same time, the Government of Czechoslovakia recognises the expediency of holding meetings regularly each year of specialists in questions of social politics in the different countries, so that the Labour Conference may become a veritable international Parliament for such questions as well as a living organisation. For these reasons, the Government is of opinion that *Conferences should be held each year, these being alternately "executive" and advisory Conferences.*

The Government of Czechoslovakia, however, takes the opportunity to put forward certain suggestions with regard to the date and seat of the Conference.

Date of the Conference. It is proposed that Sessions of the Conference should be held in May, and in any case not in October or November, for the following reasons.

1. When Sessions of the Conference are held in October and November the Questionnaires are sent to Governments in the summer months, when the officials concerned in Government Departments as well as the representatives of the employers and workers are on vacation. The replies to these Questionnaires are thus of necessity drawn up hastily at the last moment and suffer on this account. Similarly, the officials of the International Labour Office are on vacation at the same time. These disadvantages would disappear if the Sessions of the Conference were held in May.

2. Parliaments in the majority of countries begin their sessions in October and November. Consequently, it is extreme-

ly difficult for certain Delegates to take part in the Sessions of the Conference, because their presence is required in their own country. A change in the time of year at which the Conference is held would considerably facilitate the attendance of such Delegates at the Conference, particularly in the case of Delegates who occupy positions of importance in their own countries.

3. If the Sessions of the Conference were held in May, the reports of the Director of the International Labour Office could be completed up to the end of the previous year. A review could thus be made of the situation as regards international labour legislation for any given year. The report would be forwarded to the Delegates before the opening of the Session of the Conference, and they would be able to study it before going to the Conference. At present the report of the Director of the International Labour Office is distributed to the Delegates at the Conference itself, and the result is that the report can only be satisfactorily studied by the Delegates at home after the Conference is over.

4. When Sessions are to be held at Geneva, account may be taken of the inclement weather, the rain and the "bise" in October. On the other hand, the more favourable weather in May would render it much more pleasant for Delegates to stay and work in the beautiful country of Switzerland.

The seat of the Conference. The Government of Czechoslovakia proposes that "executive" Conferences only should be held at Geneva and that advisory Conferences should be held in different countries. By holding Sessions of the Conference every two years in another State and possibly in different towns of the larger States Delegates and their technical advisers would be able to acquaint themselves with the industries and social conditions in the different States and, above all, to enter into relations with the specialists of these States in social questions. These considerations are important not only for Government Delegates and advisers but also for the representatives of employers and workers.

The fact of holding Sessions of the Conference in different countries would facilitate to an extraordinary extent the international exchange of social experience, in the same way as international visits of specialists. The Czechoslovak Government proposes this change in the seat of the Sessions of the Conference for the further reason that the possibility may thereby be secured of realising its hope that it may have the opportunity of welcoming Delegates and advisers to a Session of the International Labour Conference in the capital of the Republic at Prague.

DENMARK

The reply of the Danish Government is as follows :

The Danish Government is of opinion that it will be sufficient to hold "executive" Conferences once in every two years. The Government is not anxious that any arrangement should be made whereby minor advisory Conferences should be held in the intervals between "executive" Conferences; it does not, however, intend to offer any opposition to the proposal should other Members consider it desirable.

ESTHONIA

The reply of the Esthonian Government is as follows :

The Esthonian Government is in favour of the second solution proposed in the Questionnaire namely that advisory and "executive" Sessions of the Conference should be held alternately each year. Its opinion is based on the fact that quite apart from their primary purpose the Conferences are of the greatest utility as affording specialists in labour questions an opportunity to meet at regular intervals for an exchange of ideas on such questions.

FINLAND

The reply of the Finnish Government is as follows :

The Government of Finland has not failed to notice that the Labour Organisation has undertaken too large a number of tasks at one time and consequently is unable to discharge them ~~at~~ to the full.

There are arguments which can be adduced both for and against the proposal to lighten the work of the Organisation by confining the meetings of the Conference to alternate years.

On the one hand, if the Sessions of the Conference were reduced, it would appear that a large number of the smaller States, which are not represented on the Governing Body of the Office, would have considerably less opportunity of keeping in personal touch with the Labour Organisation, following its work at close quarters, and influencing the treatment of different questions.

On the other hand, it is obvious that there is a feeling in many quarters that some breathing space is needed for the

careful consideration of the international Conventions and Recommendations already adopted by the Conference. It has already been proved that a year is too short a period for the ratification of Conventions by the different countries, so that in most cases it has only been possible formally to report the decisions of the Conference to the national Parliaments and there has not been time to prepare definite Bills. There seems to be good reason therefore for only holding the Conference in alternate years.

The mistake has been that the Labour Conferences have hitherto been burdened with such lengthy Agendas that neither the Conferences nor the different States have had the time to give the careful consideration unquestionably demanded by such numerous and important questions. For this reason it has not yet been possible for various countries to carry out the decisions of the Conferences. It is therefore unquestionably desirable that due moderation should be observed in drawing up the Conference Agendas. It is possible that the necessary reduction of work might be effected simply by adopting one of the alternatives proposed, namely that providing that the Conference should deal with Draft Conventions and Recommendations only in alternate years, while a "smaller Conference" in the intervening years should deal with questions of an administrative nature only. If such administrative Conferences should not be considered necessary, the Conferences would then become biennial. As the two alternatives have in common the important effect that the real executive Conference would only be held every second year, the Government of Finland does not wish to oppose the proposal for administrative Conferences, if these appear to be expedient.

FRANCE

The reply of the French Government is as follows :

The French Government does not object to the proposal that instead of meeting at least once every year the obligatory Sessions of the Conference should be held only once in every two years.

GERMANY

The reply of the German Government is as follows :

The German Government points out that, in order to give opportunity for a thorough preparation and study of the decisions of the Conference, it is desirable that Sessions of the

Conference at which decisions are to be taken under Article 405 of the Treaty of Versailles should not be convened more often than once in every two years. On the other hand, it will perhaps serve a good purpose if, in the years when no such Session takes place, the Conference meets for a shorter Session at which the Director of the International Labour Office would report on the work of the Office and on the development of the International Labour Organisation and of international labour legislation. Moreover, at such Sessions the Conference would have to discuss other questions affecting the International Labour Organisation without adopting formal decisions by a two-thirds majority under Article 405. At the same time it will be desirable to consider whether it is not expedient to dispense with these advisory Conferences on account of the comparatively heavy expenditure which they would involve.

GREAT BRITAIN

The reply of the British Government is as follows :

H. M. Government have carefully considered the several proposals discussed in Part B. of the Questionnaire. They are anxious, on the one hand, to avoid the accumulation of unratified Draft Conventions or Recommendations which appears likely to arise from the present system of annual Conferences. On the other hand, the Government do not wish the Conference to be prevented from performing its duty of keeping in close touch with the work of the International Labour Office and dealing with any urgent questions which may arise.

They have carefully considered whether the difficulties of the present situation can be met by the proposal of "large" and "small" Conferences referred to in the penultimate paragraph (Page 34) of the Questionnaire. It appears, however, that objection to a system of "large" and "small" Conferences might be made on two grounds:

- (a) There might be years in which no Conference at all would be necessary; and
- (b) There might be occasions when the suggested limited powers of the "small" Conference would be insufficient, as, for example, when it was urgently necessary to secure minor amendments to Conventions.

Of the alternatives submitted H. M. Government are in the circumstances disposed to favour that which contemplates an amendment of Article 389 of the Treaty, in order to provide that Sessions of the Conference shall be held at least once in every two years; but with a power, in cases e. g. of urgency, to

hold the Conference in any intermediate year. Assuming the principle of the biennial Conference is accepted (with the emergency power of summons for any intermediate year) it would still be necessary to decide whether the summoning of a Conference for an intermediate Session should rest with the Governing Body or the Conference. H. M. Government are of opinion that the decision on this point should rest with the Conference.

In the view of H. M. Government, the Article should, in these circumstances, be amended to read as follows:

“The meetings of the General Conference of representatives of the Members shall be held from time to time, as occasion may require, and at least once in every two years, provided, however, that the General Conference at any one of its Sessions may decide that a Session shall be held in the following calendar year”.

INDIA

The reply of the Government of India is as follows :

The Government of India prefer the alteration of the Treaty itself. So long as the Treaty is not altered, there is a certain difficulty in refusing to send Delegates to intermediate Conferences. The alteration of the periodicity of the Conference to two years should be accompanied by a corresponding alteration in the time within which Draft Conventions and Recommendations have to be laid before the competent authority.

ITALY

The reply of the Italian Government is as follows :

With regard to the periodicity of the Sessions of the International Labour Conference some difference of opinion has arisen between the different Italian Government Departments concerned. While one group favours the system of annual Sessions, those of a quasi-legislative character alternating with those of a less important nature, another group supports the scheme for Sessions to be held every two years irrespective of the nature of the Agenda. This latter view is based on the consideration that, should the proposal to increase the size of the Governing Body be adopted, there will be less occasion to put in motion every year machinery so complex and therefore so costly as that of the Conference.

In view of what has been said above the Government retains its freedom to express its opinion at the Conference in the light of the different proposals which may there be formulated.

JAPAN

The reply of the Japanese Government is as follows :

The Japanese Government agrees to the proposal to change the periodicity of the Conference to once in every two years. It is believed that if Sessions are to be held every year it will in practice be found that there are not enough questions of sufficient importance to be considered, and further that it would be prejudicial to the prestige of the International Labour Organisation to hold the meeting of the General Conference merely to take up comparatively unimportant questions. A further consideration in the case of Japan is its distance from the seat of the Conference; if Japan is to send Delegates and advisers every year to attend the meeting of the General Conference for other than important matters, it is felt that it will be the occasion of unnecessary expenditure. The Japanese Government are of opinion that a function such as that of taking note of the results of the decisions already adopted may be properly entrusted to the Governing Body.

LUXEMBURG

The reply of the Government of the Grand Duchy of Luxemburg is as follows :

The Government of the Grand Duchy is primarily in favour of making the Conference biennial. Failing that, it considers that the system of yearly Conferences should be continued, but with the modification that "executive" Conferences should alternate with advisory Conferences. It is not considered that the former solution, namely the holding of Conferences at intervals of two years, would offer any insuperable difficulty to the performance of the functions prescribed in Article 408 of the Treaty.

NETHERLANDS

The reply of the Netherlands Minister of Labour is as follows :

It is considered advisable to adopt the latter of the two texts given on p. 31 and to amend Article 389 to the effect that Conferences will be held from time to time as occasion may require and at least once in every two years.

Under this provision it would be possible, for example on grounds of economy, to hold a Conference once in every two years while on the other hand the Conference might, in case of necessity, meet during intervening years.

NORWAY

The reply of the Norwegian Government is as follows :

The Norwegian Government prefers the first of the two solutions suggested in the Questionnaire, the convening of a Conference once in every two years. Should it not be possible, however, to reconcile such an arrangement with the terms of the Peace Treaty, the Government would agree to the second solution, consultative and "executive" Conference held alternately.

POLAND

The reply of the Polish Government is as follows :

Annual Sessions of the General Conference seem preferable for the reasons set out in the Questionnaire, especially for keeping interested circles and public opinion in constant touch with the work of the International Labour Organisation and in order to secure the alternation of legislative and administrative Conferences which seems so much to be desired under present circumstances.

SOUTH AFRICA

The reply of the South African Government is as follows :

The difficulties distant countries encounter in sending Delegates to annual Conferences should be emphasised. In the case of South Africa attendance at the Sessions may be estimated to involve absences approaching three months' duration, and other countries would be even more seriously concerned with this difficulty. The objections to limiting the convocation of a Conference to biennial periods set out on page 32 of the questionnaire are appreciated, but it nevertheless appears to this Government that probably better results would be obtained and the representation of the various States would be more complete if the meetings of the General Conference took place generally once every two years. As it is not proposed to limit the Conferences strictly to that period but to allow them to be held "as occasion may require", this Government declares itself in favour of the first of the two alternatives submitted in this matter.

SWEDEN

The reply of the Swedish Government is as follows :

It seems desirable that the Sessions properly so-called of the International Labour Conference (Sessions having the power to take decisions) should not be held more often than once in every two years. The Swedish Government does not wish to urge the institution of the smaller Sessions of the Conference proposed, Sessions which might be convened in the years when no meeting of the Sessions above referred to took place and which would have to deal with secondary questions. If, however, a general desire were shown for the institution of such Sessions of the Conference, the Swedish Government would be prepared to consider the proposal.

SWITZERLAND

The reply of the Swiss Government is as follows :

As is stated in the Questionnaire the decision of the Governing Body to include in the Agenda of the Conference the revision of Part XIII of the Treaty of Versailles with a view to modification as regards the periodicity of the Sessions of the Conference was prompted by the proposal of the representative of the Swiss Government on the Governing Body. This proposal was based upon the following considerations.

The system of annual meetings of the International Labour Conference does not allow of the several items on the Agenda receiving as thorough an examination as might be wished. The documents prepared by the International Labour Office, and particularly the Questionnaires, can be transmitted to the Governments only at a comparatively late stage; the replies to the Questionnaires either have to be drawn up very hurriedly or else do not arrive in time to be taken into account by the International Labour Office in its general Reports.

At the same time, as the Questionnaire points out, the national parliaments, overburdened as they already are with work, are not able to examine the decisions of the Conference within the prescribed period, with the result that delays occur such as can not but prejudice the prestige of the International Labour Organisation.

It may further be questioned whether the considerable expenses in which the International Labour Organisation and the Governments are involved by the meeting of the Conference is entirely justified every year, precisely in view of the inability of the national parliaments to keep pace with so rapid a process or to give prompt consideration to the successive decisions of the Conference.

It was for these various reasons that the Swiss Government Delegate on the Governing Body suggested the proposal that the Conference, instead of meeting every year, should hold its Sessions "from time to time as occasion may require and at least once in every two years."

It has, however, also been proposed that the annual meetings be continued and an attempt be made to reduce the Agenda of the Conferences by holding alternately a large Conference, which would adopt Draft Conventions, and a small Conference, which would confine itself to studying general questions relating to the application of former decisions and to the work of the International Labour Organisation. The considerations which would weigh in favour of this latter solution are set out on page 32 of the Questionnaire.

It is recognised that this latter solution would be calculated in some degree to dispose of the disadvantages that may arise in the system of annual meetings of the Conference. It is not, however, considered that this solution would offer all the benefits which might be expected from the system of holding a Conference only once in every two years. As a matter of fact, scarcely anything would be gained as regards the work of preparation for the Conference; the Agenda would very probably not be settled before the beginning of the year and all the preparatory work would have to be done with the same haste as under the existing arrangement. Some measure of relief might perhaps be incidentally afforded to the national parliaments, but the expenses involved would continue almost if not quite as high. Moreover, it is questioned whether this division into large and small Sessions would have a desirable effect upon the participation of States in the Conferences.

A risk might be incurred of encouraging States to attach importance only to the Conferences which were to adopt Draft Conventions, and to lose interest correspondingly in the intermediate Conferences, and the result might be that a genuine Conference would be held only once in every two years, while on each side of it a kind of half-sized Conference would continue to be held which might be attended only by a portion of the Members and the value of whose decisions would necessarily be diminished in consequence.

It is therefore considered that it would be better to adopt the simple solution of providing in the Treaty that the meetings of the General Conference of the representatives of the Members shall be held from time to time as occasion may require and at least once in every two years, it being of course understood, as indeed the proposed text indicates, that such interval of two years is to represent a maximum from which it will not be impossible, if necessary, to deviate.

III. CONCLUSIONS

The replies of the Governments indicate clearly that the majority of the Governments would favour a diminution in the number of Sessions of the Conference.

The reasons given for such a decrease are, in the first place, financial : the necessity for the Governments to lower as far as possible the expenditure necessitated by the despatch of delegations to the Conference. In the second place, several Governments are anxious to make provision so as to permit of a more careful and thorough preparation of the questions on which the Conference is invited to adopt Draft Conventions or Recommendations. The last reason, upon which stress has been laid in nearly all the replies, is that care should be taken to avoid burdening the Parliaments by too large a number of Bills for the ratification or execution of the decisions of the Conference. During the last Session of the Conference this point was emphasized on many occasions, and it will be remembered that, as indicated in the Questionnaire, it was the reason put forward by the representative of the Swiss Government on the Governing Body for his proposal that the question of the periodicity of the Sessions of the Conference should be included on the Agenda.

Nevertheless, it may be pointed out at once that the second solution proposed in the Questionnaire (alternating Conferences) might prove in itself an adequate solution of the difficulties which have been raised. In the first place it is clear that the holding of Sessions in which the Conference would not be called upon to adopt

Draft Conventions or Recommendation would undoubtedly demand the presence of smaller delegations, particularly as regards the number of technical advisers. Similarly, the preparation of the Sessions would require work of a simpler nature on the part of the Governments and would not involve except in exceptional cases the despatch of Questionnaires. By the adoption of this system the Office and the Governments would in fact be given the two years to prepare for the decisions of the Conference which would result from the adoption of the system of biennial Conferences. The Questionnaires could be despatched much earlier and consequently a greater number of replies would probably be laid before the Conference.

At the same time, now that the competence of the Organisation to deal with agricultural questions has been solemnly affirmed by the Permanent Court of International Justice, it is to be anticipated that a number of Sessions of the Conference will have to be more particularly devoted to agricultural questions with a view to examining the effect given to the decisions of the 1921 Conference on such questions and at the same time to giving certain agricultural groups which remained outside the scope of the Organisation pending the decision of the Court the opportunity to take part in the work of the Organisation. It is to be further anticipated that maritime questions will from time to time be submitted to the further consideration of Sessions of the Conference at which the special interests of the mercantile marine will be represented, and that on such occasions it will be necessary to renew the term of office of members of the Joint Maritime Commission. When such Sessions of the Conference are held it will be the special administrative services which will have to carry out the preparatory work required and which will be specially represented in the delegations sent to attend such

Conferences. In this way it will happen from time to time that ordinary Sessions of the Conference are even under the present system separated by intervals of two years.

Moreover, the second solution proposed no less than the system of biennial Conferences takes account of the necessity of lightening the work of the Parliaments, since it would be understood that the Conference would adopt neither Draft Conventions nor Recommendations during the intermediate Sessions contemplated. In this connection it may be pointed out that a very large number of Governments which have stated that they favour the system of biennial Conferences have recognised that the second system would solve this difficulty, and it may be of interest to note that the Swiss Government, on the initiative of which this question was placed on the Agenda, declare that the second solution would to a certain extent solve the difficulties resulting from annual Conferences.

Although, as has been stated, an examination of the replies of the Governments indicates clearly that the majority are in favour of the radical solution offered by the revision of the Treaty, they appear for the most part to have recognised the difficulties and dangers which may result from its application. Nearly all, while expressing their preference for this solution, have added reservations and limitations, and, on closer examination, it may be questioned whether the support given to the first solution is really as strong as it seems to be at first sight.

In the first place, even those Governments which have definitely stated that they favour the solution of biennial Conferences have not omitted to indicate that the adoption of this solution would not be intended to imply that it would be impossible to hold Sessions every year if needed. The Government of Great Britain, in particular, have proposed that the first paragraph of Article 389 should be drafted so as to give the Conference the power to decide whether it should hold an intermediate Session.

In the second place, a number of Governments, while stating that they favour the system of biennial Sessions, have declared that they are ready to support, if necessary, the second solution. The Governments of Denmark, of Finland and of Sweden, for example, have declared that they are not opposed to the solution of alternating Conferences if it should prove that the adoption of this system is desired by other States, and the Government of Luxembourg, which stated that in principle they favour the system of biennial Conferences, have declared that they are ready to support the maintenance of the system of annual Conferences with executive and advisory Sessions every alternate year.

Finally, several Governments, some even of those who have declared themselves most definitely in favour of a reduction in the number of Sessions, recognise clearly the necessity of putting something in the place of the suppressed Sessions. The Government of Belgium, for example, indicate that during the intervals between the Sessions of the Conference which would be held every two years it would be the Governing Body which would naturally undertake the supervision of the work of the Office and would examine the measures taken by the Members to give effect to the Conventions.

In fact, all those who have considered the possibility of the reduction of the number of Sessions of the Conference have shown the same anxiety to maintain contact between the Office and the Members of the Organisation during the intervals between the Sessions. Thus the proposal for the complete revision of Part XIII submitted to the Governing Body by one of its members, Mr. Oudegeest, provided that, in addition to the Conference which was to sit every two years, there should be a kind of enlarged Governing Body sitting every six months.

