

INTERNATIONAL LABOUR CONFERENCE

— ◆ —
FIFTH SESSION

GENEVA -- October 1923
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REPORT ON GENERAL PRINCIPLES FOR THE ORGANISATION OF FACTORY INSPECTION



GENEVA
International Labour Office
—
1923

INTRODUCTION

In the Questionnaire which it addressed to the Governments the International Labour Office recalled the circumstances and considerations which led the Governing Body to include the question of "General principles for the organisation of factory inspection" in the Agenda of the Fifth Session of the International Labour Conference.

The ninth principle included in Article 427 of the Treaty of Versailles recommends that "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." As a matter of fact, almost all the States Members of the Organisation have organised a system of inspection. The real object of the present item on the Agenda, accordingly, is not to remind the States Members of the importance of applying this principle but to endeavour, in the light of the longest and widest experience gained in this connection, to indicate how inspection should be organised in practice in order to ensure proper and effective enforcement of the laws for the protection of the workers. The last paragraph of Article 427 makes "an adequate system of such inspection" a *sine qua non* for securing this object.

How should an adequate system of inspection be organised? How should the work of inspection be carried out? The Questionnaire issued by the Office was intended to obtain the opinions of the Governments on these two questions.

The replies which have been received are evidence of the interest which this problem has aroused. Large in-

dustrial States which have long had inspection services as well as States newly constituted or reconstituted since the Treaties of Peace and extra-European countries whose labour legislation is still of recent date are unanimously of the opinion that the Conference might usefully indicate in a Recommendation general principles for properly organising supervision of the enforcement of laws regulating labour.

Replies have been received from the Governments of the following countries: Austria, Belgium, Brazil, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, Great Britain, Hungary, India, Italy, the Netherlands, Norway, Poland, the Kingdom of the Serbs, Croats and Slovenes, South Africa, Sweden and Switzerland, as well as from three provincial Governments of Canada—Manitoba, Nova Scotia and Saskatchewan.

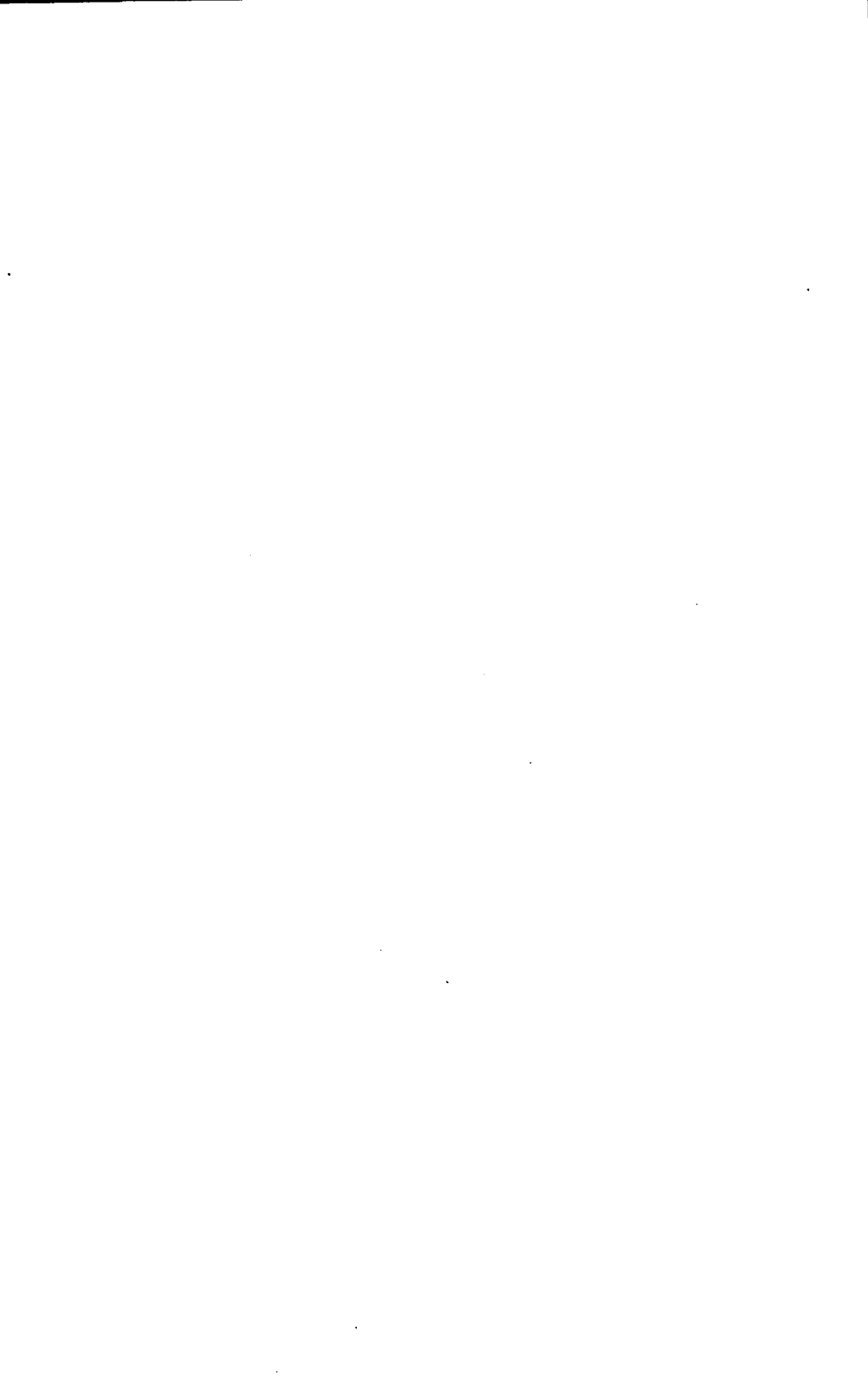
These replies contain material which will facilitate the work of the Conference in arriving at valuable and useful conclusions. The only matter for regret, perhaps, is that the replies could not have been received in time to allow the Office to ask for further information or explanations on a number of points before proceeding to the preparation of the present Report.

