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**THE INTERNATIONAL  
LABOUR ORGANISATION**

THE INTERNATIONAL  
LABOUR ORGANISATION

THE FIRST DECADE

*Preface by*

ALBERT THOMAS

*Published for the*

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## PREFACE

THIS book is the work of certain officials of the International Labour Office who prefer to remain anonymous. It is something more than a sincere effort to describe, impersonally and simply but in as telling a form as possible, the work of this institution; it is a confession of faith.

It may be asked what justification exists for the publication of these 400 pages. Much has already been written on the first ten years of activity of the International Labour Organisation: articles, pamphlets, even books, published both in Great Britain and the United States, some of them of considerable value. The Office itself published an official album containing shrewd and impartial comments on the work of the past ten years by the Officers of the Governing Body. It may be asked then what is the need for this new study. First of all, it seemed useful to complete the record of the first ten years of international co-operation. Our colleagues of the Secretariat of the League of Nations have published a comprehensive volume giving a valuable survey of their work which covers every international sphere save one—that of labour. The public, or at least that section of it which wishes to help us and which is sometimes apt to complain of insufficient information, is entitled to expect this gap to be filled, remembering that the Treaties of Peace postulated that there could be no lasting peace without social justice.

And there is another reason. Surely among all the voices raised in praise, or it may be criticism, of our work, it is but right that a voice from within the Office should also be heard. It is this voice which finds expression here—a discreet, perhaps somewhat colourless voice, the voice of officials. Yet even if its tone is uniform and intentionally subdued it is vibrant with memories, with hopes, with emotion. We can say with joy and pride that in these ten years the conviction and enthusiasm of the staff of the International Labour Office have never failed or weakened.

In order to make this a convenient handbook, the authors have, of course, been obliged to give a full and systematic

## Preface

description of all the activities of the Organisation, enumerate all the problems, follow the standardised and obvious plan of discussing successively the origins and principles of the institution, its work, the results obtained and its position in the general movement for justice and peace. It is true also that they have had to abstain more than others from offering ingenious but sometimes dangerous suggestions or from passing too daring judgments. Nevertheless, even in this well-trodden field they have brought out new points which would seem to be of great value. And they have done more, as no one can appreciate better than the Director who has been dealing with the subject in his reports every year since 1921: they have produced a living and interesting study.

Their first great merit is that they have brought out the immense difficulties of our task, difficulties which are perhaps still growing or at least changing their angle. The members of the Commission on International Labour Legislation (in 1919) certainly imagined that it would be comparatively easy to obtain the ratifications which States were asked to give to International Labour Conventions, and that the development of international labour legislation would proceed almost automatically along the lines laid down in Part XIII. Some members even went so far as to suggest the institution of an international assembly with full legislative powers for all countries; others proposed that the Conventions should automatically come into force and be binding on all so long as no States made any reservations. The wording of Part XIII, careful as it has been to respect national sovereign rights, clearly reflects this early confidence. Not many months had elapsed, however, before the first difficulties arose. I well remember my feelings at the end of the First Session of the Governing Body in Paris in January 1920, when, having scarcely entered on my duties as Director, I was informed by Mr. Rufenacht, Swiss Government Delegate, of the difficulties which his Government had found in the Eight-Hour Convention adopted practically unanimously at Washington a few weeks before, but destined to cause us so much trouble in future years. Thus began our stiff task which was to encounter so many other complications and obstacles later: administrative delays, national prejudices, constitutional contradictions, legal objections, economic apprehensions, press of Parliamentary work, Government negotiations, opposition

manœuvres, indifference or hostility in public opinion, mutual misunderstandings and suspicions, and so on. Not only for the Eight-Hour Convention but for every Convention without exception ratification has become in the fullest sense of the term an affair of State. Yet there are already thirty Conventions and fifty-five members of the Organisation. As long as this Organisation lives and is governed by its present constitution, there will be an annual debate on the results obtained and on the value of the total figure for ratifications. In the album for the tenth anniversary, Mr. Arthur Fontaine, Chairman of our Governing Body, showed by skilful mathematical reasoning the true significance of this figure. The present writers have reproduced this proof (p. 279) and have shown what unremitting effort, what insistence, what politic indiscretions are reflected in the total of 415 ratifications by January 1931. They have made a perfectly fair comparison with the results obtained by the League of Nations. They even point out, not without a touch of humour, that the United States of America have for several years past possessed a kind of international labour conference for harmonising the social legislation of the federated States, which are without a doubt more closely united than the States Members of the International Labour Organisation; yet all things considered, their progress towards standard legislation has been much less rapid than our own. The argument (p. 282) is worth reading; it is quite a novel idea.