As the second system proposed, that of alternate Sessions of the Conference, provides a solution for the

difficulties mentioned, and, as even those who support the system of biennial Sessions consider it necessary in their proposals to make reservations and limitations, it may be questioned whether the simple adoption of a new Article 389 would prove the best solution for the difficulties mentioned. The Governments which have declared themselves opposed to the first system have insisted on the considerable disadvantages which would result from the system of biennial Conferences. They have laid particular stress on the value of meetings of the Conference as a means by which the representatives of the various countries can exchange opinions. This is a part of the work of the Conference which cannot be neglected. The daily contact during the few weeks of the Conference between the representatives of the Governments, employers and workers of a large number of countries is undoubtedly of great utility towards the solution of social problems throughout the world and for this reason is of exceptional value. Moreover, the presence of Delegates from all countries at the seat of the International Labour Office gives these Delegates the opportunity of estimating on the spot the life and work of the Office. It also makes the work of the Office considerably easier, since during the Conference direct relations between the officials of the Office and the representatives of all the countries are strengthened, to the great advantage of the International Labour Organisation. It should not be forgotten that the adoption of Draft Conventions and Recommendations is not the only means at the disposal of the Organisation for the accomplishment of the work assigned to it by the Treaty. It will probably be considered that the Conference, to which Article 396 of the Treaty gives the right to instruct the Office to carry out such duties as it may think advisable, should have the opportunity at least once a year of estimating the work performed by the latter.

The idea expressed by the Belgian Government that the Governing Body could play this part would not seem to take account of the fact that a large number of countries are not represented on the Governing Body. Even if the Governing Body were enlarged, as suggested by Mr. Oudegeest, a large number of States, more particularly the smaller States, would, as was rightly pointed out by the Government of Finland, be deprived of direct contact with the International Labour Organisation for a period of two years.

It is not without interest to note that the countries which have insisted on the necessity for maintaining the present text of Article 389, i. e., the continuation of annual Sessions, are among those which are most frequently in correspondance with the Office and are most actively interested in its work.

To the arguments already adduced in favour of maintaining the present text and annual Sessions two further arguments may be added which were briefly indicated in the Questionnaire.

It was pointed out in the Questionnaire that Article 408 of the Treaty lays down that each Government should make an *annual* report to the International Labour Office on the measures taken to give effect to Conventions and that the Director is to lay a summary of these reports before the Conference. These provisions are clear proof that the framers of Part XIII intended that the Conference should exercise a continuous and regular supervision of the application of the Conventions. If, however, the Conference were held only once every two years it would undoubtedly not be able to exercise fully this supervisory function assigned to it.

It was further indicated in the Questionnaire that it has been considered necessary to hold each year an Assembly of the League of Nations, although the Covenant does not provide for annual Sessions, which prove at least as

expensive for the Governments as the Sessions of the Conference. The Assembly meets frequently because the value of the effect of its Sessions on public opinion has been recognised. As has been already indicated, this argument is at least as strong in the case of the Conference. Moreover, the fact that the Assembly of the League of Nations meets every year would make it difficult to hold the Sessions of the Conference only once in every two years. No doubt there is a fundamental difference between the Assembly and the Conference, because as the Assembly approves the whole budget of the League including that of the International Labour Organisation it is almost compulsory for it to meet every year, whereas the Conference has no financial powers. However, to hold a Conference only once every two years might be dangerous since it might diminish the importance of the International Labour Organisation in the eyes of the public and make it appear, in spite of the fact that its autonomy is provided for by the Treaty, as one of the "technical organisations" of the League of Nations. This consideration should not it would seem be neglected in any examination of the problem before the Conference.

There is one final observation which the Office has to submit to the Conference. The criticisms directed against the system of annual Sessions have been based exclusively on the experience gained in the present practice of this system, and it would therefore seem that, before proposing to apply to the difficulties already indicated the radical remedy of a revision of the Treaty, it might be more prudent to wait until the results of the application of the system of alternate Conferences could be reviewed. It is possible — and this is the opinion of the Office — that this system would result in the disappearance to a large extent of all the inconveniences of the present system. It may be noted, moreover, that the radical solution of an amendment of the Treaty could

only be put into effect, according to Article 422, after three-fourths of the Members of the League of Nations and all the States represented on the Council have ratified such amendment. In all probability this would mean that for at least two or three years a provisional solution would have to be applied. In these circumstances it might perhaps be wiser to give a trial to the system of alternate Conferences. If this system should give results completely satisfactory to the Governments which have stated that they are in favour of the reduction of the number of Sessions, the task of a revision of Article 389 would be avoided. In any case if the results of this trial should not be deemed satisfactory it would still be possible to make use of the more radical solution of a revision of the Treaty and the time required to obtain the number of ratifications demanded by Article 422, a procedure which at the present moment would seem likely to be lengthy, would probably be reduced according as the States recognised more clearly the necessity for a revision of the Treaty.

The solution which the Office proposes does not therefore preclude the possibility of a revision of the Treaty, and as a matter of fact may allow of securing such a revision within almost the same time.

For these reasons the Office takes the liberty to suggest that the Conference should not accept the proposal for a revision of the first paragraph of Article 389 but should adopt a proposal inviting the Governing Body to summon the Conference for the examination of Draft Conventions or Recommendations only once in every two years.

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INTERNATIONAL LABOUR CONFERENCE
FOURTH SESSION
GENEVA - OCTOBER 1922

*Servants of India Society,
Bombay*

- (A) REFORM OF THE CONSTITUTION OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE.
- (B) PERIODICITY OF THE SESSIONS OF THE CONFERENCE.

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FIRST ITEM ON THE AGENDA
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GENEVA
INTERNATIONAL LABOUR OFFICE
1922

(A) Reform of the Constitution of the Governing Body of the International Labour Office.

I. *Washington Conference*

The constitution of the Governing Body of the International Labour Office is laid down by Article 393 of the Treaty of Versailles in the following terms :

The International Labour Office shall be under the control of a Governing Body consisting of 24 persons, appointed in accordance with the following provisions :—

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

- 12 persons representing the Governments;
- 6 persons elected by the Delegates to the Conference representing the employers;
- 6 persons elected by the Delegates to the Conference representing the workers.

Of the 12 persons representing the Governments 8 shall be nominated by the Members which are of the chief industrial importance, and 4 shall be nominated by the Members selected for this purpose by the Government Delegates to the Conference, excluding the Delegates of the 8 Members mentioned above.

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

The period of Office of the members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body with the approval of the Conference.

The Organising Committee of the Washington Conference, whose task it was to make preparations for the first election of the Governing Body of the International Labour Office, prepared in the summer of 1919 a suggested list of the eight countries of the chief industrial importance,

which was communicated to all the countries named in the Annex to the Covenant of the League of Nations with the request that any objections which they might have to make might be forwarded to the Organising Committee.

The following were the eight countries in question : the United States, Great Britain, France, Germany, Italy, Belgium, Japan and Switzerland. Germany was included in this list in view of the possibility of its admission into the International Labour Organisation, and the Committee proposed that in the event of Germany's not being admitted the eighth place should be given to Spain.

Objections to the proposed list were made by Sweden, Poland, Canada and India.

The list originally proposed by the Organising Committee, in which Germany was included, was nevertheless adopted by the Conference, and Spain, Argentine, Canada and Poland were elected by the Government Delegates of the other States to fill the four remaining seats.

In view of these nominations Poland and Canada withdrew their previous claims. The Swedish claim was also withdrawn, since a Delegate of Swedish nationality was nominated by the workers' Delegates to sit on the Governing Body as a workers' representative. India alone maintained her protest, her Government Delegates having declined to take part in the election of the four States which were to be represented on the Governing Body.

During the Conference, however, a group of countries including all the States of Latin America, Spain, Canada, South Africa, China, India, Persia, Siam and Japan expressed their dissatisfaction with the fact that out of 15 different countries represented on the Governing Body 12 were European, while out of 24 members 20 were European.

On 25 November 1919 Mr. Justiz, the Cuban Government representative, read to the Conference a document

signed by all the States of Latin America, in which these States protested against the injustice to the 20 States of Latin America which had received a single seat out of the 24 seats on the Governing Body. (1)

At the same time, Mr. Gemmill, the representative of the South African employers, moved on 29 November that the Agenda of the next Conference should include an item concerning the revision of Article 393 of the Treaty of Peace and fixing the maximum number of representatives from European countries so as to ensure a more equitable representation for the other countries. (2)

After a discussion of Mr. Gemmill's motion the Conference adopted the following text by 44 votes to 39 :

✓ This Conference expresses its disapproval of the composition of the Governing Body of the International Labour Office, in as much as no less than 20 of the 24 members of that Body are representatives of European countries. (3)

It will thus be seen that the reform of the Governing Body became an important question after the closure of the Washington Conference. Objections were raised there to the constitution of the Governing Body and to the predominance of the European members, and the Indian Government, which had not succeeded in obtaining a seat on the Governing Body in spite of its claim, probably intended to repeat its protest officially.

II. *The Claim of the Indian Government and the Question of the Eight States of the chief industrial importance.*

During the first six months of 1920 the claim of the Indian Government was the subject of careful consideration and of frequent exchanges of views between the

(1) Record of the Washington Conference, English Edition, p. 131.

(2) Record of the Washington Conference, English Edition, p. 271.

(3) Record of the Washington Conference, English Edition, p. 196.

International Labour Office, the Secretary-General of the League of Nations, and the Secretary of State for India at London.

Paragraph 4 of Article 393 of the Treaty of Peace does not authorise the Governing Body of the International Labour Office to decide questions relating to the list of the eight States of chief industrial importance, but entrusts this task to the Council of the League of Nations.

The Government of India maintained its protest, which was therefore referred to the Council of the League of Nations, in accordance with the provisions of the paragraph quoted above. The request of the Indian Government was examined by the Council during its Session at San Sebastian in August 1920.

A report on the question was presented by the Japanese representative, Mr. Matsui, and the Council unanimously adopted a resolution to the effect that any solution which might be found for this question ought not, in any case, to come into force before the expiry of the term of office of the representatives of the countries already chosen, i. e. before 1922. In the meantime the Council invited the Secretary-General to examine in conjunction with the International Labour Office the interpretation to be given to the term "industrial importance" and to submit a report to the Council in time to allow of a discussion of this point before the next election of the Governing Body (1922).

In accordance with this decision a Committee was constituted consisting of four members of the Governing Body and two experts nominated by the Secretary-General and instructed to report on the criteria which should be employed in the determination of "industrial importance". This Committee concluded its work while the present Questionnaire was being prepared, and its report will be presented almost immediately to the Council of the League of Nations. The Council will deal

witht the conclusions contained in the report as well as with the protest of the Indian Government before the opening of the next Session of the Cenfereenre.

In addition to the claim of India, three other requests for representation on the Governing Body were presented subsequently to the Washington Conference by the Government of the Netherlands, the Government of Cuba, and the Czechoslovak Government, but in none of these cases was the request made that the claims should be submitted for the decision of the Council of the League of Nations. However, the Polish Government in a letter dated 23 January 1922 to the Secretary-General of the League of Nations renewed the protest previously made on 6 September 1919 but withdrawn as a consequence of the vote of the Washington Conference, which gave to Poland one of the four seats which were to be filled by election.

III. The Governing Body and the Reform of its Constitution on the Agenda of the 1921 Conference

In view of the foregoing objections with regard to the eight States of the chief industrial importance as well as to the general composition of the Governing Body of the International Labour Office and of the inadequacy of the representation of extra-European countries, the Governing Body, during its third and fourth sessions held at London and Genoa respectively in March and June 1920, proceeded to examine in all its bearings the question of the reform of its constitution.

The Governing Body was fully aware of the importance of the problem and of the necessity of satisfying in as large a measure as possible the general claims put forward, and particularly those made by extra-European countries, and finally decided to include the question of the reform of its constitution as an item on the Agenda of the 1921 Conference and to refer the matter

to its Standing Orders Commission for preliminary examination.

The problem was accordingly closely examined in its entirety at a series of meetings of the Standing Orders Commission of the Governing Body in October 1920 and January and April 1921, and the conclusions of the Commission were submitted to the Governing Body at its session in April 1921, when the question was once more discussed at a plenary sitting.

Numerous suggestions for reform were reviewed and particular consideration was given to the possibility of a further développement of the system of substitutes, but neither the Commission nor the Governing Body found it possible to recommend one or more definite proposals as being capable of giving satisfaction to the various claims presented to the Conference and at the same time of securing the continuity indispensable for the smooth working and efficiency of the Governing Body. It may be noted that up to this time the Standing Orders Commission and the Governing Body itself had on more than one occasion expressed themselves as unfavourable to any reform involving a revision of the Treaty. This attitude was due not only to the difficulties of the procedure for revision laid down by Article 422 of the Treaty, but also to the fact that at that moment the Assembly of the League of Nations had not yet considered itself in a position to propose amendments to the Covenant.

In these circumstances the Governing Body during its session of 14 April 1921 limited itself to the unanimous adoption, in the form of a recommendation to the three Groups of the Conference, of the following proposal which had been submitted by the Commission on Standing Orders

The Conference recommends to the three Groups that on the expiration of the present mandate of the Governing Body, i. e. at the time of the 1922 election of the Governing Body, they take into account the importance of securing a reasonable representation as between the European and extra-European countries.

It may, however, be pointed out that the representatives of the Employers' Group and of the Workers' Group on the Governing Body were opposed to any scheme which contemplated any geographical distribution of their seats on the Governing Body.

Considerable divergence of opinion was evident among members of the Governing Body with regard to the question of substitutes, and, in view of the special interest which these suggestions presented for the Governments, it was decided to communicate to them the two texts which had been discussed, and which contained the two different proposals contemplated by the Governing Body.

These two texts, as well as that of the general recommendation adopted by the Governing Body, were communicated to the Governments of the Members in the Questionnaire prepared by the International Labour Office with a view to facilitating the discussion of the first item on the Agenda of the Third International Labour Conference. (1)

On the basis of the replies to this Questionnaire the International Labour Office drew up a report which was distributed to the Governments and to the Delegates to the Third Conference, and which was used as a basis for discussion of the question concerned at that Conference.

IV. *Geneva Conference*

In accordance with the decision of the Governing Body, the reform of the composition of the Governing Body was included as the first item on the Agenda of the Third International Labour Conference held at Geneva in October 1921.

(1) Third Session of the International Labour Conference, Questionnaire No. 1. Reform of the Constitution of the Governing Body, English text, p. 28.

At its fourth sitting on 28 October the Conference unanimously adopted the proposal of the Commission of Selection that the question of the reform of the composition of the Governing Body should be referred to that Commission.

At its sixth sitting held on 1 November 1921, the Commission of Selection proceeded to an exchange of views on the matter and decided to nominate a special Sub-Commission to consider the question. The following members were nominated to form the Sub-Commission:

Government Delegates : Sir C. A. Montague Barlow (Great Britain),
Mr. Rivas-Vicuña (Chili),
Mr. Sokal (Poland).

Employers' Delegates : General Baylay (Great Britain),
Mr. J. S. Edström (Sweden),
Mr. W. Gemmill (South Africa).

Workers' Delegates : Mr. Baldesi (Italy),
Mr. Crawford (South Africa),
Mr. Joshi (India).

It may be noted that out of the 9 members composing the Sub-Commission there were four representatives of extra-European States.

At its seventh sitting, held under the Chairmanship of Mr. Edström, the Sub-Commission examined the various questions relating to the reform of the Governing Body.

The Sub-Commission took note of the fact that the question of the eight States of the chief industrial importance could not be examined by the Conference, and was at that time being examined by a Joint Committee composed of representatives of the League of Nations and of the Governing Body of the International Labour Office. It also expressed itself in favour of the text of an additional article to be inserted in the Standing Orders of the Conference, the object of which was to regulate the procedure of election of the Governing Body, and

examined the recommendation in general terms which had been drawn up by the Governing Body (see page 8).

The view of the Sub-Commission was that the latter text should be set aside in favour of a more definite recommendation drawn up in the following terms :

The Conference makes the following recommendation to the three Groups :

(a) of the 12 Governments represented on the Governing Body, 3 or 4 should be from overseas countries;

(b) of the 6 ordinary Delegates of the Employers' Group, 1 or 2 should be from overseas countries, and of the substitutes for this Group 1 or 2 should be from overseas countries.

(c) of the 6 ordinary Delegates of the Workers' Group, 1 or 2 should be from overseas countries, and of the substitutes for the same Group 1 or 2 should be from overseas countries.

That the above recommendation and the proposals as to substitutes contained in paragraph 6 of this report be submitted to Governments, Employers and Workers during the next 12 months, so that the Delegates for each Group may receive instructions thereon for the 1922 Conference.

The Sub-Commission was not in agreement with the system of rotation proposed in section (c) page 7 of Report No. 1 prepared by the International Labour Office (1).

The question of substitutes for ordinary members of the Governing Body was debated at considerable length, and the Sub-Commission definitely proposed that the ordinary Delegates of the Governing Body should be authorised to be accompanied by substitutes (deputy members) with the right to speak on special subjects with the permission of the Chairman but without the right to vote.

(1) This Report contemplated among the suitable methods of reforming the constitution of the Governing Body without amendment of the Treaty : "(c) Recommendation of the Conference that in the case of the 4 elected States a system of *roulement* be observed, e. g. whereby none of the 4 should be elected twice in succession..."

The Sub-Commission further proposed that the 12 Governments represented on the Governing Body should themselves nominate their own substitutes, and that these substitutes might be of another nationality than the Government which they represented.

With regard to substitutes of members of the Employers' and Workers' Groups, it was proposed that six substitutes should be nominated for each of these Groups, and that the expenses of three substitutes in each Group should be borne by the International Labour Organisation.

In making these proposals the Sub-Commission expressed the opinion that the moment was not opportune for a revision of Part XIII of the Treaty. It was therefore suggested that any proposals requiring amendments to the Treaty should be referred to the Governing Body for examination.

With the exception of the first two points (eight States and election procedure) the decisions of the Sub-Commission were not unanimous. Mr. Rivas-Vicuña, Chilean Government Delegate, abstained from voting on the proposals regarding substitutes, and voted against the recommendation made to the three Groups, against the exclusion of the system of rotation and against the recommendation concerning the non-revision of the Treaty. At the same time, he presented a minority report in his own name which was referred to the Commission of Selection together with the majority report of the Sub-Commission.

Mr. Rivas-Vicuña vigorously supported the point of view of those who desired a revision of Part XIII and an increase in the number of members of the Governing Body. He pointed out that the Assembly of the League of Nations had recently adopted certain amendments to the Covenant, and that consequently one of the chief arguments of the opponents of a revision of Part XIII

fell to the ground. He accordingly submitted the following text to the Commission of Selection :

The Conference requests the Governing Body of the International Labour Organisation to examine the revision of Part XIII of the Treaty of Versailles, such revision to be submitted to the next Session of the Conference for its approval, and such revision having as its object :

- (a) to include the States of chief agricultural importance among the eight States referred to in Article 393 of the Treaty.
- (b) to increase the number of the members of the Governing Body in the same proportion as that laid down for the three Groups (2 Governments, 1 Employer, 1 Worker).
- (c) to adapt the provisions of paragraph 2 of Article 4 of the Treaty of Versailles concerning the Council of the League of Nations to the International Labour Organisation.
- (d) to propose, if possible, a system of rotation for the members of the Governing Body who have to be elected by the Conference.

As a provisional measure pending a revision of Part XIII of the Treaty, Mr. Rivas-Vicuña proposed the adoption of the following texts :

1. The Conference recommends to the Fourth Session of the Conference that at the time of the election of the members of the Governing Body the extra-European States be represented at least by one-third of the Government representatives and by one Delegate in the Employers' Group and one in the Workers' Group.

2. The 1922 Session of the Conference is requested to elect substitute members equal in number to the members occupying the new seats which it will have been decided to create. These members provisionally attend the meetings of the Governing Body, without the right to vote, pending their becoming full members, as soon as the amendment to the Treaty is duly ratified. They will cease to fulfil their functions at the same time as the full members elected by the 1922 Conference.

It may be pointed out that the majority report as well as the minority report of the Sub-Commission recognised the advisability of requesting the Governing Body to examine the possibility of revising the clauses of Part XIII relating to the composition of the Governing Body.