The Questionnaire drawn up by the Office in the light of the discussion at the Governing Body began with a preliminary question the object of which was to define the subject with which the Conference would have to deal. As the expression "*inspection du travail*" used in the French wording of the item included in the Agenda by the Governing Body has a more general significance than the English expression "factory inspection" which was adopted by the English-speaking members of the Governing Body

as being the formula to which they were accustomed, it became necessary to consult the Governments as to how the limits of the subject should be defined, i.e. whether it was considered desirable to indicate common principles for the supervision of the enforcement of laws for the protection of the workers in the different forms of economic activity in accordance with the French formula, or whether in accordance with the English formula these principles should only be applied to the supervision of laws for the protection of the workers in industry or even in manufacturing industry only.

The rest of the Questionnaire was divided into three parts dealing respectively with (1) the scope of inspection, i. e. the nature of the work which inspection should carry out and the character of the provisions of the laws and regulations which it should supervise, (2) the functions and powers of inspectors, i.e. the general conception of the inspector's functions and the rights with which he should be invested in order to carry out these functions, and (3) the administrative organisation of inspection.

The first chapter of the present Report reproduces the replies communicated by the Governments to the different questions contained in the Questionnaire. The second chapter contains a general survey of the question in the light of these replies, and the third and final chapter gives some explanations of the arrangement of the draft Recommendation which has been drawn up on the basis of the opinions expressed by the Governments and which is submitted for the consideration of the Conference as a basis for discussion.



CHAPTER I

REPLIES OF THE GOVERNMENTS

This chapter contains, arranged by countries in alphabetical order under each heading of the Questionnaire, the replies of the Governments which were received by the International Labour Office in time for inclusion in the present Report.

PRELIMINARY QUESTION

Do you consider it desirable to indicate common principles for the supervision of the enforcement of the laws regulating conditions of labour in the different forms of economic activity? Or do you consider that special methods and particular principles for the supervision of labour laws are required for the different forms of activity?

AUSTRIA

The Austrian Government prefaces its reply by the following observations :

The subject which on the basis of paragraph 9 of Article 372 of the Treaty of St. Germain (Article 427 of the Treaty of Versailles) the Governing Body of the International Labour Office has included in the Agenda of the General Conference of the States Members for this year refers to an institution which it is impossible to regulate uniformly and rigidly in the different countries, in view of the differences which exist

in the development of their industry, commerce and agriculture, in their conditions of labour and the relations between employers and workers—and particularly in view of the differences in their administrative methods and organisation. The course indicated by the International Labour Office for applying the principle contained in the Treaty of Peace, while taking account of the difficulties mentioned above, appears therefore to be the only practicable course. This procedure consists in indicating only general principles for the organisation of factory inspection and suggesting that the decisions of the Conference on this subject should take the form of a Recommendation. In this way the States Members will be able to give effect to the decisions which may be taken by the Conference without acting in opposition to the conditions and institutions peculiar to their respective countries. The discussions and decisions of the Conference will no doubt furnish very valuable indications, particularly for States which are still without a fully organised inspection service. They may also provide States which already have such a service with useful suggestions for practical improvement in one or other branch of their inspection system.

From this standpoint some indication may be given as to the experience of Austria in regard to factory inspection. Proposals for the adoption of general principles will only be made in so far as they can be recommended on the basis of such experience.

A factory inspection service has existed in Austria for very many years. During the course of its development it has been incorporated in the general public administration and has kept pace with the evolution of social legislation. It is organised as follows.