New also, as far as we know, is the lucid proof of the usefulness, the direct value of International Labour Conventions. Much has been heard of the worthlessness of their texts. If critics were to be believed, the Conference generally adopts merely minimum Conventions, more or less consolidating the national legislation of the majority of countries and stabilising, one might say, the reforms already carried through, but involving no fresh progress. Consequently, these critics maintain, the ratifications which are obtained with so much difficulty are nothing more than a hollow farce. In reply to this criticism the "effective results" of each Convention are analysed in turn. The classification of the Conventions into groups according to whether they have been widely, less widely or sparsely ratified, and have involved considerable, little or no legislative progress, may appear rather artificial. But the detailed analysis which has been outlined (pages 288 *et seqq.*) is instructive,

showing as it does that these Conventions have, in the words of the Treaty, conferred lasting benefits on numbers of workers; it will also be a welcome reassurance to those who, like ourselves, are firmly convinced of the effectiveness of the international methods of procedure established in 1919.

We are also heartily grateful to those writers who planned and composed the whole of the second and largest part of the volume, entitled "The Work." A study of these pages will give a faithful impression of the International Labour Organisation, the Office and the Conference "at work" in every branch of social life and in every field with which they are competent to deal. Our constant and I think legitimate reply to those who complain of the small number of ratifications registered has been that ratification is often merely the final seal placed on our work, that it is in some sense the ultimate goal of every effort at reform, but that it is the movement itself which is of primary and essential, if not exclusive, importance. In the anniversary album Mr. Olivetti, Employers' Vice-chairman of the Governing Body, brings out clearly in an important passage the fact that the results of our activities do not lie merely in the resolutions of the Conference, and that the Office has found its most fruitful function in promoting and stimulating social progress in every country. Year by year, in the second part of the report of the Director to the Conference, we ourselves have sought to show how in every sphere—hours of work, wages, hygiene, safety, employment and unemployment, etc.—whether for all workers or for some large occupational group, the work of the Office was supported and developed by the demands of the workers, by currents of public opinion and by scientific research, and how in return our actions, our decisions, our methods helped to guide, define and clarify these movements and efforts, so that they could only reach their fullest possible utility when co-ordinated round our own work. So far, however, no general picture had been drawn of this process. Now it has been done, and in masterly fashion. These keenly suggestive pages reveal all the actions and reactions which go to form the network of social progress: the indirect influence of the Conventions, which, even if not ratified, serve as standards for national legislation (in particular, the enormous influence of the much-maligned Eight-Hour Convention which, although only sparsely ratified, has been almost universally accepted as



the code for hours of work) and the real but rarely recognised effectiveness of the important Recommendations, such as that on inspection, which is now the recognised standard for the young inspection services in countries which were revived or unified by the War or which are only now launching out upon industrial life, or the Recommendation on workers' spare time, which may already be said to have become the charter of the new humanism at which the world of labour aims. They also show the organising power of the social insurance Conventions, which are at the origin of the new international groups of insurance funds and provide a clearly defined framework for their activities (it is even said that these Conventions have indirectly led to organised resistance on the part of doctors). They bring out, too, the value of our scientific studies, of the *Encyclopadia of Industrial Hygiene*, of the *Safety Survey*, of our studies on finding employment, on social insurance and public works, which have led to the imitation of the most successful schemes in other countries and thus sometimes proved as useful for the defence of human life as the Conventions themselves, even when ratified. These pages tell of the fruitful meetings in our commissions of experts and men of science separated by the War or by circumstances; the revival of great scientific movements which have been more or less paralysed; the resurrection of ideas or aspirations which were being allowed to languish or were stifled. Through all the tangle of legal procedure, through all the confusion of committees, commissions and conferences, beneath the apparent emptiness of congress resolutions and the jumble of texts, we see with amazement the desired reforms being adopted in every part of the world—slowly, it may be, but surely, and sometimes even beyond our highest hopes. It is occasionally the habit of workers' meetings to cast doubts on the value of the International Labour Organisation; some, in moments of disillusion, have gone so far as to say that our international institutions are a sham. But that view cannot be accepted by anyone who reads these pages with an open mind. It must be frankly admitted that the movement for the protection of the workers would never have had the same vigour or the same success amidst all the political and economic difficulties of the post-War world had it not had at its centre the International Labour Organisation.