The Commission of Selection examined the two texts submitted by the Sub-Commission at its 16th, 17th and 18th sittings held on 16 and 17 November 1921.

The Commission of Selection recognised at the outset that the only solution which was likely to give satisfaction to the various claims would necessitate a revision of the Treaty.

The Commission however, did not fail to note the difficulties which would be involved in a revision of Part XIII in accordance with Article 422 of the Treaty, which provides that amendments to Part XIII "are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present", and "shall take effect when ratified by the States whose representatives compose the Council of the League of Nations, and by three-fourths of the Members"; but it was considered that the recent adoption of certain amendments to the Covenant by the Assembly of the League of Nations would facilitate the adoption by the different Governments of amendments to Part XIII.

The Commission of Selection was all the more insistent on the necessity of revising Part XIII because it was convinced that the partial solutions which had been brought forward were only of a provisional nature, and to some extent superficial, and would not allow of attaining the desired end.

Since, however, a revision of the Treaty was impossible without adequate preparation, the Commission definitely proposed to the Conference that the Governing Body should be entrusted with the task of examining the question and that the Agenda of the next Session of the Conference should include definite proposals susceptible of being ratified by the Governments.

At the same time the Commission considered it necessary that provisional steps in the direction of reform should be taken in order to give immediate satisfaction

in as wide a measure as possible to the requests of various countries. The Commission of Selection consequently adopted a resolution which contained among others a number of suggestions relating to the system of substitutes. This resolution was adopted by the Conference with two additions, which are italicised in the following text :

The Conference, recognising that modifications of the Treaty of Peace constitute the sole method of amending certain existing imperfections, and of ensuring a fully equitable representation on the Governing Body to the Members of the International Labour Organisation,

At the same time considering that such modifications made in virtue of Article 422 of the Treaty could not be of an improvised character,

Requests the Governing Body to examine the question and to place on the Agenda of the next Session of the Conference proposals to the above effect.

Pending the full decision of the question by an amendment of Article 393 of the Treaty of Peace, the Conference resolves that equitable provision should be made for the representation of the chief non-European areas and as a provisional step in that direction makes the following recommendations and resolutions with a view to the election to be held in 1922, which shall remain in force until the receipt of the necessary number of ratifications required by Article 422 to the modifications adopted by the 1922 Session of the Conference.

The Conference makes the two following recommendations to the three groups :

Of the 12 Governments represented on the Governing Body, 4 should be from overseas countries;

Of the 6 Delegates of the Employers' Group, one *at least* (1) should be from an overseas country;

Of the 6 Delegates of the Workers' Group, one *at least* (1) should be from an overseas country;

and presents the following resolutions :

Substitutes (deputy members) may accompany the Ordinary Members of the Governing Body. They have the right to speak on special subjects with the permission of the Chairman asked for in writing.

They have not the right to vote.

(1) Words added by the Conference.

In the absence of the titular member the substitute has all the rights of the titular member.

Each substitute shall deliver written credentials to the Chairman of the Governing Body.

The 12 Governments represented on the Governing Body may appoint their own substitutes (deputy members). Such a substitute may be of another nationality than the titular member of the Government itself, and shall be appointed in person by the Government of the titular member or by the titular member if duly authorised to do so by his Government.

The Employers' and Workers' Groups may each appoint at the Conference 6 substitutes (deputy members), the expenses of three of whom in each Group shall be paid out of the funds of the International Labour Organisation. These may be of a different nationality from the titular members.

These recommendations and proposals shall be submitted to the Governments, Employers and Workers during the next 12 months, so that the Delegates of each Group may receive instructions thereon for the next Session of the Conference.

The Conference refers to the Governing Body the question of a system of rotation, for study and report to the next Session of the Conference.

The Conference refers to the Governing Body the proposal that Paragraph 5 of Article 4 of the Covenant be adapted to the Governing Body, for study and report to the next Session of the Conference.

This resolution was adopted by the Conference at the 26th plenary sitting on Saturday 19 November 1921. The Delegates of certain extra-European States, in particular Mr. Nasu, Japanese Workers' technical adviser, Mr. Joshi, Indian Workers' Delegate, and Mr. Crawford, South African Workers' Delegate insisted at considerable length on the necessity of ensuring more equitable representation for countries outside Europe.

On the proposal of Mr. Tom Moore, Canadian Workers' Delegate, the Conference added to the text submitted by the Commission of Selection the two amendments indicated above with regard to the number of seats to be allocated to countries outside Europe in the Employers' and Workers' Groups. On the other hand, the Conference rejected an amendment proposed by Mr. Nasu,

the effect of which would have been to insert the words "at least" after the words "Governing Body" in the recommendation providing that "of the 12 Governments represented on the Governing Body, 4 should be from overseas countries."

The system embodied in the resolution adopted by the Conference may be summarised as follows : —

1. The Conference is of opinion that it is desirable to proceed to a revision of Article 393 of the Treaty of Peace, to include the question in the Agenda of the 1922 Conference, and to request the Governing Body to draw up definite proposals to this effect.

2. In the meantime, and in view of the 1922 elections, the Conference makes the following recommendations to the three Groups with regard to the representation of extra-European States.

It is suggested that of the 12 Government Delegates appointed 4 should be from extra-European States, and that at least one of the 6 Employers' Delegates and at least one of the 6 Workers' Delegates should be extra-Europeans.

In addition, the Conference amends Article 3 of the Standing Orders of the Governing Body relating to substitutes.

3. The Conference requests the Governing Body specially to examine the possibility of adopting a system of rotation.

4. The Governing Body is also requested to examine the question of the adaptation to the Governing Body of Paragraph 5 of Article 4 of the Covenant of the League of Nations.

The points mentioned under 1, 3 and 4 imply the amendment of the Treaty. Point 2, on the other hand, refers to a system applicable to the 1922 Conference only.

Thus the 1921 Conference made two separate series of suggestions which should not be confused - the first relate to the election of the Governing Body under the existing provisions of the Treaty, and the second to the modification of those provisions. Briefly the situation is:-

1. The 1922 Conference is called upon to proceed to the election of the Governing Body in the light of the general recommendations made to it by the 1921 Conference and of the decisions which may be adopted by the Council of the League of Nations with regard to the eight States of the chief industrial importance.

2. The Governing Body has been requested to examine the possibility of amending the Treaty with a view to securing at a later date a more adequate reform of its constitution and to include proposals of this effect on the Agenda of the 1922 Conference.

The object of the present Questionnaire is to lay these proposals of the Governing Body before the Governments for their consideration.

V. *Re-examination of the Question by the Governing Body*

In accordance with the decision adopted by the Conference the Governing Body again resumed the consideration of the question of the reform of its constitution during its 11th session held in January 1922. During the sitting of 18 January it was decided to refer to the Commission on Standing Orders all questions relating to the revision of the Treaty, especially in connection with the reform of the Governing Body. ⁽¹⁾

(1) The Commission on Standing Orders was presided over by Mr. E. Mahaim (Belgium) and was composed of the following members : *Government Delegates* : Mr. Adachi (Japan), Sir Montague Barlow (Great Britain), Mr. Sokal (Poland) ; *Employers' Delegates* : General Baylay (Great Britain), Mr. Carlier (Belgium), Mr. Colomb (Switzer-

The Commission on Standing Orders met for the first time on 20 January 1922. The Commission took note of the text of the decision of the Conference, as well as of a series of proposals submitted by one of its members, Mr. Oudegeest. Mr. Oudegeest's proposals were much wider in scope than those contemplated by the Conference, and dealt with changes not only in the composition of the Governing Body but also in that of the Conference.

That part of Mr. Oudegeest's proposals which referred to the reform of the Governing Body may be summarised as follows :

The number of members of the Governing Body to be raised to 36, 12 from each Group;

The privilege of the eight States of the chief industrial importance to be suppressed;

The term of office of the members of the Governing Body to be increased to four years ;

The sessions of the Governing Body to be reduced to two per annum, except on the special request of 15 members; the sittings to be public.

The Chairman, Mr. Mahaim, was requested by the Commission to submit a report at the next session on the proposals which might be made to the 1922 Conference for the revision of Article 393, taking account of those of the proposals put forward by Mr. Oudegeest which concerned the Governing Body.

The Commission on Standing Orders met again at Paris on 27 February, and during two long sittings studied the report which had been submitted by the Chairman.

The discussion ranged over the following points :

1. General revision of the Treaty.

land), Mr. Hodacz (Czechoslovak Republic) ; *Workers' Delegates* : Mr. Jouhaux (France), Mr. Leipart (Germany), Mr. Oudegeest (Netherlands), Mr. Poulton (Great Britain).

2. Proportion of members of the three Groups and number of members of the Governing Body.
3. Privilege of the eight States of the chief industrial importance.
4. Geographical distribution of seats on the Governing Body.
5. Rotation (*Roulement*).
6. Length of term of office.
7. Convocation of the Governing Body on request.
8. Public sittings.
9. Admission to sittings of the Governing Body of States interested in special questions.
10. Reform of the Governing Body without revision of the Treaty.

1. *General Revision of the Treaty.* — Since the Governing Body had been formally requested by the Conference to bring forward proposals for the revision of Article 393, there could be no further question for the Commission on Standing Orders of going back on this decision.

While recognising this situation, some members of the Commission pointed out the obstacles which in their opinion were likely to be encountered by the proposed revision. They drew attention in particular to the fact that in accordance with Article 422 any amendment to Part XIII adopted by a two-thirds majority at the Conference would require, before coming into force, to be ratified by the States represented on the Council of the League of Nations and by three-fourths of the Members. It would thus only be necessary for a single one of the eight States which form the Council of the League of Nations to refuse to ratify the amendment in order to prevent it from coming into force. This did not of course render revision impossible but attention was drawn to it in order that the concrete proposals made should be

such as might be expected to secure the required unanimity.

2. *Proportion of the different Groups and number of members of the Governing Body.* — With regard to the number of seats to be allocated respectively to the different Groups, the Commission was faced with two alternatives : it could either accept the proposal which had been made to alter the present distribution of the Groups on the Governing Body by giving to the Government Group the same number of seats as to the two other Groups, or it could maintain the present preponderance of the Government Group which holds half the total number of seats on the Governing Body.

After a thorough examination of the question the Commission decided to maintain the present proportion between the different Groups, leaving for subsequent consideration the question of the possibility of basing at a later date the composition of the Governing Body on the allocation of an equal number of seats to each of the three Groups.

The Commission considered that by changing the proportion of the various Groups the character of the Governing Body would be entirely modified; the preponderance of the Governments in the International Labour Organisation was justified by its aims, which were to prepare international Conventions whose ratification and application depended on the action of Governments. If Governments saw that their influence in the Organisation was lessened, the effect would undoubtedly be to diminish more and more their interest in its work.

It was also pointed out that, if the influence of the Government Group on the Governing Body were diminished, it would become very difficult to give satisfaction to the various States which had desired to be represented, unless the Employers' and Workers' Groups consented

to place their seats at the disposal of these States, which up to the present they had always declined to do.

After an exchange of views on the question of the desirability of increasing the number of the members of the Governing Body, the opinion of the Commission was that the number of members should be increased to 32, i. e. 16 Government Delegates, 8 Employers' Delegates and 8 Workers' Delegates. This increase was thought to be justified by the necessity of giving representation to a greater number of States.

3. Privilege of the eight States of the chief industrial importance. — Allusion has already been made in Chapter 2 of the present Questionnaire (page 5) to the fact that the third paragraph of Article 393, which states that “of the twelve persons representing the Governments, eight shall be nominated by the Members which are of the chief industrial importance,” has given rise to numerous objections from the earliest days of the existence of the International Labour Organisation. The Commission had before it two proposals for the modification of this paragraph. The first suggested purely and simply that the clause should be suppressed and that no privilege should be granted to any State; the other proposed to maintain a privileged status for certain States, which would be named in the Treaty, and the number of which would be reduced to a minimum.

The last solution was accepted by the Commission. It was feared on the one hand that, if it were left to the Government Delegates at the Conference to nominate all the Members called upon to appoint a Government representative, there would be a risk of favouring certain combinations, with the result that States of importance from the point of view of the International Labour Organisation would be deprived of representation on the Governing Body. On the other hand, the Commission was unani-

mous in recognising that the present system of the eight States of the chief industrial importance could only give rise to disputes. It was consequently proposed to grant representation as of right to six States considered to possess a special importance vis-à-vis the International Labour Organisation: France, Germany, Great Britain, Italy, Japan and the United States.

4. *Geographical distribution.* — The claims of the various States, both European and extra-European, have shown how much importance they attach to taking part in the work of the Governing Body. It is, in order to satisfy these States in as wide a measure as possible that the question of the reform of the Governing Body has been raised. Naturally, therefore, the Commission on Standing Orders gave the greatest attention to the examination of the various proposals for a better geographical distribution of the seats on the Governing Body.

The Commission admitted at once, as did the Conference, that it was desirable to secure a certain proportion of seats in each of the three Groups to the extra-European States.

In the Government Group it was proposed to reserve four seats for States outside Europe. As the United States and Japan already appear on the list of States with seats as of right on the Governing Body, the total number of seats in the Government Group allocated to extra-European countries would be 6 out of 16, this number corresponding to the requirements of the 1921 Conference.

The Commission further considered it expedient to modify the method of election of the Government Delegates. The present text of Article 393 does not allow the Delegates of the privileged States to take part in the election of the other Government Delegates. With a view to securing in the Government Group the same unity as that which exists in the other Groups, and in order to

allow the privileged States to exercise legitimate influence, one member of the Commission proposed the entire suppression of the end of the third paragraph of Article 393 referred to above. Another proposal was also laid before the Commission to the effect that the extra-European members of the Governing Body should be elected only by the extra-European Government Delegates at the Conference, but the Commission rejected the latter proposal and declared in favour of the former by 6 votes to 3.

After a discussion in which the most divergent opinions were expressed, the Commission decided by 6 votes to 4 to insert in the Treaty itself a clause reserving to the extra-European countries a fixed number of seats in the Employers' and Workers' Groups. By 6 votes this number was fixed at 2. The Employers' Group abstained from voting on this question.

5. *Rotation (Roulement)*. — The 1921 Conference referred the question of a system of rotation to the Governing Body for examination and report. The Commission consequently considered whether a system of rotation among the States whose representatives were elected would not give satisfaction. The Commission, however, unanimously decided against any system of rotation, the dominating reason for this decision being that any such system would eventually become arbitrary and end in allocating seats to States which had shown no interest in the Organisation.

6. *Length of term of office*. — The Governing Body, as will be seen later, had before it a proposal submitted by Mr. Rüfenacht, the Swiss Government representative on the Governing Body, to the effect that the periodicity of the Sessions of the Conference should be modified. This question is dealt with in the second part of the present Questionnaire. In these circumstances, the Com-

mission on Standing Orders was compelled to reserve the question of the term of office until the question of the frequency of the Sessions of the Conference had been decided.

The decision of the Conference as to whether its Sessions are to be held at least once a year or once every two years will determine whether it is desirable to fix the term of office of the members of the Governing Body at three or four years.

7. *Convocation of the Governing Body on request.* — It is provided by Article 393 of the Treaty of Peace that on the request of 10 members an extraordinary session of the Governing Body is to be summoned.

In view of the proposed increase in the number of members of the Governing Body, the opinion of the Commission was that the number required should be raised from 10 to 12.

8. *Public sittings.* — A proposal to the effect that the sittings of the Governing Body should be open to the public was laid before the Commission, but after examination it was considered that this was a question of internal organisation, and that no ground existed for making it the object of a clause in the Treaty. At the present time, it is in virtue of Article 5 of the Standing Orders of the Governing Body that the sittings are not public.

9. *Admission of interested States.* — On the proposal of Mr. Rivas-Vicuña the Conference had requested the Governing Body to examine the possibility of adapting to the Governing Body paragraph 5 of Article 4 of the Covenant of the League of Nations. Paragraph 5 reads as follows :

“Any Member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.”

The Commission recognised that this provision gave expression to an indisputable idea of justice. It was, however, considered that it was more difficult in the case of the International Labour Organisation than in the case of the League of Nations to determine when and how a question specially affected the interests of a country. Almost all the countries in the world may consider themselves interested in all the work of the Governing Body. Moreover, the text of the Covenant allows the interested State to become a temporary member of the Council with the right to vote. This method of procedure, however, would be entirely inadmissible in the case of the Governing Body, where it would result in modifying the proportion of the Groups. A third difficulty is encountered in the application of this clause to the Governing Body : if interested countries are allowed to be represented, would these countries be represented by a Government Delegate, by an Employer, or by a Worker, or would they, on the contrary, be represented by a Delegate belonging to each Group ?

Recognising the force of these observations, the Commission adopted the following recommendation :

The Governing Body may, when it considers that a question on its Agenda is of particular interest to a State which is not represented on the Governing Body, invite the Government of this State to appoint a Delegate to take part in the discussions on this question, but without power to vote.

10. *Reform of the Governing Body without revision of the Treaty.* — The Commission on Standing Orders took note of the recommendations and resolutions adopted by the Third Conference. In the view of the Commission there was nothing to add to the proposals adopted by the Conference in the event of the impossibility of securing a revision of the Treaty.

The Commission on Standing Orders met again at Rome on 4 April 1922, for the approval of its report to the Governing Body. At the same time, the Director of the Office laid before the Commission a new proposal to the effect that the Governments of Members failing to pay their contributions to the expenses of the Organisation should be removed from the Governing Body.

It would appear both logical and equitable that States which do not punctually fulfil their financial obligations should be prevented from occupying a seat on the Governing Body to the detriment of other States who pay their contributions regularly. The proposal of the Office was drawn up in the following terms as a basis for discussion :

Any Member which has not paid in full its contribution to the budget of the International Labour Organisation for a given period within six months after the end of this period shall lose the seat assigned to it on the Governing Body.

After examining this proposal the Commission on Standing Orders adopted the principle embodied in it, and revised the text as follows :

If a Government has not paid its contribution six months after the close of the financial year, its representative on the Governing Body will not be permitted to sit until the contribution has been paid. The representative in question will not be allowed to take part in the meetings of the Governing Body or in those of the Conference.

A substitute will take his place, during this period, in accordance with the Standing Orders of the Governing Body.

Should a Government not pay its contribution for three consecutive years, the Conference will be asked to provide for that Government's representative to be replaced by another for the remainder of the period of representation.

VI. *Final Decision of the Governing Body*

The report of the Commission on Standing Orders drawn up on these bases was laid before the Governing

Body at its sitting held on 6 April, and the various points contained in the report were the subject of an exchange of views between the members of the Governing Body.

The report was adopted with slight verbal amendments and with the exception of the clause relating to defaulting States, which was referred to the Commission on Standing Orders for further examination. At its sitting held on 7 April the Governing Body took note of the supplementary report of the Chairman of the Commission on Standing Orders on this question. This report proposed the adoption of the following text :

No one can be nominated as a member of the Governing Body or as a substitute if the State to which he belongs has not paid its contribution for the preceding year.

This new text was adopted by the Governing Body.

The draft of Article 393, which the Governing Body of the International Labour Office has the honour to lay before the Fourth Session of the Conference, in accordance with the request made by the Third Session of the Conference, is consequently drawn up in the following terms :

I. "The International Labour Office shall be under the control of a Governing Body consisting of 32 persons :

 " 16 representing the Governments
 " 8 " " Employers and
 " 8 " " Workers.

2. "Of the 16 members representing the Governments, one each shall be nominated respectively by France, Germany, Great Britain, Italy, Japan and the United States of America.

3. "The 10 other members representing the Governments shall be elected by all the Government Delegates at the Conférence. Four members of the 10 shall belong to non-European States.
4. "The members representing the employers and the members representing the workers shall be elected respectively by the employers' Delegates and the workers' Delegates at the Conference. Two employers' members and two workers' members shall belong to non-European States.
5. "The period of office of the members of the Governing Body will be years *(the period of office of the members of the Governing Body will require to be fixed at three or four years according as the Sessions of the Conference take place annually or once every two years)*.
6. "The method of filling vacancies and other similar questions, such as that of substitutes, may be determined by the Governing Body subject to the approval of the Conference.
7. "The Governing Body shall from time to time elect one of its members to act as its chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 12 members of the Governing Body.
8. "The Governing Body may, when it considers that a question on its agenda is of particular interest to a State which is not represented on the Governing Body, invite the Government of this State to appoint a delegate to take part in the discussions on this question, but without power to vote.