Since 1883 there has been an inspection service for industrial establishments, whose work at present is to protect the workers and employees and to supervise not only industrial establishments but also places of amusement, transport undertakings, except railways or air transport, financial institutions (banks, insurance firms) and commercial establishments. This service therefore deals with establishments which cannot be considered as productive undertakings in the sense of the preliminary question to the Questionnaire.

The following establishments are also subject to inspection — all mechanical undertakings (excluding administrative services) controlled by the Confederation, the Federated States, the Communes or other public bodies, as well as subsidiary establishments connected with air transport or the postal, telegraph and telephone services, hygiene, educational establishments, and religious and reformatory institutions. Finally, home work and the employment of children in industrial work is also to some extent covered by this inspection service.

A special inspection service for inland navigation was established in former Austria as early as 1901. A similar service was instituted by a Ministerial Order dated 12 August 1921, B.G.B.I. No. 21, and it covers the whole territory of the Confederation. It is under the Federal Minister of Commerce and Communications and is responsible for ensuring the protection of passengers and the general public as well as of the workers concerned.

Since 1854 a mines inspection service has also been in existence which supervises establishments working "reserved minerals", i. e. minerals which can be used on account of their contents of metal, sulphur, alum, vitriol or salt, graphite, resin, bitumen in solid, liquid or gas form, and particularly ozocerite, asphalt, petroleum and natural gas as well as minerals which can be used in industry on account of their bituminous contents, and finally, all kinds of coal and lignite. This service is under the mines administration, i. e. as regards mining undertakings it carries out the functions belonging to the inspection service for industrial establishments as well as those of the industrial administrative authorities in respect of industrial establishments. The mines administration which is responsible for the inspection of mines is also responsible for the protection of the public.

A special service under the Federal Ministry of Commerce and Communications has to supervise the application of laws, orders and rules for the protection of railwaymen, particularly workers employed in subsidiary undertakings such as workshops, gas and electrical factories etc., as well as workers employed on building work in railway establishments. The same Ministry is also responsible for official supervision of the safety, regularity and good working of transport, as well as for protecting travellers and persons living near the railways.

Finally, there are technical supervisory bodies under the State employed by the administrative authorities which in addition to their other duties supervise the enforcement of the regulations concerning the manufacture of explosives. They also inspect theatres and test steam boilers. Seeing that they have to protect the public in general, their work also contributes to ensuring the safety of the workers. The powers of the inspectors are in no way diminished on account of the supervisory functions which these bodies have to carry out for the protection of the workers.

The reply to the preliminary question is as follows :

Modern views on the subject would by no means be satisfied by establishing principles for the supervision of labour legislation in the different forms of production only, since persons

employed in unproductive work (commerce, transport, financial institutions, theatres, etc.) also require to be protected in order to ensure uniformity in inspection. It is desirable that common principles should be established for inspection of the different forms of activity, but they must be drawn up on general lines and take account of the special conditions in each form of activity (industry, commerce, mines, agriculture, railways, etc.).

BELGIUM

The reply of the Belgian Government is as follows :

It is desirable to indicate common principles for the supervision of the enforcement of the laws regulating conditions of labour.

BRAZIL

Note. In his communication forwarding a reply to the Questionnaire the Brazilian Minister of Agriculture, Industry and Commerce indicates that the reply was prepared by technical experts and is subject to certain reservations on the part of the Brazilian Government.

The reply to the preliminary question is as follows :

In connection with the enforcement of the regulation of labour in industry, agriculture and commerce, it has often been indicated in the replies and reports sent by the Governments concerned that the International Labour Conference should merely adopt fundamental principles and leave each State to settle the most suitable methods for their application to the different forms of economic activity in the light of the special climatic, economic, social and psychological conditions in its country. It is because these various forms of activity often present wide differences from one area to another or even in one and the same area that it seemed impossible to agree to uniform labour legislation. It would, therefore, appear hardly logical to prescribe common methods for supervising the enforcement of laws and regulations which vary from State to State or even in one and the same country. At the most, very general ideas might be indicated in this connection which would scarcely be of any substantial value for

settling practical standards for organising and working factory inspection. A short review of the situation in Brazil will indicate the obstacles in the way of the adoption of uniform methods for the organisation of factory inspection in some countries.

The supervision of industrial establishments, workplaces, workshops and undertakings as regards general or special hygiene conditions is carried out by the Public Health Service under the Ministry of Home Affairs. This service covers all forms of activity and deals with health matters throughout the whole territory of the State affecting the population resident therein, including country areas as well as urban districts and industrial centres.