That is the impression which must be left by this objective

and quite impersonal description undertaken by our collaborators. They have studied only the past, the ten years since the Organisation began, but their unspoken thought for the future, which we share, is revealed on every page. Without such concern for the future there can be no good history. Is not history indeed the science of the future? An institution lives only in so far as it cares about its future.

No doubt our future is guaranteed by a number of considerations, but that will make it none the less difficult and arduous. The very intensity of our activity brings us face to face with new problems which are sometimes disconcerting just because of their novelty.

To what extent, for example, have the procedure and the mechanism created in 1919 proved in these ten years to be adapted to the conditions of our dawning international life? Have the permanent international bodies been endowed with adequate powers and competence? What place is there for the consultation of technical experts, the representation of interests, etc.? It is true that some attempts at reform have been made, but without much success. Valuable suggestions for amending the Standing Orders of the Conference or of the Governing Body have been rejected. The proposed amendment to Article 393 of the Treaty of Peace did not obtain the necessary number of ratifications to bring it into force. But sooner or later we must either agree to accept some new practices not specified in the Treaties, as may happen even with the best-regulated constitutions, or else have the courage to amend them.

The necessity for some such step becomes all the clearer when it is remembered that, as this volume shows, the reforms undertaken in the name of social justice will be more fully applied and more real year by year, so that they will involve more direct and more tangible consequences in national life and even in international relationships. The "Labour" Section of the Peace Treaties was based on two principles. In the first place it wished to abolish everywhere the "injustice, hardship and privation" which the workers had to suffer, and to guarantee "fair and humane conditions of labour" to all. As a general rule, and especially in the early years, the main object in view in drafting the International Labour Conventions was to achieve this end and apply the present ideals of social justice accepted in the Labour Charter. These Conventions were the direct

outcome of the feelings of humanity and justice by which Governments were animated throughout that period. But Part XIII had a further object. The reforms adopted in the more advanced countries had to be protected against unfair competition by other countries which perhaps might not scruple to exploit their workers to the utmost for the sake of commercial advantage. This was the other aim of our work as defined in the texts voted. The post-War monetary, financial and economic crises which completely destroyed international equilibrium forced into the background the question of competition based on unequal conditions of labour. Now that many important Conventions on points of principle have been drafted for the compulsory and immediate protection, if need be in spite of economic conditions, of the weaker workers, of women and children; now that the most general rules for protection and safety have been laid down; now that a certain degree of international financial unity has again been reached and broken commercial relations re-established, we find that in several branches of industry, such as mines, glass works or textiles, the favourable or unfavourable effects of its labour conditions on a country's trade are becoming more apparent and more keenly felt. It is no longer merely a question of protecting the individual workers against too great hardships. There must also be a certain equality of burdens among the various national economic systems. Hence the demand for Conventions containing stricter and more precise regulations for a given industry than did the general Conventions. Hence also the idea of regional Conventions limited to a few States and the idea of new types of procedure, the institution of which must undoubtedly be considered by the Organisation even at the risk of certain dangers.

The same reasons lie at the root of the widespread but confused discussion which has been going on for years with regard to the interdependence of economic and social questions, the demarcation of the competence of the various organisations of the League of Nations, and the attention to be paid to economic conditions in the drafting of our Conventions. In one of the following chapters (Part II, Chapter VIII) the authors have traced objectively and without bias the successive phases of this controversy. This is not the place to consider the theoretical conclusions or to reopen the examination of the problem as a

whole, but the discussions at our Conferences and at the recent meetings of the Unemployment Committee have shown with increasing clearness that the immediate future of our work and even the very future of our institution depend on the solution of this question and on the spirit which is to inspire national and international economic policy. One possible solution is that, having established a minimum of protection for humanity—what has been called “the sanitary cordon”—we may subordinate the ever-evolving conceptions of, and the ever-recurring aspirations after social justice to “economic necessity” and “economic laws,” the “free play” of which must not be further disturbed. Or we may decide that, just because of these ideals of justice and because of the growing clearness of the voice of the human conscience, and sometimes even in the face of economic laws, which (to put it mildly) have perhaps not always the full force of natural laws, human intelligence must make every possible effort to organise the economic system and has in fact the power to do so. The social factor must take precedence over the economic factor; it must regulate and guide it in the highest cause of justice.