9. "No one can be nominated as a member of the Governing Body or as a substitute if the State to which he belongs has not paid its contribution for the preceding year."

In submitting this text to the Governments of the Members of the International Labour Organisation the International Labour Office requests that they will be good enough to furnish any observations which they may consider desirable on the question of the reform of the Governing Body. In the light of the observations which may be made the Office will draw up a report intended to serve as a basis for discussion on the first item on the Agenda of the Fourth Session of the Conference. This report will be communicated in due course to the Governments of the Members as well as to the Delegates to the Conference. In order to facilitate the preparation of this report the Governments are requested to inform the International Labour Office of their opinion on each of the proposals contained in the text adopted by the Governing Body, following as far as may be possible the order in which these proposals have been drawn up.

(B). Periodicity of the Sessions of the Conference.

During its eleventh session the Governing Body decided by eight votes to three to place upon the Agenda of the Fourth Session of the International Labour Conference the revision of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties, with a view to modification as regards the periodicity of the Sessions of the Conference.

This decision arose from a proposal by Mr. Rüfenacht, Swiss Government representative on the Governing Body, to substitute for the first sentence of the present Article 389 of the Treaty, which runs :

The meetings of the General Conference of Representatives of the Members shall be held from time to time, as occasion may arise, and at least once in every year.

the following sentence :

The meetings of the General Conference of Representatives of the Members shall be held from time to time, as occasion may arise, and at least once in every two years.

In deciding to place this question on the Agenda the Governing Body requested the Commission on Standing Orders to submit it to preliminary examination together with the question of the reform of the constitution of the Governing Body.

A long discussion took place in the Commission on the expediency and the extent of the modification to be made. The dangers which result from too frequent Sessions of the Conference were emphasised in favour of modification. It was maintained that the working classes had been more and more deceived as it became

evident that the hopes placed in the International Labour Organisation were not being realised, in spite of the adoption each year of new Draft Conventions. Moreover, the national Parliaments were overloaded with work and did not succeed in examining the decisions of the Conferences within the prescribed periods. If the Conference were to meet once every two years better results would probably be obtained, while more time would be available for the preparation of the Sessions of the Conference.

The rôle of the Conference, however, is not confined to voting the texts which it is proposed to submit for the approval of the Members. The Conference must also supervise the activities of the Office; must take note of the efforts made to obtain the ratification of Conventions and the application of Recommendations; and must consider the manner in which the Office has carried out the duties incumbent on it in virtue of Article 396. The Conference must also take note of the measures taken by Members to put into operation the Conventions to which they have adhered, and Article 408 has made it clear that these measures must form the object of annual reports, a summary of which is to be presented by the Director of the Office at each Session of the Conference. If, however, the Conference only met every two years it would appear to be difficult for it to discuss the items on the Agenda and to exercise fully its right of examination and supervision at one and the same Session. At the same time, as was pointed out at the Commission, it is owing to the Conference that the public possesses a concrete idea of the International Labour Organisation, and if the Conference only met every two years there would be a danger that the impression might be given that the Organisation has not a permanent character. It is probably for similar reasons that the Assembly of the League of Nations has decided, in the absence of any definite provision in the Covenant, to hold a Session every year.

It appeared to several members of the Commission that the solution of the difficulty might be found in lightening the Agenda of the Conferences. The Commission examined particularly the system already explained in the communication addressed by the International Labour Office to the Governments on 28 February last regarding the Agenda of the Fourth Session of the Conference. This system would consist in holding alternately a large Conference, which might adopt Draft Conventions, and a small Conference, which would be limited to the examination of general questions relating to the application of former decisions and to the work of the International Labour Office, which would not require particularly technical knowledge and consequently would not necessitate the presence of technical advisers.

The Commission, however, did not reach a final decision on this question, but referred to the Governing Body the two alternatives with which it was confronted : either the convocation of a Conference every two years only, or the convocation of an advisory Conference and an " executive " Conference alternately.

During the session held on 5 April 1922 the Governing Body in its turn examined these two alternatives at great length.

After hearing a statement of the arguments in favour of the two theories, the Governing Body did not consider itself in any better position to make definite proposals to the Conference and decided to confine itself to the submission of the two solutions to the Governments.

The first alternative would consist in amending the first paragraph of Article 389 in the following manner :

The meetings of the General Conference of Representatives of the Members shall be held from time to time, as occasion may require, and at least once in every two years.

The second solution would imply the maintenance of the present text of Article 389, but with the suggestion made in the letter of the International Labour Office dated 28 February, that the Sessions of the Conference should be divided into two categories alternating from year to year : in the first case the Conference would adopt Draft Conventions and Recommendations, and in the second would have merely to take note of the results obtained and of the difficulties encountered in application, and to regulate all the general questions concerning the regular operations of the International Labour Organisation.

The International Labour Office would therefore be glad if the Governments of the Members would give their opinion on the proposals considered by the Governing Body with regard to this part of the Agenda. In the light of the replies which may be received the International Labour Office will draw up, as for the first question, a report which will be submitted to the Conference and which may serve as a basis for discussion.



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FOURTH SESSION
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COMMUNICATION
TO THE INTERNATIONAL LABOUR OFFICE
OF STATISTICAL AND OTHER INFORMATION
REGARDING EMIGRATION AND IMMIGRATION
AND THE REPATRIATION AND TRANSIT
OF EMIGRANTS

SECOND ITEM ON THE AGENDA

Servants of India Society



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GENEVA
INTERNATIONAL LABOUR OFFICE
1922

INTRODUCTION

The Governing Body decided, at its sitting of 19 January 1922, to inscribe the following question on the agenda of the Fourth Session of the International Labour Conference :

“ Communication to the International Labour Office of statistical and other information regarding emigration and immigration and the repatriation and transport of emigrants ”.

The circumstances in which the Governing Body was led to inscribe this question on the agenda of the 1922 Session of the Conference may be briefly recalled.

In the course of its Third Session, the Governing Body, in conformity with a resolution of the Washington Conference, set up an International Emigration Commission of which the duties were :

“ While giving due regard to the sovereign rights of each state, to report what measures could be adopted to regulate the migration of workers out of their own States, and to protect the interests of wage-earners residing in States other than their own. ”

This Commission sat at Geneva from 2-11 August 1921, and proceeded to make a general survey of the various aspects of the problem of emigration. As a result of its labours a large number of resolutions were adopted, which were embodied in a report submitted to the Governing Body and communicated to the Conference at its Third Session.

Consequently, the Governing Body, when it came to decide the agenda of the Fourth Session of the Conference, found itself confronted by a large number of resolutions dealing with diverse aspects of the question of emigration. To inscribe all these questions on the agenda was not practicable. Not only were they too numerous, but they could not be effectively discussed by the Conference before full scientific preparation, as indicated by Article 396 of the Treaty, had been completed, and this could not have been thoroughly performed within the time available. Moreover, political considerations appeared to render discussion of a certain number of these questions momentarily inopportune. Finally, in view of the fact that questions relating to emigration and to the recruitment of foreign labour were already the subject of special agreements between States, it was necessary that any questions which might have a re-action upon such agreements should be approached only with extreme caution.

The Governing Body, while considering that the study of the problem of emigration should be undertaken forthwith, was nevertheless of opinion that all aspects of the subject were not yet ripe for immediate discussion. It therefore considered that the first Session devoted to the subject might serve as an introduction to the subsequent consideration of other points by the Conference.

The decisions of the Commission had, in fact, indicated the possibility of a preliminary and partial treatment of this kind. One of the resolutions adopted by the Commission related to the desirability of ensuring the scientific preparation of documentary material on questions of emigration, and the International Labour Office had already begun to study the question of the preparation of statistics relating to emigration and of the communication to the International Labour Office of all statistical and other information regarding emigration and immigration and repatriation and transit of emigrants.

A questionnaire had been circulated to the Governments, in connection with the preparation for the work of the Commission, comprising a chapter dealing with the collection of documentary material on emigration problems, both as regards emigration statistics and as regards the regular communication to the Office of the legal and administrative provisions relating to emigration adopted in various countries and treaties concerning emigration or the treatment of foreign workers. This part of the questionnaire was drawn up as follows :

“(1) Establishment of uniform *statistical schemes* for the movements of international migration, and their use in the various countries.

(2) Regular communication to the International Labour Office of the *statistics* of migratory movements established under the conditions indicated above.

(3) Regular communication to the International Labour Office of the *legal and regulative provisions* adopted and instructions issued in the various countries relating to emigration, and of the treaties concluded relating to emigration, or the treatment of foreign workers”.

It would appear useful to reproduce the replies furnished by Governments on these points.

AUSTRIA.

“1. The establishment of uniform statistical schemes for the movements of international migration would offer great advantages to every State. It is only by a comparison of statistical data of the different States that each one of them can obtain an exact idea of migration and its consequences. We are, however, conscious of the difficulties in the way of establishing a uniform system answering to the needs of each State, brought

about by the very different conditions prevailing in each country. It is desirable that this work should be carried out in agreement with the office of the International Statistical Institute at the Hague.

“ 2. The regular communication of statistics to a central office appears to us to be possible and very advantageous, and we take it for granted that the complete data will be placed at the disposal of all Governments.

“ 3. The answers given to points 1 and 2 are generally applicable to the collection and exchange of the legal and regulative provisions adopted and instructions issued in the various countries relating to emigration and allied questions.

BRAZIL.

“ The Brazilian Government thinks that friendly discussions and international agreements regarding documents.. are bound to have satisfactory results, both from the moral and material points of view, for countries of emigration as well as for countries of immigration and colonisation...

“ (The Government) is of opinion that the co-ordination of these questions and the carrying out of measures ultimately adopted is a task which should be entrusted to the International Labour Office.

“ 1. The Brazilian Government is entirely in favour of studying with other countries the question of statistics for the movements of international migration, with a view to establishing uniform schemes.

“ 2. It is in favour of the regular communication to the International Labour Office of statistics drawn up in accordance with principles laid down by agreement; this would enable a comparison to be made between the data of different countries, from which conclusions might be drawn.

“ 3. It would also be of service if the International Labour Office were to be informed of all regulations, laws, instructions and measures in force in the different countries regarding emigration, immigration and the treatment of foreign workers.

CANADA.

“1. The whole question of securing a measure of international uniformity with regard to statistics of various classes is understood to be the subject of a conference called under the auspices of the League of Nations, to be held some time in the month of October 1920, at Brussels, Belgium, and at which Mr. R. H. Coats, the statistician for the Dominion of Canada, will be in attendance. Statistical methods with respect to emigration may very properly form part of the matters to be thus considered, or otherwise to be considered by statistical experts with a view to securing improved methods with reference to international uniformity.

“2. The Canadian Government will do what is possible to assist in perfecting a plan whereby statistics relating to migration matters in the case of Canada may be forwarded to the International Labour Office... and in the meantime to have forwarded to the International Labour Office full information on this subject in the form as at present prepared.

“3. The Canadian Government would have no objection to information on the matters here indicated being forwarded to the International Labour Office.”

CZECHOSLOVAKIA.

“1 and 2. The State Statistical Office agrees unreservedly to the proposal that uniform statistical schemes for the movements of international migration should be established and that the results of these enquiries should be communicated regularly to an international organisation, and principally to the International Labour Office. It is desirable to commence this work as soon as possible, so that accurate statistics of post-war emigration may be drawn up from the beginning of the movement.

“But as statistics of emigration and immigration cannot yet be brought within a regular organisation, it is impossible for

us to make proposals on this subject to the International Emigration Commission.

“ 3. The regular communication of information on employment conditions, changes in the regulations concerning emigration and immigration, and treaties, is very desirable.

“ The establishment of a regular information office would undoubtedly be a means of reducing considerably the exploitation of emigrants by private agents, whose actions are often not very conscientious. Promptitude would be indispensable in the case of such information, so that it should not be out of date, and accuracy would be essential, so that people may without hesitation place confidence in the service. In giving reliable information regarding the advantages and disadvantages of emigration it would soon become an institution of great international importance. ”

DENMARK.

“ Statistical information relating to the emigration from this country is at present collected only on basis of copies of emigration contracts, which are handed over to the Department from steamship companies, or authorized agents for companies abroad in this country, through the police authorities. Such statistical information comprehends merely the transatlantic emigration from this country, and only the persons who have signed up contract, here. Statistics regarding immigration into this country are not at hand. ”

The Statistical Department “ expresses its readiness to act in behalf of the procurement of general statistical information, relating to the immigration and emigration into and from Denmark... Apart from the interest the International Labour Office might have of entering into possession of this information, such information is considered very valuable for the elucidating of different interior administrative and statistical questions.

FINLAND.

“ 1. The Government of Finland considers it desirable that uniform statistical schemes for the movements of international

migration should be established. The various countries need, however, for the solving of their own problems their own special investigations, for the making of which special national statistics are required.

“ 2. We are willing to send the migration statistics of the Finnish Government to the International Labour Office.

“ 3. We are quite willing to send any laws or statutes that are issued and which deal with this matter.

FRANCE.

With regard to the question of documents... “ the French Government is in agreement regarding the matters to be submitted to the International Emigration Commission and it is quite ready to furnish information on the matter.”

GREAT BRITAIN.

“ As other Departments of Government besides those dealing with labour are concerned in statistics of migration, it is suggested that the methods and scope of such statistics are matters rather for the Statistical Section of the League of Nations than for the International Labour Office.

“ The question of the establishment of uniform methods of recording movements of emigration within the British Empire was discussed at the Imperial Statistical Conference in the early part of this year, and is still under consideration.

“ With regard to other movements of emigration, it is suggested that in the first place attention should be given to bringing the statistics of certain countries up to the level of the statistics of those countries where they are known to be reasonably satisfactory. Until this is done the construction of a uniform ideal scheme of record would simply impose additional tasks on the latter class of countries without affording any security that the defects of international statistics of migration would be remedied in practice. It is also suggested that in considering the further improvement of the better classes of

migration statistics full weight should be given to the experience and advice of the statistical departments of those countries where such statistics are reasonably complete, and that any changes made should not be based merely on theoretical considerations.

“ His Majesty's Government is prepared to co-operate with other Governments in communicating regularly to the International Labour Office the provisions, instructions and treaties referred to in this question.

“ At the same time, however, it should be noted that all such Treaties will in any event be communicated to the Secretariat of the League of Nations for publication in accordance with Article 18 of the Treaty of Versailles.

GREECE.

“ We are entirely in agreement concerning the proposed measures, with the reservation, however, that the fact that it is principally by the application of our new emigration law that we can obtain knowledge of the statistics of migratory movements should be taken into consideration.

INDIA.

“ 1. The Government of India are ready to accept any system of statistics that may be agreed to, so long as they are not required to give information in respect of matters where its collection would entail expense or difficulty out of proportion to its value.

“ 2. India will be glad to supply the International Labour Office with such statistics of migration as she may decide to publish in future.

“ 3. No objection.

ITALY.

1. In Italy there are two emigration statistics services. The first has been in the hands of the Royal Central Statistical Office since 1876, and the second in those of the Commissariat

for Emigration since 1902. It has also been shown that since 1920 the statistical system has been made more uniform and more satisfactory by the reform and unification of the methods by which the figures are arrived at. These reforms have been carried out by the Commissariat for Emigration.

The detachable expatriation and repatriation forms on the new type of passport have become in practice the principal means by which the numerous and varied individual information is exactly registered. They give the following information as regards expatriation :

- (a) The district of origin of the emigrant.
- (b) The age and sex of the emigrant.
- (c) Whether the emigrant is alone or accompanied by his family.
- (d) His trade or profession.
- (e) The country of destination.
- (f) The period of the year during which emigration takes place.

As regards repatriation, the forms show the country from which the emigrant comes, his destination in Italy and, in addition, the same information as in the case of emigrants.

These returns might be completed by the addition of certain other indications on the forms, such as the degree of education, the civil status, the race and religion of the emigrant, whether the repatriation is final or temporary, etc.

The new system of information which has been organised by the General Commissariat of Emigration is the result of long experience and careful study. Its simplicity and efficiency make it extremely valuable from the statistical point of view, and it is particularly recommended to the consideration of the Committee.

The practical results of this method offer useful suggestions for establishing a uniform record of emigration statistics in the various countries. It would be desirable to discuss this question with the International Statistical Institute.

2. The statistics drawn up according to the uniform methods described above should be forwarded periodically at

fixed dates by each country to the International Labour Office, so that comparative international statistics on a large scale could be drawn up.

The period might be three months, as a shorter period would be insufficient for the execution of statistical work and for obtaining an accurate general view of the various aspects of the phenomenon of migration.

3. All laws, regulations and treaties concluded by each country should be communicated regularly to the International Labour Office in the same way as the statistics as well as all instructions issued for the regulation of the various currents of migration.

This information, which should be supplied constantly and as punctually as possible, is necessary to provide the International Labour Office with accurate and continuous information, enabling it to follow the various tendencies and developments of the legislation of each country, and to keep the States concerned informed of the international development of such legislation by means of periodical publications.

JAPAN.

The Japanese Government states that it "will be prepared to adopt uniform statistical schemes and to communicate regularly to the International Labour Office the statistics of migratory movements thus compiled.

"As regards legal and regulative provisions, instructions and treaties, the Japanese Government would undertake the regular communication of these to the International Labour Office. They would, however, propose to limit such communication only to those which are considered fairly important.

NETHERLANDS.

"The Dutch Government would view with pleasure the establishment of uniform schemes concerning migratory movements.

“The Dutch Government is quite ready to communicate the facts in question periodically to the International Labour Office.

NORWAY.

“1 and 2. Our Central Bureau of Statistics has stated that, at present, it cannot put forward any suggestion for an international scheme for statistics covering international migration. At the same time it emphasizes the importance of co-operation in this matter. To enable Norway to contribute information for international statistics of migration, in an effective manner, it would be necessary to make our country's own statistics in this connection more complete. At present the Bureau can only supply statements taken from the annual and monthly publications dealing with the movement of the population.

POLAND.

“1. The establishment of uniform statistical schemes for the movements of international migration would, in our opinion, be very important and very useful; it would greatly facilitate the work of new States and would help to improve the statistics of others. With regard to the use of the schemes which may be agreed upon in this manner, a reasonable delay would have to be granted to the Members of the International Labour Organisation to give them time to adapt their statistics to the new system.

“2 and 3. We do not underrate the difficulties that such communication may cause to our departments by reason of the considerable amount of work involved, but we are nevertheless disposed to enter into an agreement in this matter, if the majority of the countries concerned do so as well.

ROUMANIA.

“We have no objection in principle to the establishment of uniform statistical schemes for the movements of international migration, but taking into account the existing conditions in

our country, where migration statistics have hitherto been obtained from sections of the Ministry of the Interior — customs officers and frontier police—it seems to us practically impossible to make any changes in this system as long as we are forced to introduce economies in our budget.

“ However, seeing that hitherto statistics of migration have been of too general a character, being confined to the number of persons going out of, and coming into, the country, we have in agreement with the Ministry of the Interior prepared a form which has been sent to all frontier stations with a statement that in future all migratory movements shall be included in the statistics which we demand. We are awaiting the results of this experiment. It has also been decided that no permission for workers to leave or enter the country shall be given by the Ministry of the Interior without previous consultation with, and authority from, the Ministry of Labour.

“ 2 and 3. No objection.

KINGDOM OF THE SERBS, CROATS, AND SLOVENES

“ ...Success depends on the regular communication by the International Labour Office not only of the statistics of migratory movements determined in each country by means of uniform schemes, but also of all important events concerning emigration, considered as an economic phenomenon...

SOUTH AFRICA.

“ 1. Reference is invited to Resolutions 73, 74 and 75¹ of the report of the first conference in the British Empire held by the Board of Trade, London, January to February 1920. The Union of South Africa is a party to these resolutions and is engaged upon the work of co-ordinating its statistics accordingly.

¹ Resolutions 72-75 of this Conference are as follows:

“72. That it is desirable that adequate statistics should be available showing clearly the movements of persons, both British and Foreign, between the various countries of the Empire and between the Empire and Foreign Countries.

“73. That in view of the fact that a general population census of the

"2. Statistics of emigration can be regularly communicated to the International Labour Office if so desired.

"3. As previously stated there is practically no emigration of workers from South Africa.

SWEDEN.

"The Swedish authorities are very interested and will take positive measures of this kind into consideration.

URUGUAY.

"1. It seems to us that the establishment of uniform statistical schemes on the movements of the international migration of workers is of great value and of essential importance. We believe that statistics of this kind will form the most solid basis and the most certain guide for a satisfactory social policy. Unemployment is, at present, the most critical of all labour problems. The intimate connection existing between the emigration of workers and unemployment is recognised. It is also clear that we cannot take effective steps to deal with unemployment, nor even to anticipate it, unless we can control the factors which bring it about. For that reason it is necessary, above all, to have good statistics, indispensable

Empire will be taken in 1921, it is advisable that any systems which may be found practicable in order to achieve the end advocated in Resolution No 72 should be brought into effect before 1921, so that reasonably close estimates of population may be made whenever required on the basis of the census figures, the records of vital statistics, and the new records of migration.

"74. That the particulars required for records of migration should be secured, so far as local conditions permit, in the form of an individual record furnished by each person, which experience has shown to be a simple, accurate, and effective method of securing the requisite information.

"75. The information to be obtained should include information as to sex, conjugal condition, age, occupation, nationality (present and original), country of last permanent residence, and country of intended future permanent residence, the interpretation of permanent residence being left to the various Governments concerned".

for the examination of unemployment and even more of one of its consequences, the migration of workers.

“ 2. We are prepared to co-operate in the task indicated :

“(a) by sending to the International Labour Office the statistics which we shall frame under the above-mentioned conditions;

“(b) by communicating regularly all regulations and instructions of which mention is made in this part of the Questionnaire.”

* * *

The International Emigration Commission, after examination of these replies, adopted the following resolution :

“ 1. Each Member shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months :—

“ All available information, legislative, statistical or otherwise, concerning emigration, immigration, the repatriation and transit of emigrants, including reports on measures taken or contemplated in respect of these questions.

“ Whenever practicable, the information referred to above shall be made available for such communication not later than three months after the end of the period to which it relates.

“ 2. The Director of the International Labour Office is requested to consult the statistical departments of Members with a view to proposing the form of a suitable schedule to be submitted to the 1922 Conference.”

After consideration of this resolution and of the relevant parts of the report of the Commission, the Governing Body, which began its examination of the report.

in the course of its Tenth Session, decided at its Eleventh Session to inscribe on the Agenda of the Fourth Session of the Conference the question of the communication to the International Labour Office of statistical and other information on emigration.

Three aspects of the question would appear to require separate consideration. In the first place, it is desirable to examine the methods by which the Governments might undertake to communicate to the International Labour Office such documentary material relating to the various problems of emigration and immigration as may be already available. Secondly, it is desirable to examine the possibility of securing the communication by the Governments of such statistical data as may be available in their respective administrations in a form which may facilitate the compilation of international statistics. And finally, there is the question of examining the possibility of the adoption by the Governments of uniform bases for the compilation of their statistics on emigration and immigration.

I

**Communication of Available Documentary
Material**

It will be seen from the replies of the Governments quoted above and from the documentary studies published by the Office that in almost all the countries concerned with the problem of emigration a large amount of documentary information is available. Nevertheless, although the question of emigration is of common concern to a number of countries and is, therefore, to that extent international in character, yet the information in connection therewith published by countries of emigration and immigration is necessarily presented both in conception and form from an exclusively national standpoint. Clearly, such material is not all that is needed. For a scientific study of emigration problems, it is essential that this national information, in each case necessarily one-sided and fragmentary, should be presented in an international form, and it will be agreed that the International Labour Office is peculiarly qualified to undertake such a task. In fact, the functions assigned to the Office by Article 396 of the Treaty of Peace expressly include "the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference."

The discussions of the Governing Body revealed some doubt whether the Treaty provision quoted above did not render it unnecessary to have recourse to the adoption of a Draft Convention or even of a Recommendation in order to resolve a problem apparently so simple as that of the communication of information to the International

Labour Office and to consolidate a right which is already included amongst those normally exercised by the Office and is implicitly recognised, in virtue of their Treaty engagements, by the States Members of the International Labour Organisation. It is certainly true that the Office has availed itself of the provisions of Article 396 to apply to Governments for such information on emigration problems as it has from time to time required and that the majority of States have shown the greatest willingness to satisfy such demands. Nevertheless, in order to secure the regular supply of information and in order to perfect the methods whereby such information may be most effectively utilised, it would appear desirable that the Governments should conclude some common arrangement arising out of a general agreement. A precedent for such a system may be found in the terms of article 1 of the Washington Convention concerning unemployment, which provides for the communication to the Office at regular intervals of statistical and other information relating to unemployment. The object of the inclusion of this article was to indicate the necessity of collecting internationally comparable statistics in order to facilitate the study of an international problem analogous to that of emigration. For a similar reason, the Governing Body considered that the collection of information on emigration should be the first step towards the examination by the Conference of emigration problems in general. The preliminary agreement which is required can be effected only by one method, namely, the submission to Governments of the definite text of a Draft Convention or Recommendation. It was for the above reasons that the Governing Body decided to inscribe this question on the Agenda of the Conference, and as it now figures thereon, the Conference, in accordance with Article 405 of the Treaty, will have to consider the possibility of adopting a Draft Convention or a Recommendation on this subject.

It remains to consider whether the more suitable form of the decision to be adopted is that of a Draft Convention or of a Recommendation. In favour of the former, it may be argued that it is not a matter of enunciating general principles in a formula which leaves to the States Members the task of deciding for themselves, as they may find practicable or convenient, the most appropriate methods of giving effect to the decision of the Conference, but a matter of securing the carrying out within a fixed period and under specific conditions of certain measures which, being uniform, may properly become the subject of definite mutual obligations. Such considerations are similar to those which moved the Washington Conference to insert in the Convention on unemployment an article relating to the communication of documents.

The question of the form which the decision of the Conference will take is, after all, not one of vital importance and the replies furnished by Governments to the questionnaire quoted below may serve as a guide to the Conference on this point.

It does not seem necessary to specify the information which should be forwarded regularly to the International Labour Office by the Governments. It would, of course, include the statistical information mentioned in the Agenda and also the texts of laws and regulations concerning emigration and immigration, as well as the published administrative reports concerning the application of such laws and regulations.

It would, in any case, be for the Governments themselves to decide what information should be forwarded to the Office.

It would obviously be desirable that such information should be forwarded as soon as possible after it has been obtained. Certain kinds of information tend to lose part of their interest if delay occurs. Emigration generally passes rapidly through its phases, and it is therefore

essential to be informed of and to publish particulars promptly if they are to be useful. For this reason it seems expedient to arrange that information, and particularly statistical information, should reach the Office as soon as possible after the date of compilation and the date of the events to which it refers. It would, therefore, appear desirable that the information should be forwarded every three months and, if possible, within three months of the period to which it relates. This course was proposed in the resolution adopted by the International Emigration Commission.

QUESTIONNAIRE

1. Are you willing to send to the International Labour Office, if you do not already do so, at as frequent intervals as possible all available information of statistical or other nature concerning emigration, immigration, repatriation and transit of emigrants, including full particulars concerning the measures taken or contemplated in connection with these questions ?

2. Would you be willing to forward this information at least every three months ?

3. Would you be able to arrange that the information obtained could be forwarded within three months from the end of the period to which it relates ?

4. Are you of opinion that these points should be embodied in a Draft Convention, or do you consider it preferable to embody them in a Recommendation ?

II

Form of Presentation of Existing Statistics

In Part I of this questionnaire the Governments are asked for their opinions as to the possibility of supplying the International Labour Office with such statistics as exist concerning migration.

An examination of the statistics so far received by the Office reveals, however, the fact that though they may enable an appreciation to be formed of the situation as regards migration so far as one particular country is concerned, they can scarcely serve as a basis for comparing the various features which characterise the situation in the different countries.

This difficulty is due to two causes.

In the first place, as will be seen below, the meaning attached to the words "emigrant" and "immigrant" varies from country to country; the data summarised in the compilation of tables are collected on various different lines and by different authorities; the figures do not all deal with the same features. The result is that the statistics of the different countries often relate to different things and fundamental differences exist between them which could only be eliminated by changes in legislation and administrative practice.

But in addition to these primary divergencies comparison is rendered difficult by differences in regard to statistical presentation due to the variety of methods employed in the analysis and classification of returns.

With a view to enabling governments and their statistical services to study this aspect of the question, the International Labour Office has thought it desirable to

prepare a special documentary study containing a description of the statistical methods at present employed in the various countries, as derived chiefly from the replies furnished to the questionnaire issued in connection with the Emigration Commission, together with a critical and systematic analysis of these methods.

It will suffice for the moment to allude to certain differences of this kind in order to indicate that it is at present impossible to make useful international comparisons of emigration statistics because of differences in the form of their presentation. In practice, if it were desired to compose a table giving an idea of the continental migrations which actually take place in Europe only a very incomplete survey could be obtained. Published statistics do not even invariably distinguish emigrants according to sex. There are still greater contrasts, and ones which render comparison still more difficult, in regard to other distinctions, as for example the age of the emigrants. Many statistics classify emigrants in two categories, according to age, — those under 15 and those above 15. In other countries the distinction is between those under 12 and those above 12. Similarly, as regards other age limits which are sometimes fixed at 50, 55 or 60 years, several countries do not distinguish emigrants above these ages from others. If it is desired to classify emigrants according to their occupation similar difficulties are encountered. It is only occasionally that indications are available regarding details such as the month or season of migration, whether it is a first or subsequent migration, etc. The majority of countries publish their statistics for the civil year (1 January to 31 December). In some countries, however, the period covered is a different one, as for example in Canada (1 May to 30 April) and in the United States (1 July to 30 June). Some states include in their statistics only immigrants who come to the country for the first time while other states do not make this distinction.

It was to remedy as far as possible these defects and these difficulties without necessitating a modification of the statistical methods adopted in the various countries that the International Emigration Commission requested the Director of the International Labour Office to get into touch with the statistical services of the Governments with a view to the adoption of new formulae.

In their replies to the questionnaire of the International Labour Office, and during the discussions which took place in the Commission, a number of Governments expressed their intention of taking on more or less general lines the steps necessary for the establishment of a satisfactory comparative table of international statistics. Brazil, Canada, Czechoslovakia, Denmark, Finland, France, Italy, Japan, Jugoslavia, Poland, Sweden and Uruguay expressed themselves without reserve in favour of such action. From the general tenor of the replies it may be concluded that most other States are likewise in favour. Great Britain made the reservation that the compilation of statistics should not exceed the maximum already realised in practice. India and Roumania made reservations regarding the expense involved in the proposal.

* * *

The present Questionnaire, in which the Governments are asked to indicate to the Office their point of view as regards the possibility of securing the more uniform tabulation of statistical returns, therefore gives effect to the desire expressed by the Emigration Commission to which reference is made above.

The Governments are not asked to present in a uniform manner all the statistics which are at present compiled, especially since in Part I of this questionnaire they are asked to communicate them as at present tabulated. What it is desired to examine is the possibility of a uniform

presentation of certain essential elements which may serve to indicate the economic importance of the migratory movement and which present an essential interest from the point of view of the international study of the problem. Some Governments may perhaps submit suggestions as to the possibility of supplying a fairly large number of tables identical in form. It will suffice for the moment however to consider the uniform presentation of two tables of particular importance.

In the first place it is desirable to be able to divide into certain categories the total number of emigrants and immigrants for each country, and in particular to have indications as to their age, sex, family condition and occupation. At the same time Governments may consider it possible to supply this information separately for their nationals and for aliens. In the second place it is desirable to secure as exact a picture as possible of the direction and numerical importance of migratory movements.

All these details cannot be given in a single table, and the Office therefore suggests the possibility of presenting them in two tables: first a table giving the details mentioned above, that is to say, dividing the emigrants in the categories indicated, and secondly a table giving the number of emigrants who leave the country and the number of immigrants who enter it, classified according to the country of origin and country of destination.

Before considering more closely the information to be given in these tables two remarks may be made which apply to both tables.

First, the Office is aware that in many countries statistics of emigration and immigration by land are compiled in different ways and in a manner less complete than the statistics of emigration and immigration by sea. Some countries indeed compile only the latter class

of statistics. For the moment it is of course not intended to ask Governments to compile statistics as to emigration by land if they do not already do so. Nor is it intended to ask them to tabulate separately emigration by land and emigration by sea if separate tabulation is not at present carried out in their statistics. The Office merely asks them to examine the possibility of furnishing figures, either as general totals or in existing sub-categories, under the different headings which will be indicated in the detailed examination of the two proposed tables below.

The second general remark which may be made is that the two tables under consideration should refer to similar periods. The Office could not compile international statistics on the basis of national tables which referred to different periods. It would, however, not seem difficult to secure agreement as to the coincidence of the periods to which the statistics relate.

The system which appears most likely to be of assistance in arriving at comparable statistics is that of tabulating the figures for each calendar month. It would not appear that this would give rise to any serious difficulty, as the figures are collected continuously and can, in consequence, be tabulated at any arbitrary interval. The adoption of such a system would also permit of the figures being tabulated for any longer period, e. g. by seasons, which would, in certain cases, be of particular interest.

Further, the adoption of this system would have the advantage of facilitating considerably the communication of statistical information to the International Labour Office every quarter, as is suggested in Part I of the present questionnaire.

Similarly, it would be of assistance to the Office to receive quarterly reports at the same time from all countries, on 1 January, 1 April, 1 July and 1 October.

The following explanation may be given regarding the first table.

Sex.

Among the points which should be tabulated it will be generally agreed that the sex of emigrants should be included. This factor exercises a considerable influence on the nature of the emigration and on the conditions in which assimilation takes place. Indication of the sex will be particularly useful to the International Labour Office for the eventual application of protective measures in favour of emigrants. This information is important not only as regards adults but also as regards children.

Age.

Similarly it is important to have exact information as to the age of emigrants, particularly because this factor constitutes the best indication as to the economic value of a migratory movement.

Classification of emigrants according to age might be carried out in various ways. It would undoubtedly be difficult, and perhaps also of no great value, to multiply the age categories unduly, but division into groups corresponding to the different stages of human life seems most desirable and where possible should not be limited to two categories, e. g. majors or minors. The more it is possible to multiply the subdivisions, the more is the study of migration facilitated, and the categories of age would doubtless need to be at least three or perhaps four in number. But the essential thing from the international point of view is a unification of the subdivisions for all countries. The division might be made in the following manner :

Up to 15;
from 15 to 55;
above 55.

The above is given merely as an example, and it should be possible, with the aid of suggestions made by Governments in their replies to this questionnaire, to decide on a system of classification that would find general acceptance.

Matrimonial Condition.

It would also seem desirable to have information as to the matrimonial condition of the emigrants (single, married, widowed, divorced, separated) and also to mention married men and women who emigrate without their wives or husbands or without their children.

Occupation.

It would likewise be desirable to tabulate the occupation of emigrants on their departure. Information on this point gives a valuable indication of the importance and nature of emigration movements.

It must, however, be recognised that a classification is difficult and must necessarily be somewhat general. Moreover, indications as to profession can only apply to the occupation actually followed before departure. The same observation holds good here as in regard to the age, namely, that it would be advantageous from the international point of view to have a uniform classification adopted. The following table may be given for male emigrants.

- (a) Agricultural occupations.
- (b) Unskilled industrial workers.
- (c) Skilled industrial workers.
- (d) Commercial occupations.
- (e) Other occupations.
- (f) Persons without occupation.

With regard to women, it seems much more difficult to decide on classification and perhaps it might be sufficient to distinguish those who have an occupation from those who have not but merely accompany another member of their family. Women might be arranged in the same large categories as men, and, in any case, for both sexes it would be necessary that the fundamental classification adopted should be very simple and very clear, avoiding such detailed sub-divisions as might be employed for the compilation of national statistics.

The above would seem to be the most essential points on which information should be tabulated but certain Governments may perhaps be of the opinion that the table should also contain other indications, such as race, religion, degree of instruction, etc. Governments may also judge it possible to furnish the information indicated above separately for their nationals and for aliens.

The headings indicated above should of course also be applied to the tabulation of immigration statistics as well as to those for emigration. In some cases, where one or other movement is predominant, the presentation of the statistics for the less important complementary movement is frequently much less complete and in some cases the information collected is not made available at all. It would seem most desirable that figures for both emigration and immigration should be tabulated and that the method of tabulation should be the same, so as to allow of a complete statistical picture of the whole movement being given.

With regard to the second table, it has been pointed out above that it will be confined to indicating for each country the total number of emigrants and immigrants without distinction of age, sex, family condition and profession, but merely dividing them according to country

of origin and country of destination. It is realised that in omitting from the second table the information regarding age, sex, etc. extremely interesting elements are excluded, but the Office does not consider that for the moment national administrations could be asked to do more.

The second table will enable the International Labour Office to determine the importance and direction of the movement of emigrants in transit as well as the movement of repatriation of emigrants. The Office will also be able to compile statistics regarding direct emigration and indirect emigration, that is to say, through an intermediate country. The Office is aware that certain countries already possess special statistics on these latter points, but compilation of such special statistics is not at present extensively carried out. If the Governments accept the suggestions made in part I (communication of existing statistics) the Office will receive these special statistics but they will still be of limited value.

What the Office asks in this second part is that Governments should examine the possibility of communicating to it statistical tables less complex in character but compiled in a uniform manner. With the aid of these simpler tables, provided that they are generally furnished, the Office would be able not only to compile statistical tables giving a general picture of migratory movements throughout the world, but also perhaps to compile statistics of a particular aspect of these phenomena which are at present recorded in very few countries and presented in a manner which renders comparison impossible.

QUESTIONNAIRE

1. Are you prepared to communicate to the International Labour Office the total number of emigrants and immigrants who traverse your frontiers, with information presented in a uniform manner as to their age, sex, family condition and occupation ?

2. Are you prepared to adopt the following classification with regard to age ?

Up to 15 ; from 15 to 55 ; above 55.

If not, what classification do you propose ?

3. Are you prepared to adopt the following classification with regard to family condition ?

Single.

Widowed, divorced or separated.

Married persons emigrating alone.

Married couples emigrating together or with their children.

If not, what classification do you propose ?

4. Are you prepared to adopt the following classification with regard to occupation ?

(a) Agricultural occupations.

(b) Unskilled industrial workers.

(c) Skilled industrial workers.

(d) Commercial occupations.

(e) Other occupations.

(f) Persons without occupation.

If not, what classification do you propose ?

5. Are you of opinion that information should be supplied on other points than those indicated in question 1 ?

6. Are you prepared to supply the above information (questions 2-5) separately for your nationals and for aliens ?

7. Are you prepared to communicate to the International Labour Office the total figures for emigrants and immigrants traversing your frontiers; with indication as to their country of origin and country of destination ?

8. Are you prepared to compile the above statistics for each calendar month ?

9. Are you prepared to communicate these statistics for each quarter, i. e. on 1 January, 1 April, 1 July and 1 October ?

10. In the event of the Conference adopting a Draft Convention or Recommendation concerning the communication of statistical and other information regarding emigration are you of opinion that this Draft Convention or Recommendation should contain clauses providing for the communication of the above-mentioned statistics ?

III

The Collection of Statistical Material on a Uniform Basis

If national statistics can be tabulated on similar lines and for the same periods, in accordance with the suggestions made in Part II of the Questionnaire, and if it thus becomes possible to tabulate internationally figures regarding the number of emigrants and immigrants of each sex, their age, matrimonial condition, nationality and occupation, great progress will certainly have been achieved in the scientific study of emigration.

This measure of uniformity can be achieved comparatively easily and without necessitating any important changes in present administrative methods, which would continue to be carried out in accordance with the existing national laws. It will only be necessary to make certain modifications in the headings under which statistics are at present analysed.

But the progress thus realised will not solve the whole problem. Though it may permit of a considerable advance in the direction of securing uniform presentation of the statistics available in each country and thus facilitate the preparation of international comparative tables, any comparisons or combinations of the figures which are made will have only a limited validity and will have to be the subject of critical interpretation which will take account of differences in the bases on which the original figures are collected. The recording of the statistical material in each country is naturally carried out in accordance with the legislation and regulations concerning emigration which are in force therein.

For example, the meaning given to the word "emigrant" is not the same in all national statistical systems. In some cases the word means a person who crosses the seas, in other cases one who travels third class or between decks. In one country it may mean a person who goes away for a certain length of time, in other countries it may be applied to certain races only. Elsewhere it may indicate a person who is in possession of certain contracts regarding employment and passage money or it may refer to one who goes to certain specified countries. Hence as the definition of "immigrant" in a given country does not always correspond with the definition given to "emigrant" in the country from which the "immigrant" came it is impossible to arrive at an exact balance between the figures of emigration and immigration which, in fact, exhibit marked divergencies.