Doubtless many a long decade must still elapse, many a compromise, many a struggle and perhaps many a failure be faced and accepted before the economic system is finally regulated and organised for the common weal. The decade which is so well described in the following pages can at least claim to have defined all these problems in a practical form. The world in which we live and struggle is big with new ideas, still uncertain, indefinite, confused, but arising out of the great upheavals of the War and post-War periods and to some extent forced on the attention of every thinking man. Will our international institutions be able to clarify these ideas and translate them into facts? That is the question of the future. Whatever the answer may be, it is in the light of these ideas that they must seek their path and define their duties.

ALBERT THOMAS

*January 1931*

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## APPENDIX

### PART XIII (LABOUR) OF THE TREATY OF VERSAILLES OF JUNE 28, 1919<sup>1</sup>

#### 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:

<sup>1</sup> The provisions of Part XIII of the Treaty of Versailles are reproduced in full in Part XIII of the Treaty of Saint-Germain of September 10th, 1919 (Articles 332-372), Part XIII of the Treaty of Trianon of June 4th, 1920 (Articles 315-355), and Part XII of the Treaty of Neuilly of November 27th, 1919 (Articles 249-289).

## CHAPTER I

## ORGANISATION

## ARTICLE 387

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

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

## ARTICLE 388

The permanent organisation shall consist of:

1. A General Conference of Representatives of the Members and
2. An International Labour Office controlled by the Governing Body described in Article 393.

## ARTICLE 389

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

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

7. 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

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

2. 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.

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

ARTICLE 391

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

ARTICLE 392

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

ARTICLE 393<sup>1</sup>

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

<sup>1</sup> At its Nineteenth Sitting, held on November 2nd, 1922, the Fourth Session of the International Labour Conference adopted by 82 votes to 2, with 6 abstentions, the following draft amendment to Article 393, which is at present before the States Members of the International Labour Organisation, in accordance with the provisions of Article 422 of the Treaty of Versailles.

[Continued at foot of p. 370.]

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

- Twelve persons representing the Governments;
- Six persons elected by the Delegates to the Conference representing the employers;
- Six persons elected by the Delegates to the Conference representing the workers.

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

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

5. 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.

6. The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and

*"The International Labour Office shall be under the control of a Governing Body consisting of thirty-two persons:*

- "Sixteen representing Governments,*
- "Eight representing the Employers, and*
- "Eight representing the Workers.*

*"Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above. Of the sixteen Members represented six shall be non-European States.*

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

*"The persons representing the Employers and the persons representing the Workers shall be elected respectively by the Employers' Delegates and the Workers' Delegates to the Conference. Two Employers' representatives and two Workers' representatives shall belong to non-European States.*

*"The period of office of the Governing Body shall be three years.*

*"The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.*

*"The Governing Body shall, from time to time, elect one of its number 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 twelve of the representatives on the Governing Body."*

shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

**ARTICLE 394**

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

2. 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**

1. 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.

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

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

4. 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.

5. 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

1. 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.

2. 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.

3. 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

1. 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.

2. 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.

3. 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

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

2. 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.

3. 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

1. 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.

2. 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.

3. 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.

4. 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.

5. Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

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

7. 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.

8. 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.

9. 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.

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

11. 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

1. 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.

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

#### ARTICLE 408

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

#### ARTICLE 409

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

## ARTICLE 410

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

## ARTICLE 411

1. 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.

2. 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.

3. 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.

4. 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.

5. 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

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

2. 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.

3. 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.

4. 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

1. 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.

2. 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

1. 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.

2. Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts

the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

ARTICLE 416

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

ARTICLE 417

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

ARTICLE 418

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

ARTICLE 419

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

ARTICLE 420

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 412, 413, 414, 415, 417 and 418

shall apply and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

## CHAPTER III

## GENERAL

## ARTICLE 421

1. 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.

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

## ARTICLE 422

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

## ARTICLE 423

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

## CHAPTER IV

## TRANSITORY PROVISIONS

## ARTICLE 424

1. 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.

2. 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.

3. 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.

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ANNEX

## FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919

1. The place of meeting will be Washington.
2. The Government of the United States of America is requested to convene the Conference.



3. 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.

4. Agenda:

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

## SECTION II

### GENERAL PRINCIPLES

#### ARTICLE 427

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

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

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

- First.*—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.
- Second.*—The right of association for all lawful purposes by the employed as well as by the employers.
- Third.*—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.
- Fourth.*—The adoption of an eight-hour day or a forty-eight-hour 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.



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