These defects, it will be observed, are defects of a different character from those dealt with in the last chapter and will not be removed by the mere presentation of available statistical material in some agreed form of tabulation. If fully comparable figures are to be secured uniformity in the methods of collection and in the nature of the statistical material must be secured.

It seems necessary therefore that more exact agreements should be reached between the different countries, particularly with regard to definition of the various terms, the methods of observation to be employed and the documents to be used in the compilation of statistics.

In the case of several countries, this would mean quite a considerable alteration in the methods at present employed, but in view of the wish expressed by certain governments to have exact information as to all phases of migration in order to study them scientifically it seems reasonable to conclude that these Governments would be prepared to consider the possibility of reaching an agreement on the various points involved.

Common action of this kind is in fact essential if the Governments are to observe, as they wish to observe, the importance, direction and nature of the migratory movement of their population, for in the absence of suitable international statistics such observation is not possible.

It is however recognised that the conclusion of such agreements would require most careful preparation and would have to take account of the experience and needs of the countries concerned and of the technical considerations which might be advanced by their statistical and administrative services.

For this reason there can be no question of asking the Conference at its next session to lay down even the general lines of such an agreement and still less to decide on the methods which should be employed in order to secure fully-comparable figures.

But although any such general action may be at present impossible the Conference may nevertheless be able to encourage the conclusion of such agreements among those states who have indicated their willingness to examine the possibility of such action. Where two or more states were satisfied that an agreement of this kind was possible, the International Labour Office could put at their disposal the information in its possession as to the statistical methods employed elsewhere and could endeavour to secure that the agreement reached should be such as to enhance the value of the international tabulation of emigration statistics referred to in the last chapter. If a second agreement were made between other states the International Labour Office would be able, in lending its assistance, to endeavour to secure that so far as possible the improvements made should be such as would permit a sounder comparison over the field covered by both agreements than was previously the case, and so on.

A series of agreements made in this way, with the International Labour Office placing at the disposal of the

Governments concerned the information in its possession and by its assistance helping to ensure that the movement towards more uniform methods should in each case take account of the progress already made elsewhere and of general international tabulation, would secure eventually considerable progress towards that uniformity of method which alone can enable the problems of migration to be fully studied.

The main points on which it would appear that such agreements should be concluded are the following:

1. Adoption of a uniform definition of the terms "emigrant" and "immigrant".
2. Employment of similar documents in the compilation of returns.
3. Proper recording of statistical material.

The importance of these three points may be briefly indicated.

(1) *Adoption of uniform definition.*

In order to obtain comparable statistics the first condition is that all statistical observation should be concentrated on the same features. The notion underlying the term "emigrant" should, moreover, correspond exactly to that underlying the term "immigrant", so that the person who figures in the returns of one country as an emigrant should figure as an immigrant in the returns of the other country concerned.

As already pointed out, a great variety of definitions are employed at present in the various countries: Where, however, the definitions are similar and susceptible of modification without legislative or important administrative changes it should not be impossible to arrive at agreements to secure the application of a single definition.

(2) *Employment of similar documents in the compilation of returns.*

Once agreement has been reached as to the persons concerning whom returns are to be made, the next step in the statistical process is to collect the information which is to be tabulated. For this purpose a mere declaration on the part of the person concerned is manifestly insufficient. Not only is he often ignorant of most important facts regarding himself and his civil status, particularly his exact age, not only may he have an interest in concealing the truth, but his declarations may vary on different occasions according to his interest, true or supposed, and according to changes in his plans.

It is desirable therefore that the information tabulated should be based on written documents properly drawn up and properly inspected, which the emigrant ought to carry with him. In order that such written information should have the greatest guarantee of exactitude it is at the point of departure, in the locality in which the emigrant is known and in which his civil identity papers are kept, that these documents should be prepared, since it is there only that it is possible to obtain information of an exact and easily verifiable nature. It is therefore desirable that the emigrant, on leaving his country, should possess all documents required to establish his identity and his civil status. It would in fact be desirable that special privileges and facilities should be granted to the emigrant so equipped in order to encourage him to fulfil willingly such a formality, which, apart from its importance for statistical purposes, is almost indispensable for his own protection and that of his family.

An identity card containing the required information and any further details necessary in connection with the regulations of the countries concerned might in fact

replace the system of passports and visas in the case of the emigrant.

The form of an international identity card of this kind could only be decided on after careful technical examination, but it may be pointed out that there already exist uniform types of passports with translation into a well known language, recommended by the League of Nations Organisation for Communications and Transit. Moreover, identity cards with detachable leaves are already employed in important emigration countries such as Italy and Spain.

Statistics compiled on the basis of a uniform type of document of this kind would offer the greatest guarantee of reliability. Several countries of emigration have already prescribed for the emigrant cards of this nature and the practice is becoming gradually more general of not granting visas to enter a country of immigration unless on production of an identity certificate and papers containing practically all the information necessary for statistical purposes. It should not be impossible to arrive at an agreement to substitute for the various national cards a uniform type of document suitable to the various national needs. Such a document, while serving all the purposes required by the various laws and regulations, would afford the best possible basis for the compilation of accurate and comparable emigration statistics.

(3) *Recording of Statistical Material.*

Assuming that a uniform definition of an emigrant has been adopted and that each emigrant is provided with a uniform type of identity card containing all the details necessary for statistical purposes, there remains the question of the recording of this information by the various Government authorities within whose jurisdiction the emigrant may come. There are at present in vogue

numerous methods of recording the information in question. For example, the information is sometimes collected at the home of the emigrant, sometimes at the frontier or at ports and sometimes in the registers of transport companies or passport services.

With regard to transoceanic emigration, statistics collected at ports of embarkation and disembarkation furnish excellent indications, but only with regard to the sea voyage.

In connection with continental emigration, direct or in transit, and with regard to transoceanic emigration up to the point of embarkation, the problem is more difficult. As long as the frontiers are controlled by police authorities, and it is forbidden to pass from one country to another without passport or identity papers, the control thus exercised may be regarded as sufficient, although it is more difficult to exercise than control at a port. But it is unlikely that this system will continue indefinitely on all land frontiers and if migratory movements are to be subject to accurate observation possible alternative measures as regards emigrants must be considered.

The solution may perhaps be found in a close cooperation between the local authorities, who are responsible for the supply of identity papers on departure and the supervision of the settling of the emigrants on arrival, and the emigration and immigration authorities.

Here again no ideal system can be put forward on merely theoretical considerations but it should be possible after proper technical consultation to arrive at systems which will give all the necessary guarantees and which will ensure that the uniformity which the existence of a generally accepted type of identity card should render possible shall not be prejudiced by the operation of recording agencies which, either as a result of circumstance or of method, would furnish material of diminished statistical utility.

* * *

While the above three points would seem of fundamental importance if really comparable statistics over such field as may prove possible are to be achieved it would seem possible that other points of almost equal importance may be found to require discussion when any attempt is made to secure progress on the lines suggested.

So far as the present questionnaire is concerned it is sufficient, however, to consider what action the Conference may take in order to promote such discussion and to further the end in view. As stated above, it is premature to suggest the preparation of a Draft Convention fixing at once the definition of the terms "emigrant" and "immigrant", the nature and form of the identity certificate and ensuring the proper recording of the information contained therein. But it would appear possible for the Conference to recommend Governments to examine the possibility of coming to an agreement with other Governments as regards the adoption of a common definition, a common type of identity card and a uniform method of recording information with regard to emigrants coming within their jurisdiction.

Where agreement seems possible, it is suggested that the details should be examined with the collaboration of the International Labour Office in order to ensure that considerations of a more general and international order of which circumstances might admit that account should be taken should not be lost sight of. There would not appear to be any serious objection to the adoption of such a recommendation, since all countries admit the theoretical utility of coordinating statistics and since definite measures are only suggested in the case of those States which expressly desire to negotiate them.

QUESTIONNAIRE

(1) Are you of opinion that statistics concerning emigration should be drawn up on bases permitting of international comparison?

(2) Are you prepared to examine with the collaboration of the International Labour Office the possibility of arriving at an agreement as regards the definition of an emigrant, the provision of a uniform type of identity paper to emigrants and the method of recording information for emigrants with such other countries as may judge the examination of such a possibility desirable?

(3) Are you of opinion that the Draft Convention or Recommendation concerning the supply to the International Labour Office of statistical or other information with regard to emigration should contain a provision recommending the above course?

CONFÉRENCE INTERNATIONALE DU TRAVAIL
QUATRIÈME SESSION
GENÈVE — OCTOBRE 1922

- A) RÉFORME DE LA COMPOSITION DU CONSEIL
D'ADMINISTRATION
DU BUREAU INTERNATIONAL DU TRAVAIL
B) PÉRIODICITÉ DES SESSIONS DE LA CONFÉRENCE

Première question à l'ordre du jour



X 9.11.1919

F2

GENÈVE

BUREAU INTERNATIONAL DU TRAVAIL

MCMXXII

**A) Réforme de la constitution
du Conseil d'administration du Bureau international
du Travail**

I. Conférence de Washington.

La composition du Conseil d'administration du Bureau international du Travail est déterminée dans les termes ci-après par l'article 393 du Traité de Versailles :

« Le Bureau international du Travail sera placé sous la direction d'un Conseil d'administration composé de vingt-quatre personnes, lesquelles seront désignées selon les dispositions suivantes :

« Le Conseil d'administration du Bureau international du Travail sera composé comme suit :

« Douze personnes représentant les Gouvernements;

« Six personnes élues par les délégués à la Conférence, représentant les patrons;

« Six personnes élues par les délégués à la Conférence, représentant les employés et ouvriers.

« Sur les douze personnes représentant les Gouvernements, huit seront nommées par les Membres dont l'importance industrielle est la plus considérable et quatre seront nommées par les Membres désignés à cet effet par les délégués gouvernementaux à la Conférence, exclusion faite des délégués des huit Membres susmentionnés.

« Les contestations éventuelles sur la question de savoir quels sont les Membres ayant l'importance industrielle la plus considérable seront tranchées par le Conseil de la Société des Nations.

« La durée du mandat des membres du Conseil d'administration sera de trois ans. La manière de pourvoir aux sièges vacants et les autres questions de même nature pourront être réglées par le Conseil d'administration sous réserve de l'approbation de la Conférence... »

Le Comité d'organisation de la Conférence de Washington, auquel incombait la tâche de préparer la première élection du Conseil d'administration du Bureau internatio-

nal du Travail, avait établi, au cours de l'été 1919 un projet de liste des huit pays ayant l'importance industrielle la plus considérable, et ce projet avait été communiqué à tous les pays énumérés dans l'annexe au Pacte de la Société des Nations, avec prière de faire parvenir au Comité d'organisation toutes les objections qu'ils pourraient avoir à formuler.

Les huit pays en question étaient les suivants : Etats-Unis, Grande-Bretagne, France, Allemagne, Italie, Belgique, Japon, Suisse. L'Allemagne avait été inscrite sur cette liste en vue de son admission éventuelle dans l'Organisation internationale du Travail. Le Comité avait proposé qu'au cas où cette éventualité ne se réaliserait pas, la huitième place fût attribuée à l'Espagne.

Des réclamations contre ce projet de liste furent formulées par la Suède, la Pologne, le Canada et l'Inde.

La liste primitivement proposée par le Comité d'organisation et comprenant l'Allemagne fut cependant adoptée par la Conférence; d'autre part, les délégués gouvernementaux des autres Etats attribuèrent, par voie d'élection, à l'Espagne, à l'Argentine, au Canada et à la Pologne, les quatre sièges restant à pourvoir.

En présence de ces désignations, la Pologne et le Canada retirèrent leurs réclamations antérieures; la Suède en fit autant; les délégués ouvriers ayant appelé un Suédois à siéger comme représentant ouvrier au Conseil; l'Inde, seule, maintint sa protestation après que ses délégués gouvernementaux eurent refusé de participer à l'élection des quatre Etats appelés à se faire représenter au Conseil.

Au cours de la Conférence, un groupe de pays comprenant tous les Etats de l'Amérique latine, l'Espagne, le Canada, l'Afrique du Sud, la Chine, l'Inde, la Perse, le Siam et le Japon, exprima son mécontentement du fait que sur 15 pays différents représentés au Conseil, il y avait 12 pays d'Europe, et que sur 24 membres, 20 étaient des Européens.

Le 25 novembre 1919, M. Justiz, représentant du Gouvernement de Cuba, lut à la Conférence un document signé par tous les Etats de l'Amérique latine, par lequel ces Etats déclaraient protester contre l'injustice commise à l'égard des 20 nations de l'Amérique latine auxquelles un seul siège avait été attribué sur les 24 dont se compose le Conseil ¹.

D'autre part, M. Gemmill, représentant des employeurs de l'Afrique du Sud déposa, le 29 novembre, une motion tendant à l'inscription à l'ordre du jour de la prochaine Conférence de la question de la revision de l'article 393 du Traité de Paix, en fixant un nombre maximum de représentants des pays d'Europe, de façon à assurer une représentation plus équitable des autres pays ².

Après avoir discuté la motion de M. Gemmill, la Conférence adopta, par 44 voix contre 39, le texte suivant :

« La Conférence internationale du Travail exprime sa désapprobation de la composition du Conseil d'administration du Bureau international du Travail, en raison du fait que pas moins de 20 membres sur les 24 qui composent ledit Conseil représentent des pays européens. » ³

Ainsi, la question de la réforme du Conseil se trouvait posée avec acuité dès la fin même de la Conférence de Washington. Des objections y avaient été élevées au sujet de la composition du Conseil et de la prédominance des membres européens, et le gouvernement de l'Inde, qui n'avait pas obtenu un siège au Conseil malgré sa réclamation, allait sans doute réitérer sa protestation d'une manière officielle.

¹ Voir Compte-rendu sténographique de la Conférence de Washington, édition française, p. 129.

² Voir Compte-rendu sténographique de la Conférence de Washington, édition française, p. 262.

³ Compte-rendu sténographique de la Conférence de Washington, édition française, pages 191, 192 et 277.

II. Réclamation de l'Inde et question des huit Etats de la plus grande importance industrielle

Au cours des six premiers mois de l'année 1920, la réclamation de l'Inde fit l'objet d'une étude approfondie et d'échanges de vues fréquents entre le Bureau international du Travail, le Secrétaire général de la Société des Nations et le Ministère de l'Inde à Londres.

Aux termes de l'alinéa 4 de l'article 393 du Traité de Paix, le Conseil d'administration du Bureau international du Travail n'est toutefois pas compétent pour juger des contestations relatives à la liste des huit Etats ayant l'importance industrielle la plus considérable. C'est au Conseil de la Société des Nations que cette tâche est confiée.

L'Inde maintenant sa protestation, celle-ci fut transmise au Conseil de la Société des Nations, conformément aux dispositions précitées. La requête de l'Inde fut examinée par ce Conseil au cours de sa session de Saint-Sébastien, en août 1920. A la suite d'un rapport présenté par le représentant du Japon, M. Matsui, le Conseil adopta à l'unanimité une résolution dans laquelle il déclarait que toute solution qu'il pourrait donner à la question ne devrait en tout cas pas entrer en vigueur avant le terme du mandat confié aux pays choisis, c'est-à-dire avant 1922. En attendant, il invitait le Secrétaire général à étudier le sens à donner au terme « importance industrielle » en collaboration avec le Bureau international du Travail et à présenter un rapport en temps utile au Conseil, pour lui permettre de discuter ce point avant la prochaine élection du Conseil d'administration (1922).

Conformément à cette décision, la tâche de déterminer les caractéristiques de l'importance industrielle des Etats fut confiée à un comité composé de quatre membres du Conseil d'administration et de deux experts nommés

par le Secrétaire général. Ce Comité a actuellement terminé ses travaux et il présentera incessamment son rapport au Conseil de la Société des Nations. Le Conseil décidera sur les conclusions de ce rapport et sur la protestation de l'Inde avant la prochaine session de la Conférence.

Outre la réclamation de l'Inde, trois autres demandes de représentation au sein du Conseil d'administration ont été présentées postérieurement à la Conférence de Washington, par le Gouvernement des Pays-Bas, le Gouvernement de Cuba et le Gouvernement tchécoslovaque, sans toutefois qu'il ait été demandé de les soumettre à la décision du Conseil de la Société des Nations.

Le Gouvernement polonais a, d'autre part, renouvelé par lettre en date du 23 janvier 1922 adressée au Secrétaire général de la Société des Nations, la protestation qu'il avait déjà formulée le 6 septembre 1919, mais retirée provisoirement à la suite du vote de la Conférence de Washington attribuant à la Pologne l'un des quatre sièges à pourvoir par élection.

III. Travaux du Conseil d'administration et inscription de la question de la réforme de sa constitution à l'ordre du jour de la Conférence de 1921

Les réclamations ainsi formulées, tant au sujet de la détermination des huit Etats ayant l'importance industrielle la plus considérable qu'au sujet de la composition du Conseil d'administration en général et de l'insuffisance de la représentation attribuée aux pays extra-européens, avaient amené le Conseil à étudier, au cours de ses 3^{me} et 4^{me} sessions (mars et juin 1920), l'ensemble de la question de la réforme de sa constitution.

Conscient de l'importance du problème posé et de la nécessité de donner satisfaction dans la plus large mesure possible aux revendications générales présentées, et en particulier à celle des pays situés hors d'Europe, le Conseil

décida finalement d'inscrire la question de la réforme de sa constitution à l'ordre du jour de la Conférence de 1921 et de la soumettre, pour examen préliminaire, à sa Commission du règlement.

Le problème a été examiné de très près dans son ensemble au cours d'une série de réunions de la Commission du règlement du Conseil d'administration, en octobre 1920, janvier et avril 1921.

Les conclusions de la Commission furent présentées au Conseil au cours de sa 7^{me} session, en avril 1921.

Après avoir passé en revue diverses suggestions et après avoir étudié en particulier la possibilité de développer le système des suppléants, ni la Commission, ni le Conseil d'administration, ne crurent pouvoir recommander un ou plusieurs projets précis comme susceptibles de donner satisfaction aux diverses réclamations présentées à la Conférence, et d'assurer en même temps au Conseil la continuité indispensable à la bonne marche et à l'efficacité de ses travaux. Il y a lieu de signaler que pendant cette période, la Commission du règlement et le Conseil lui-même se prononcèrent à diverses reprises contre toute réforme supposant une révision du Traité. Cette attitude était inspirée, tant par les difficultés de la procédure de révision instituée par l'article 422 du Traité, que par le fait qu'à cette époque l'Assemblée de la Société des Nations ne s'était, elle-même, pas encore jugée en mesure d'adopter des amendements au Pacte.

Dans ces conditions, le Conseil se borna à adopter à l'unanimité, dans sa séance du 14 avril 1921, et sous la forme d'une recommandation aux trois groupes de la Conférence, la proposition suivante qui lui avait été soumise par sa Commission du règlement :

« La Conférence recommande aux trois groupes de prendre en considération, à l'expiration du mandat actuel du Conseil, c'est-à-dire

lors de l'élection de 1922, l'importance qu'il y aurait à assurer une répartition raisonnable entre les pays européens et les pays extra-européens. »

Il y a lieu de faire remarquer, toutefois, que les représentants du groupe patronal et du groupe ouvrier au Conseil se sont opposés à tout plan tendant à une distribution géographique d'une partie de leurs sièges.

Une très grande divergence d'opinions s'étant manifestée au sein du Conseil sur les suggestions concernant les suppléants éventuels, il fut décidé, en raison de l'intérêt spécial que présentaient ces suggestions pour les Gouvernements, de leur communiquer les deux textes qui avaient été discutés et qui contenaient les deux thèses divergentes envisagées par le Conseil.

Ces deux textes, de même que celui de la recommandation générale adoptée par le Conseil, furent transmis aux Gouvernements dans le questionnaire préparé par le Bureau international du Travail en vue de la discussion de la première question de l'ordre du jour de la troisième Conférence internationale du Travail.¹

Sur la base des réponses qui lui parvinrent, le Bureau international du Travail établit un rapport qui fut distribué aux Gouvernements et aux délégués à la troisième Conférence et qui servit de base aux délibérations de cette Conférence.

IV. *Conférence de Genève*

Conformément à la décision prise par le Conseil d'administration, la question de la réforme de sa composition avait été inscrite comme premier point à l'ordre du

¹ 3me session de la Conférence internationale du Travail. Questionnaire N° 1. Réforme de la constitution du Conseil d'administration, texte français, pp. 26 et 27.

jour de la troisième Conférence internationale du Travail, qui se tint à Genève en octobre 1921.

Au cours de sa quatrième séance, le 28 octobre, la Conférence adopta à l'unanimité la proposition de sa Commission de proposition, tendant à soumettre à cette Commission même la question de la réforme de la composition du Conseil d'administration.

Dans sa sixième séance tenue le 1er novembre 1921, la Commission de proposition décida de constituer une Sous-Commission spéciale pour l'examen de cette question et désigna, pour faire partie de cette Sous-Commission, les membres suivants :

Délégués gouvernementaux :

Sir C. A. Montague Barlow (Grande-Bretagne),
M. Rivas-Vicuña (Chili),
M. Sokal (Pologne).

Délégués patronaux :

Général Baylay (Grande-Bretagne),
M. J. S. Edström (Suède),
M. W. Gemmil (Afrique du Sud).

Délégués ouvriers :

M. Baldesi (Italie),
M. Crawford (Afrique du Sud).
M. Joshi (Inde).

Il y a lieu de remarquer que sur les 9 membres dont se composait la Commission, 4 étaient délégués de pays extra-européens.

La Sous-Commission examina, au cours de 7 séances tenues sous la présidence de M. Edström, les diverses questions se rapportant à la réforme du Conseil d'administration.

Après avoir pris note du fait que la question des huit Etats ayant l'importance industrielle la plus considérable ne pouvait être examinée par la Conférence et faisait l'objet

d'un examen de la part d'un Comité mixte composé de représentants de la Société des Nations et du Conseil d'administration du Bureau international du Travail, et après s'être ralliée au texte d'un article additionnel au Règlement de la Conférence, destiné à régler la procédure d'élection du Conseil d'administration, la Sous-Commission examina la recommandation générale formulée par le Conseil d'administration (voir page 8).

La Sous-Commission fut d'avis d'abandonner ce texte en faveur d'une recommandation plus précise rédigée dans les termes suivants :

« La Conférence fait la recommandation suivante aux trois groupes :

« a) Parmi les 12 Gouvernements représentés au Conseil d'administration, 3 ou 4 devront appartenir aux pays extra-européens ;

« b) Parmi les 6 membres titulaires du groupe patronal, un ou deux devront appartenir à des Etats extra-européens, et parmi les suppléants de ce groupe un ou deux devront également appartenir à des Etats extra-européens ;

« c) Parmi les 6 membres titulaires du groupe ouvrier, un ou deux devront appartenir à des Etats extra-européens, et parmi les suppléants de ce groupe, un ou deux devront également appartenir à des Etats extra-européens.

Cette recommandation et les propositions relatives aux suppléants seront soumises aux Gouvernements, aux patrons et aux ouvriers, au cours de l'année qui vient, afin que les délégués de chacun de ces groupes puissent recevoir des instructions à ce sujet pour la Conférence de 1922.»

La Sous-Commission se prononça contre le système de roulement proposé au § c page 5 du Rapport N° 1 préparé par le Bureau international du Travail¹.

Elle discuta longuement la question des suppléants des membres titulaires du Conseil et proposa en définitive

¹ Ce rapport prévoyait, parmi les moyens propres à réformer la composition du Conseil sans modification du Traité :

« ... »

« c) une recommandation faite par la Conférence, tendant à ce qu'un système de roulement soit observé pour les quatre Etats élus, c. à d. un système dans lequel aucun des quatre Etats élus ne pourrait être élu deux fois de suite.

« ... »

d'autoriser les membres titulaires du Conseil à se faire accompagner par des suppléants (membres adjoints), ayant le droit de prendre la parole sur des sujets particuliers, avec l'autorisation du Président, mais n'ayant pas le droit de vote.

Elle proposa de laisser aux 12 Gouvernements représentés au Conseil le soin de nommer eux-mêmes leurs propres suppléants et d'admettre que ces suppléants pussent être d'une autre nationalité que le Gouvernement qu'ils représentent. En ce qui concerne les suppléants des groupes patronaux et ouvriers, elle proposa de nommer 6 suppléants pour chacun des groupes et de faire supporter les frais de 3 des suppléants de chaque groupe par l'Organisation internationale du Travail.

En faisant ces propositions, la Sous-Commission exprima l'avis qu'il n'était pas indiqué à ce moment de procéder à une révision de la Partie XIII du Traité. Elle proposa de renvoyer les propositions exigeant des modifications au Traité, pour examen, au Conseil d'administration.

Sauf sur les deux premiers points, (8 Etats et procédure d'élection) les décisions de la Sous-Commission ne furent pas prises à l'unanimité. M. Rivas-Vicuña, délégué du Gouvernement chilien, s'était en effet abstenu dans le vote des propositions concernant les suppléants et avait voté contre la recommandation faite aux trois groupes, contre l'abandon du système de roulement et contre la recommandation écartant la révision du Traité.

M. Rivas-Vicuña présenta, en son propre nom, un rapport de minorité qui fut transmis à la Commission de proposition, en même temps que le rapport de la majorité de la Sous-Commission.

M. Rivas-Vicuña défendit en particulier avec chaleur le point de vue des partisans de la révision de la Partie XIII et de l'augmentation du nombre des membres du Conseil. Il signala à ce sujet que l'Assemblée de la Société des Nations venait d'adopter certaines modifications au

Pacte et que, de ce fait, l'un des arguments des adversaires de la revision de la Partie XIII tombait. Il soumit en conséquence à la Commission de proposition le texte suivant :

« La Conférence invite le Conseil d'administration de l'Organisation internationale du Travail à étudier un amendement à la Partie XIII du Traité de Versailles, qui devrait être soumis à l'approbation de la prochaine Conférence, et qui aurait pour but :

« a) de comprendre les pays ayant l'importance agricole la plus considérable parmi les 8 Membres visés par l'article 393 du Traité.

« b) d'augmenter le nombre des membres du Conseil dans la même proportion établie pour la représentation des groupes gouvernemental, patronal et ouvrier (2 représentants gouvernementaux, 1 représentant patronal et 1 représentant ouvrier).

« c) d'adapter à l'Organisation du Travail les prescriptions de l'alinéa 5 de l'article 4 du Traité de Versailles concernant le Conseil de la Société des Nations.

« d) de proposer si possible un système de roulement pour les membres du Conseil, qui doivent être élus par la Conférence. »

A titre provisoire, et en attendant la révision de la Partie XIII du Traité, M. Rivas-Vicuña proposait d'adopter les deux textes suivants :

1. « La Conférence recommande à la quatrième Conférence du Travail que, lors de l'élection du Conseil d'administration, les Etats extra-européens y soient représentés au moins par 1/3 des représentants gouvernementaux et par un délégué de chacun des groupes patronal et ouvrier ».

2. « La Conférence de 1922 est priée d'élire un nombre de membres suppléants du Conseil égal au nombre de sièges nouveaux qu'elle aura adopté; ces membres devront provisoirement siéger sans droit de vote, pour devenir des membres de plein droit aussitôt que l'amendement sera ratifié. Leurs fonctions cesseront en même temps que celles des élus par la Conférence de 1922. »

Il importe de remarquer que le rapport de la majorité, comme celui de la minorité de la Sous-Commission, reconnaissait l'utilité de charger le Conseil d'administration d'étudier la possibilité de reviser les dispositions de la Partie XIII relatives à la composition du Conseil.

La Commission de proposition examina les textes qui lui étaient présentés par sa Sous-Commission, au cours de ses 16^{me}, 17^{me} et 18^{me} séances, tenues les 16 et 17 novembre 1921.

La Commission de proposition reconnut tout d'abord que la seule solution qui lui paraissait susceptible d'accorder une satisfaction effective aux diverses réclamations formulées nécessitait la revision du Traité.

Les difficultés qu'entraîne une revision de la Partie XIII, conformément à l'article 422 du Traité, qui prévoit que les amendements à la Partie XIII « seront adoptés par la Conférence à la majorité des 2/3 des suffrages émis par les délégués présents et deviendront exécutoires lorsqu'ils auront été ratifiés par les Etats dont les représentants forment le Conseil de la Société des Nations et par les 3/4 des Membres », n'ont pas échappé à la Commission; mais il lui a paru que l'adoption récente par l'Assemblée de la Société des Nations d'un certain nombre d'amendements au Pacte rendait plus facile l'adoption par les divers Gouvernements de nouvelles dispositions de la Partie XIII.

La Commission de proposition a d'autant plus insisté sur la nécessité de réviser la Partie XIII qu'elle était convaincue que les diverses solutions partielles qui avaient été proposées ne présentaient qu'un caractère provisoire et, en quelque sorte, superficiel qui ne permettait pas d'atteindre le but recherché.

La revision ne pouvant d'autre part être faite à la légère, la Commission proposa à la Conférence de confier au Conseil d'administration la tâche d'étudier la question et d'inscrire à l'ordre du jour de la prochaine session de la Conférence des propositions précises, susceptibles d'être ratifiées par les Gouvernements.

En plus de cette solution définitive, la Commission jugea nécessaire d'adopter des mesures provisoires de réforme pour donner immédiatement satisfaction, dans la

plus large mesure possible, aux demandes formulées par divers Etats.

La Commission de proposition adopta en conséquence une résolution qui comportait en particulier un certain nombre de suggestions relatives au système des suppléants. Cette résolution fut adoptée par la Conférence sous réserve de deux additions qui sont imprimées en italiques dans le texte ci dessous :

« La Conférence, reconnaissant que des modifications au Traité de Paix constituent la seule méthode pratique pour corriger certaines imperfections présentes et assurer une représentation au Conseil d'administration tout à fait équitable pour l'ensemble des Membres, mais considérant que de telles modifications faites en vertu de l'article 422 ne sauraient être improvisées :

« Invite le Conseil d'administration à examiner la question et à inscrire à l'ordre du jour de la prochaine session des propositions en ce sens.

« En attendant qu'une décision complète soit prise en la matière par voie d'amendement à l'article 393, la Conférence recommande que la représentation des principales régions extra-européennes soit prévue par des dispositions équitables et, désireuse qu'elle est de prendre des mesures provisoires dans ce sens, elle présente, en vue des élections de 1922 les recommandations et résolutions suivantes qui resteront en vigueur jusqu'à ratification par les Etats, dans les conditions prévues à l'article 422, des modifications adoptées par la session de 1922.

« La Conférence adresse aux trois groupes les recommandations suivantes :

« Parmi les 12 Gouvernements représentés au Conseil d'administration, 4 devront appartenir aux pays extra-européens.

« Parmi les six délégués du groupe patronal, il y en aura *au moins*¹ un qui appartiendra à un pays extra-européen.

« Parmi les six délégués du groupe ouvrier, il y en aura *au moins*¹ un qui appartiendra à un pays extra-européen.
et présente les résolutions suivantes :

« Les suppléants (membres adjoints) pourront accompagner les membres titulaires du Conseil d'administration. Ils auront le droit de

¹ Mots ajoutés par la Conférence.

parler sur des sujets particuliers avec l'autorisation demandée par écrit au Président.

« Ils n'auront pas le droit de vote.

« En l'absence du titulaire, le suppléant aura tous les droits de celui-ci.

« Tout suppléant devra remettre au président du Conseil ses pouvoirs sous la forme d'un document écrit.

« Les 12 Gouvernements représentés au Conseil d'administration pourront nommer leurs propres suppléants (membres adjoints). Ces suppléants pourront être d'une autre nationalité que le membre titulaire du Gouvernement lui-même et seront désignés personnellement par le Gouvernement lui-même, ou par le membre titulaire dûment autorisé à cet effet par son Gouvernement.

« Les groupes patronal et ouvrier pourront nommer chacun six suppléants (membres adjoints), les frais de trois suppléants de chaque groupe étant à la charge de l'Organisation internationale du Travail. Ces suppléants pourront être d'une nationalité différente du membre titulaire. »

« Les recommandations et résolutions ci-dessus seront soumises aux Gouvernements, aux employeurs et aux ouvriers, au cours des douze mois qui suivront, de manière à ce que les délégués de chaque groupe puissent recevoir des instructions sur ces points pour la prochaine session de la Conférence.

« La Conférence renvoie au Conseil d'administration la question du système de roulement pour étude et rapport à la prochaine Conférence.

« La Conférence renvoie au Conseil d'administration, pour étude et rapport à la prochaine session de la Conférence, la proposition d'adapter au Conseil d'administration le paragraphe 5 de l'article 4 du Pacte de la Société des Nations. »

La Conférence adopta cette résolution au cours de sa 26^{me} séance plénière tenue le samedi 19 novembre 1921.

Les délégués de divers Etats extra-européens, et en particulier M. Nasu, conseiller technique ouvrier japonais, M. Joshi, délégué ouvrier de l'Inde, et M. Crawford, délégué ouvrier de l'Afrique du Sud, insistèrent longuement sur la nécessité d'assurer une représentation plus équitable aux Etats hors d'Europe.

Sur la proposition de M. Tom Moore, délégué ouvrier

du Canada, la Conférence apporta au texte qui lui était soumis par la Commission de proposition les deux modifications signalées plus haut au sujet du nombre de sièges du groupe patronal et du groupe ouvrier à attribuer aux pays hors d'Europe. Elle repoussa, par contre, un amendement proposé par M. Nasu, tendant à insérer également les mots « au moins » après les mots « Conseil d'administration » dans la recommandation prévoyant que, « parmi les 12 Gouvernements représentés au Conseil d'administration, 4 devront appartenir aux pays extra-européens ».

Le système de la résolution adoptée par la Conférence peut être résumé de la manière suivante :

1) La Conférence est d'avis qu'il y a lieu de poursuivre la revision de l'article 393 du Traité de Paix, de porter la question à l'ordre du jour de la Conférence de 1922 et de demander au Conseil de formuler des propositions précises à cet effet.

2) En attendant, et en vue des élections de 1922, elle fait des recommandations aux groupes au sujet de la représentation des Etats extra-européens; elle leur suggère de nommer 4 délégués gouvernementaux extra-européens sur 12, au moins un délégué patronal sur 6 et au moins un délégué ouvrier sur 6.

En outre, elle modifie l'article 3 du Règlement du Conseil d'administration relatif aux suppléants.

3) Elle demande que le Conseil examine spécialement la possibilité d'adopter un système de roulement.

4) Elle le prie d'examiner la question de l'adaptation au Conseil d'administration du § 5 de l'article 4 du Pacte de la Société des Nations.

Les points mentionnés sous les Nos 1, 3 et 4 impliquent des amendements au Traité; le point 2, par contre se rapporte à un système applicable à la Conférence de 1922 seulement.

La Conférence de 1921 a ainsi présenté deux séries de suggestions qu'il importe de ne pas confondre; la première

se rapporte à l'élection du Conseil d'administration d'après les dispositions actuelles du Traité et la seconde à la révision de ces dispositions.

En résumé, la situation est la suivante :

1. La Conférence de 1922 est appelée à nommer le Conseil d'administration en tenant compte des recommandations générales que lui a adressées la Conférence de 1921 et des décisions que le Conseil de la Société des Nations pourra avoir prises touchant les huit Etats les plus industriels.

2. Le Conseil d'administration a été invité à étudier une modification du Traité pour une réforme plus profonde et forcément plus lointaine et à inscrire à l'ordre du jour de la Conférence de 1922 des propositions en ce sens. Et le but du présent questionnaire est précisément de présenter ces propositions aux Gouvernements.

V. — *Nouvel examen de la question par le Conseil d'administration*

En effet, conformément à la décision prise par la Conférence, le Conseil d'administration s'est saisi à nouveau de la question de la réforme de sa constitution au cours de sa 11^me session tenue en janvier 1922. Au cours de sa séance du 18 janvier, il décida de renvoyer à sa Commission du règlement toutes les questions relatives à la révision du Traité de Paix, c'est-à-dire en particulier la question de la réforme du Conseil d'administration ¹.

¹ La Commission du Règlement est présidée par M. Ernest Mahaim (Belgique) et composée des membres suivants :
Délégués gouvernementaux :

M. Adachi (Japon)
Sir Montague Barlow (Grande-Bretagne)
M. Sokal (Pologne)

La Commission du règlement se réunit une première fois le 20 janvier 1922. Elle prit connaissance du texte de la décision de la Conférence, ainsi que d'une série de propositions qui lui étaient soumises par l'un de ses membres, M. Oudegeest. Les propositions formulées par M. Oudegeest étaient toutefois beaucoup plus étendues que celles qui avaient été envisagées par la Conférence. Ces propositions tendaient à modifier non seulement la composition du Conseil d'administration mais aussi celle de la Conférence.

En s'en tenant aux propositions relatives à la réforme du Conseil, le système de M. Oudegeest peut être résumé ainsi :

Le nombre des membres du Conseil est élevé à 36, dont douze de chaque groupe.

Le privilège des huit Etats ayant l'importance industrielle la plus considérable est supprimé.

La durée du mandat des membres du Conseil est portée à quatre ans.

Les sessions du Conseil sont réduites à deux par année, sauf demande spéciale de quinze membres; ces séances sont publiques.

La commission chargea son président, M. Mahaim, de lui présenter au cours de sa session suivante un rapport sur les propositions qui pourraient être faites à la Conférence de 1922, en vue de la revision de l'article 393,

Délégués patronaux :

- Général Baylay (Grande-Bretagne)
- M. Carlier (Belgique)
- M. Colomb (Suisse)
- M. Hodacz (République Tchécoslovaque)

Délégués ouvriers :

- M. Jouhaux (France)
- M. Leipart (Allemagne)
- M. Oudegeest (Pays-Bas)
- M. Poulton (Grande-Bretagne).

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La commission chargea son président, M. Mahaim, de lui présenter au cours de sa session suivante un rapport sur les propositions qui pourraient être faites à la Conférence de 1922, en vue de la revision de l'article 393,

Délégués patronaux :

Général Baylay (Grande-Bretagne)

M. Carlier (Belgique)

M. Colomb (Suisse)

M. Hodacz (République Tchécoslovaque)

Délégués ouvriers :

M. Jouhaux (France)

M. Leipart (Allemagne)

M. Oudegeest (Pays-Bas)

M. Poulton (Grande-Bretagne).

et en tenant compte de celles des propositions formulées par M. Oudegeest, qui se rapportaient au Conseil.

La Commission du règlement se réunit à nouveau à Paris le 27 février et étudia, au cours de deux longues séances, le rapport qui lui était soumis par son Président.

La discussion porta sur les points suivants:

1. Revision du Traité en général.
2. Proportion des membres des différents groupes et nombre des membres du Conseil.
3. Privilège des 8 Etats ayant l'importance industrielle la plus considérable.
4. Répartition géographique des sièges.
5. Roulement.
6. Durée du mandat.
7. Convocation du Conseil sur demande.
8. Séances publiques.
9. Admission aux séances du Conseil des Etats intéressés à certaines questions.
10. Réforme du Conseil sans revision du Traité.

1. *Revision du Traité en général.* — La Conférence ayant formellement invité le Conseil d'administration à formuler des propositions en vue de la révision de l'article 393 du Traité, il ne pouvait plus être question pour la Commission du règlement de revenir sur cette décision.

Tout en reconnaissant cette situation, certains membres de la Commission signalèrent les obstacles auxquels leur semblait devoir se heurter la révision projetée. Ils rappelèrent, en particulier, que, d'après l'article 422, tout amendement à la Partie XIII voté par la Conférence aux deux tiers des voix doit, pour entrer en vigueur, être ratifié par les Etats représentés au Conseil de la Société des Nations et par les trois-quarts des Membres. Il suffirait donc qu'un seul des huit Etats formant actuellement le Conseil de la Société des Nations refusât de ratifier un amendement pour que celui-ci ne pût entrer en vigueur.

Il n'a pas paru toutefois que cette considération dût faire obstacle à la revision reconnue nécessaire. Elle constitue seulement un appel à la recherche de l'unanimité.

2. Proportion des différents groupes et nombre des membres du Conseil. — En ce qui concerne la proportion des sièges à attribuer respectivement aux différents groupes, la Commission se trouvait en présence de deux alternatives: elle pouvait soit accepter la proposition qui lui était faite de modifier l'équilibre actuel des groupes au Conseil, en attribuant au groupe gouvernemental le même nombre de sièges qu'aux deux autres groupes, soit maintenir la suprématie actuelle du groupe gouvernemental, qui possède la moitié des sièges du Conseil.

Après avoir mûrement examiné la question, la Commission décida de maintenir la proportion actuelle entre les différents groupes, tout en laissant à l'étude la question de la possibilité de fonder plus tard la composition du Conseil sur l'attribution d'un nombre égal de sièges à chacun des trois groupes.

La Commission estima en effet qu'en changeant la proportion entre les différents groupes, on modifierait entièrement le caractère du Conseil; la prépondérance des Gouvernements au sein de l'Organisation internationale du Travail se justifie par le but même de celle-ci, qui est de préparer des conventions internationales dont la ratification et l'application dépendent des Gouvernements. Or, si les Gouvernements voyaient diminuer leur influence au sein de l'Organisation, ils en arriveraient certainement à se désintéresser de plus en plus de ses travaux.

On fit également remarquer que si on diminuait l'influence du groupe gouvernemental au sein du Conseil, il deviendrait très difficile de donner satisfaction aux différents Etats qui ont demandé à y envoyer des représentants à moins que les groupes patronal et ouvrier ne consentissent à mettre des sièges à la disposition de ces Etats, ce à quoi ils se sont toujours refusés jusqu'ici.

Après un échange de vues au sujet de l'opportunité d'augmenter le nombre des membres du Conseil, la Commission fut d'avis que le nombre des membres devrait être porté à 32, c'est-à-dire 16 délégués gouvernementaux, 8 délégués patronaux et 8 délégués ouvriers. Cette augmentation lui parut justifiée par la nécessité d'assurer une représentation à un plus grand nombre d'Etats.

3. *Privilège des 8 Etats ayant l'importance industrielle la plus considérable.* — Il a déjà été rappelé au Chapitre II du présent Questionnaire (Voir page 6) que le 3^{me} alinéa de l'article 393 qui prévoit que « sur les douze personnes représentant les Gouvernements, huit seront nommées par les Membres dont l'importance industrielle est la plus considérable », a donné lieu, dès les premiers jours du fonctionnement de l'Organisation internationale du Travail, à de nombreuses réclamations. Aussi la Commission fut-elle saisie de deux propositions tendant à modifier cet alinéa : l'une suggérait de supprimer purement et simplement cette disposition et de n'accorder de privilège à aucun Etat; l'autre proposait de maintenir pour certains Etats une situation privilégiée, mais de les énumérer nommément dans le Traité; en réduisant leur nombre au strict minimum.

C'est à cette dernière solution que la Commission s'est ralliée. Elle a redouté, d'une part, en effet, qu'en laissant aux délégués gouvernementaux à la Conférence le soin de désigner tous les Membres appelés à nommer un représentant gouvernemental on ne risquât de favoriser parfois des combinaisons qui auraient pour effet de priver d'une représentation au Conseil d'administration des Etats importants au point de vue de l'Organisation internationale du Travail. Elle a, d'autre part, été unanime à reconnaître que le système actuel des huit Etats les plus importants au point de vue industriel ne pouvait être qu'une source de contestations. Elle a en conséquence proposé d'attribuer une représentation de droit à six Etats qu'elle a estimé possédant une importance essentielle vis-à-vis de l'Or-

ganisation internationale du Travail : Allemagne, Etats-Unis, France, Grande-Bretagne, Italie, Japon.

4. *Répartition géographique.* — Les réclamations des divers Etats européens et celles des Etats extra-européens ont prouvé toute l'importance qu'ils attachent à prendre part aux travaux du Conseil. C'est pour donner, dans la plus large mesure possible, satisfaction à ces Etats que la question de la réforme de la constitution du Conseil a été posée. Il est donc tout naturel que la Commission du règlement ait examiné avec la plus grande attention les différentes propositions tendant à assurer une meilleure répartition géographique des sièges du Conseil.

Elle a admis tout d'abord, comme la Conférence de 1921, qu'il y avait lieu d'assurer aux Etats extra-européens une certaine proportion de sièges dans chacun des trois groupes.

Dans le groupe gouvernemental, elle a proposé de réserver quatre sièges aux Etats hors d'Europe. Comme les Etats-Unis et le Japon figurent déjà sur la liste des Etats siégeant de droit au Conseil, le total des sièges attribués dans le groupe gouvernemental aux Etats extra-européens serait de 6 sur 16, nombre correspondant aux exigences de la Conférence de 1921.

La Commission a jugé utile de modifier en même temps la procédure de l'élection des délégués gouvernementaux. Le texte actuel de l'article 393 ne permet pas aux délégués des Etats privilégiés de prendre part au vote pour l'élection des autres délégués gouvernementaux. Dans l'idée d'introduire au sein du groupe gouvernemental la même unité que celle qui existe dans les autres groupes, afin aussi de permettre aux Etats privilégiés d'exercer une légitime influence, un membre de la Commission avait proposé de supprimer purement et simplement la fin du 3^{me} alinéa de l'article 393 auquel il est fait allusion ci-dessus. La Commission avait en outre été saisie d'une autre proposi-

tion tendant à faire élire les membres extra-européens du Conseil seulement par les délégués gouvernementaux extra-européens à la Conférence. Elle a rejeté cette dernière proposition et s'est prononcée en faveur de la première par 6 voix contre 3.

Après une discussion, dans laquelle les opinions les plus divergentes ont été émises, la Commission a proposé, par 6 voix contre 4, d'insérer dans le Traité même une disposition réservant aux Etats extra-européens un nombre de sièges déterminé dans le groupe patronal et dans le groupe ouvrier. Par six voix, elle a fixé ce nombre à deux. Les membres patronaux se sont abstenus de voter sur ce point.

5. *Roulement.* — La Conférence de 1921 avait renvoyé au Conseil d'administration la question du système de roulement pour étude et rapport. La Commission examina, en conséquence, si un système de roulement entre les Etats ayant des représentants élus, ne donnerait pas satisfaction. Elle se prononça à l'unanimité contre tout système de roulement. La raison capitale de cette décision est que tout système de ce genre aboutit à l'arbitraire et finit par attribuer des sièges à des Etats qui n'ont manifesté aucun intérêt pour l'Organisation.

6. *Durée du mandat.* — Le Conseil d'administration nous le verrons plus loin, était saisi d'une proposition de M. Rüfenacht, représentant du Gouvernement suisse au Conseil, tendant à modifier la périodicité des Conférences. Cette question fait, du reste, l'objet de la 2^{me} partie du présent questionnaire. Dans ces conditions, la Commission du règlement, se trouva dans la nécessité de réserver la question du mandat qui ne peut être résolue qu'après celle de la périodicité des sessions de la Conférence.

Selon que la Conférence décidera que des sessions seront convoquées au moins une fois chaque année ou

une fois tous les deux ans, il y aura lieu de fixer la durée du mandat des membres du Conseil à 3 ou à 4 ans.

7. *Convocation du Conseil sur demande.* — L'article 393 du Traité prévoit que sur demande de 10 membres, le Conseil doit être convoqué en session extraordinaire.

En présence de l'augmentation du nombre des membres du Conseil, la Commission fut d'avis de porter le nombre requis de 10 à 12.

8. *Séances publiques.* — La Commission était saisie d'une proposition tendant à rendre publiques les sessions du Conseil. Après l'avoir examinée, elle fut d'avis que cette question concernait le règlement intérieur et qu'il n'y avait pas lieu d'en faire l'objet d'une disposition du Traité. Actuellement, c'est l'article 5 du règlement du Conseil qui stipule que les séances ne sont pas publiques.

9. *Admission d'Etats intéressés.* — Sur la proposition de M. Rivas Vicuña, la Conférence avait demandé au Conseil d'étudier la possibilité d'adapter au Conseil d'administration le paragraphe 5 de l'article 4 du Pacte de la Société des Nations, qui est conçu comme suit :

« Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil ».

La Commission reconnut que cette disposition était inspirée par une idée de justice incontestable. Mais il lui parut qu'il était plus difficile dans l'Organisation internationale du Travail que dans la Société des Nations de déterminer à quel moment et comment une question intéresse particulièrement un Etat. Presque tous les Etats du globe peuvent se considérer comme intéressés à tous les travaux du Conseil d'administration. Le texte du Pacte fait, d'autre part, de l'Etat intéressé, un Membre temporaire du Conseil, qui possède le droit de vote. Or, cette

procédure serait absolument inadmissible au Conseil d'administration, où elle aurait pour conséquence de modifier la proportion des groupes. Une troisième difficulté s'oppose à l'application de cette disposition au Conseil : si la représentation des Etats intéressés était admise, ces Etats seraient-ils représentés par un délégué du Gouvernement, par un patron ou par un ouvrier ? Seraient-ils, au contraire, représentés par un délégué de chaque groupe ?

Reconnaissant le bien-fondé de ces observations, la Commission adopta la recommandation suivante :

« Le Conseil pourra, quand il jugera qu'une question à son ordre du jour intéresse particulièrement un Etat qui n'est pas représenté dans son sein, inviter le Gouvernement de cet Etat à désigner un délégué qui prendra part aux travaux relatifs à cette question, avec voix consultative ».

10. *Réforme du Conseil sans révision du Traité.* — La Commission du règlement prit connaissance des recommandations et résolutions adoptées par la troisième Conférence. Elle estima n'avoir rien à ajouter aux propositions adoptées par la Conférence, pour le cas où la révision du Traité ne pourrait avoir lieu.

La Commission du règlement se réunit de nouveau à Rome, le 4 avril 1922, pour approuver les termes de son rapport au Conseil. Elle fut, en outre, saisie par le Directeur du Bureau d'une nouvelle proposition tendant à écarter du Conseil d'administration les Gouvernements des Membres qui ne verseraient pas leur contribution aux dépenses de l'Organisation.

Il paraît, en effet, logique et juste d'empêcher les Etats qui ne remplissent pas ponctuellement leurs obligations financières d'occuper un siège au Conseil au détriment

d'autres Etats qui paient régulièrement leur contribution. La proposition du Bureau était formulée à titre d'indication de la manière suivante :

« Tout Membre qui n'aura pas acquitté sa contribution au budget de l'Organisation internationale du Travail, pour un exercice donné, dans les six mois qui suivront la fin de cet exercice, perdra le siège qui lui est attribué ».

Après avoir examiné cette proposition, la Commission du règlement en adopta le principe et la rédigea de la manière suivante :

« Si un Gouvernement n'a pas acquitté sa contribution six mois après la clôture de l'année financière, l'exercice du mandat de son représentant au Conseil sera suspendu jusqu'au moment du règlement de sa contribution. Ledit délégué ne pourra prendre part ni aux délibérations du Conseil, ni à celles de la Conférence.

Un suppléant prendra sa place pendant cette suspension de son mandat, conformément au règlement du Conseil.

Dans le cas où un Gouvernement n'acquitterait pas sa contribution pendant trois années consécutives, la Conférence serait invitée à pourvoir au remplacement définitif de son délégué pour la durée de son mandat ».

VI. Décision finale du Conseil d'administration

Le Conseil d'administration fut saisi, au cours de sa séance du 6 avril 1922, du rapport de la Commission du règlement établi sur ces bases.

Les différents points de ce rapport firent l'objet d'un échange de vues entre les membres du Conseil. Le rapport fut adopté sous réserve de légères modifications rédactionnelles, et à l'exception de la disposition relative aux Etats débiteurs. Celle-ci fut renvoyée à la Commission du règlement pour nouvel examen. Le Conseil prit connaissance, au cours de sa séance du 7 avril, du rapport supplémen-

taire du président de la Commission du règlement à ce sujet. Ce rapport proposait l'adoption du texte suivant :

« Aucune personne ne pourra être nommée membre du Conseil d'administration ou suppléant si l'Etat auquel elle appartient n'a pas acquitté sa contribution l'année précédente ».

Cette nouvelle rédaction fut adoptée par le Conseil.

Le projet d'article 393 que le Conseil d'administration du Bureau international du Travail soumet à la quatrième session de la Conférence, conformément à l'invitation qui lui a été adressée par la troisième session de la Conférence est, en conséquence, conçu dans les termes suivants :

1. Le Bureau international du Travail sera placé sous la direction d'un Conseil d'administration composé de 32 personnes :
seize, représentant les Gouvernements,
huit, représentant les patrons, et
huit, représentant les ouvriers.
2. Sur les seize membres représentant les Gouvernements, six seront nommés respectivement par chacun des Gouvernements des pays suivants : Allemagne, Etats-Unis, France, Grande-Bretagne, Italie et Japon.
3. Les dix autres membres représentant les Gouvernements seront élus par tous les délégués gouvernementaux à la Conférence. Quatre de ces dix membres appartiendront à des Etats extra-européens.
4. Les membres représentant les patrons et les membres représentant les ouvriers seront élus respectivement par les délégués patronaux et les délégués ouvriers à la Conférence. Deux membres patrons et deux membres ouvriers devront appartenir à des Etats extra-européens.
5. La durée du mandat des membres du Conseil

d'administration sera de ans (la durée du mandat des membres du Conseil devra être fixée à 3 ou 4 ans suivant que les sessions de la Conférence resteront annuelles ou n'auront plus lieu au contraire qu'une fois tous les deux ans).

6. La manière de pourvoir aux sièges vacants et les questions de même nature, notamment celle des suppléants, seront réglées par le Conseil, sous réserve de l'approbation de la Conférence.
7. Le Conseil d'administration élira un de ses membres comme président et établira son règlement. Il se réunira aux époques qu'il fixera lui-même. Une session spéciale devra être tenue chaque fois que douze membres au moins du Conseil auront formulé une demande écrite à ce sujet.
8. Le Conseil pourra, quand il jugera qu'une question à son ordre du jour intéresse particulièrement un Etat qui n'est pas représenté dans son sein, inviter le Gouvernement de cet Etat à désigner un délégué qui prendra part aux travaux relatifs à cette question avec voix consultative.
9. Aucune personne ne pourra être nommée membre du Conseil d'administration ou suppléant si l'Etat auquel elle appartient n'a pas acquitté sa contribution l'année précédente.

En soumettant ce texte aux Gouvernements des Membres de l'Organisation internationale du Travail, le Bureau international du Travail les prie de vouloir bien lui faire part de toutes observations qu'ils pourraient juger utile de formuler au sujet de la réforme du Conseil d'administration. Le Bureau établira, sur la base des observations qui lui parviendront un rapport destiné à introduire la discussion sur le premier point de l'ordre du jour de la quatrième session de la Conférence et qui sera distribué en temps utile aux Gouvernements des Membres, ainsi

qu'aux délégués à la Conférence. Pour faciliter ce travail et pour le rendre plus fructueux, les Gouvernements sont priés de faire connaître leur avis sur chacune des propositions contenues dans le texte adopté par le Conseil en suivant, autant que possible, l'ordre dans lequel ont été rédigées ces propositions.

B) Périodicité des sessions de la Conférence.

Le Conseil d'administration a décidé, au cours de sa 11^{me} session et par un vote de 8 voix contre 3, d'inscrire à l'ordre du jour de la quatrième session de la Conférence internationale du Travail, la revision de la Partie XIII du Traité de Versailles et des parties correspondantes des autres Traités de Paix, en vue de permettre des modifications en ce qui concerne la périodicité des sessions de la Conférence.

Cette décision lui a été dictée par une proposition de M. Rüfenacht, représentant du Gouvernement suisse au Conseil d'administration, tendant à remplacer la première phrase de l'article 389 actuel du Traité, qui porte que :

« La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et au moins *une fois par an* »,

par la phrase suivante :

« La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et au moins *une fois tous les deux ans* ».

En décidant de porter cette question à l'ordre du jour de la Conférence, le Conseil invita sa Commission du règlement à la soumettre à un premier examen, en même temps que la question de la réforme de sa constitution.

Une longue discussion s'engagea au sein de la Commission au sujet de l'opportunité et de l'étendue de la modification à apporter. On insista, en faveur de cette dernière, sur les dangers qui résultent de sessions trop

fréquentes de la Conférence. On signala combien la classe ouvrière avait été déçue en constatant que les espoirs qu'elle avait placés dans l'Organisation internationale du Travail ne se réalisaient pas malgré l'adoption, chaque année, de nouveaux projets de convention. D'autre part, les parlements nationaux se sont trouvés surchargés de besogne et n'arrivent pas à examiner les décisions des Conférences assez rapidement. En réunissant la Conférence une fois tous les deux ans, on obtiendrait très probablement de meilleurs résultats, tout en étant en mesure de vouer plus de temps à la préparation des sessions.

Mais le rôle de la Conférence ne se borne pas à voter les textes qu'il est proposé de soumettre à l'approbation des Membres. Elle doit, en outre, contrôler l'activité du Bureau, se rendre compte des efforts qu'il a accomplis pour obtenir la ratification des conventions et la mise en application des recommandations, vérifier comment il s'acquitte des devoirs qui lui incombent en vertu de l'article 396. Elle doit également se rendre compte des mesures prises par les Membres pour mettre à exécution les conventions auxquelles ils ont adhéré, et l'article 408 a eu soin de préciser que ces mesures devaient faire l'objet de rapports *annuels* dont le Directeur du Bureau présenterait un résumé à chaque session de la Conférence. Or, si la Conférence ne se réunit que tous les deux ans, il peut paraître difficile qu'elle puisse, au cours d'une même session, discuter les questions inscrites à son ordre du jour et exercer d'une façon complète le droit d'examen et de contrôle qui lui est dévolu. D'autre part, ainsi qu'il a été observé à la commission, c'est grâce aux Conférences que le public se fait une idée concrète de l'Organisation internationale du Travail et on risquerait, en ne réunissant la Conférence que tous les deux ans, de donner l'impression que l'Organisation n'a pas un caractère permanent. C'est sans doute pour des raisons semblables que l'Assemblée de la Société des Nations a décidé, en l'absence

d'une disposition précise du Pacte, de tenir une session chaque année.

Il parut à plusieurs membres de la Commission que la solution de la difficulté pourrait être trouvée dans l'allègement de l'ordre du jour des conférences. La Commission examina en particulier le système qui a déjà été exposé dans la communication adressée par le Bureau international du Travail aux Gouvernements à la date du 28 février dernier, au sujet de l'ordre du jour de la quatrième session de la Conférence et qui consisterait à tenir tour à tour une grande conférence qui adopterait les projets de convention et une petite conférence qui se bornerait à examiner les questions générales d'application des décisions antérieures et de fonctionnement de l'Organisation internationale du Travail n'impliquant pas des connaissances techniques particulières et ne nécessitant pas, en conséquence, la présence de conseillers techniques.

La Commission n'a cependant pas abouti à une décision finale sur cette question, mais a renvoyé au Conseil d'administration les deux alternatives en face desquelles elle s'était trouvée: ou bien convocation d'une conférence tous les deux ans seulement, ou bien convocation alternative d'une conférence consultative et d'une conférence dite « de décision ».

Le Conseil d'administration lui-même examina à son tour longuement ces deux alternatives au cours de sa séance du 5 avril 1922.

Après avoir entendu l'exposé des arguments qui militent en faveur des deux thèses, il estima ne pas être, lui non plus, en mesure de formuler des propositions précises à la Conférence et il décida de se borner à soumettre aux Gouvernements les deux solutions.

La première alternative consisterait à rédiger de la manière suivante le premier paragraphe de l'article 389 :

« La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et au moins une fois tous les deux ans ».

La deuxième solution comporterait le maintien du texte actuel de l'article 389, mais avec la suggestion indiquée dans la lettre du Bureau international du Travail du 28 février, à savoir que les sessions de la Conférence seraient divisées en deux catégories alternant d'une année à l'autre : les unes dans lesquelles la Conférence serait appelée à adopter des projets de convention et des recommandations, les autres dans lesquelles elle aurait seulement à prendre connaissance des résultats obtenus, des difficultés rencontrées dans l'application et à régler toutes les questions générales concernant le fonctionnement régulier de l'Organisation internationale du Travail.

Le Bureau international du Travail serait en conséquence très obligé aux Gouvernements des Membres de vouloir bien lui faire connaître leur avis sur les solutions envisagées par le Conseil en ce qui concerne cette partie de l'ordre du jour. A l'aide des réponses qui lui auront été adressées, le Bureau international du Travail établira, comme pour la première question, un rapport qui sera soumis à la Conférence et pourra servir de base à ses discussions.



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