Moreover, the Ministry of Agriculture, Industry and Commerce administers an agricultural inspection service which has branches in all the federated States and whose officials are constantly in touch with agricultural undertakings and their subsidiary branches. At present the duties of these officials are of a technical, economic and statistical character, but for reasons of economy and expediency it would seem indicated that this service should also be entrusted with the duty of supervising the application of the measures which may be taken for the protection of agricultural labour.

Under the same Ministry there is also an important section dealing with all questions and matters affecting cattle-rearing and the subsidiary industries connected therewith. Under this administration are employed technical experts whose duties include inspection, from the point of view of hygiene, of slaughter-houses, their equipment and staff, cold storage establishments and factories in which animal products are prepared or transformed. Other specialists carry out the same duties for dairies and other establishments where milk is used for any form of manufacture.

Representatives of the Federal Settlement Service also supervise to some extent the conditions of labour of immigrants who are settled in the interior of the country by the Government or private companies. Further, a number of States have taken measures to protect foreign workers who come to look for work within their territory and they have instituted special services to supervise the application of these measures. The best organised and the most important of these services is the one which has been instituted by the State of Sao Paulo.

Commercial establishments situate in urban districts of a certain size as well as in the federal district (Rio de Janeiro) are subject to municipal orders and regulations, and it is naturally the officials of the local authorities who have to see that these regulations are observed, for example as regards the

closing of commercial houses on holidays and at fixed hours on working days.

It is probably desirable that there should be some uniformity in the methods and in the enforcement of labour legislation, and it is considered that it would not be impossible, up to a certain point, to co-ordinate the activities of the different public authorities. It would be dangerous, however, and hardly expedient to change completely existing services which are well-organised and work satisfactorily. In new and large countries like Brazil positive results for social reforms can only be secured in practice by repeated and persistent efforts. If a uniform and too rigid regulation were imposed all at once the results of previous work, which has often been long and arduous, might, at least in part, be wasted. It is important not to upset administrations which have been working for some time and are undoubtedly rendering valuable services and which were created to deal with special circumstances and carry out urgently necessary work.

In short, from the standpoint of the special conditions in Brazil, it would be necessary, in instituting a new system of factory inspection, to take the two following important points into consideration :

- (1) avoiding any excessive expenditure at the outset and therefore making use of the services at present available which may give effective assistance;

- (2) facilitating the start of the new service by ensuring adequate elasticity in its organisation and working.

It is considered that the foregoing considerations may apply to other countries as well as Brazil.

CANADA

The replies received from Nova Scotia and Saskatchewan do not deal with the preliminary question. The reply of the Government of Manitoba indicates that it is considered that special methods and particular principles are required for the different forms of economic activity.

CZECHOSLOVAKIA

The Czechoslovak Government prefaces its reply to the Questionnaire by a brief survey of the development of factory inspection in Czechoslovakia up to the present time, as follows:

The organisation of factory inspection in the Czechoslovak Republic is based on two Acts dating back many years. The first is the Austrian Act of 17 June 1883, No. 117 of the Imperial Code, which is still in force in Bohemia, Moravia and Silesia, while the second is the analogous Hungarian Act No. XXVIII of 1893, which is still partly in force in Slovakia and Sub-Carpathian Russia.

By virtue of the first Act inspection in Bohemia, Moravia and Silesia covers all undertakings subject to industrial regulation (industrial undertakings, small trades and commercial undertakings), without regard to the number of workers employed or to the use or non-use of mechanical power.

Factory inspection in Slovakia and Sub-Carpathian Russia, by virtue of the second Act mentioned above, covered only factories and establishments using mechanical power or employing at least 20 workers, subsidiary occupations in agricultural and forestry undertakings, establishments for the preparation of milk, butter, cheese, etc. using motor or steam power, and certain classes of undertakings expressly mentioned in Section 17 of the Act in question. The functions of the inspectors under this Act consisted in the supervision of safety measures and more especially in the encouragement of the development of industrial undertakings. By a Decree issued by the Hungarian Minister for Commerce, No. 17,001 of 1901. these officials were further entrusted with the supervision and testing of steam boilers.

After the revolution of 1918, steps were taken to re-organise factory inspection in Slovakia and Sub-Carpathian Russia.

In the first place, in 1919, inspection of steam boilers was withdrawn from the general inspectorate and provided for separately. Later, under the Act of 27 January 1921, No. 47 in the Compilation of Laws, the factory inspectorate in Slovakia was required to supervise all undertakings carried on under the regulation of the law, so that the situation in Slovakia, based on the provisions of the old Hungarian Act No. XXVIII of 1893, was practically assimilated to the situation in Bohemia, Moravia and Silesia.

After the revolution, it was felt necessary to unify these different legal provisions relating to factory inspection. The Minister for Social Affairs accordingly drafted a new Bill on factory inspection which, while based on the legislation in force, endeavours to enlarge the scope and powers of the inspectorate. This Bill has been brought to the attention of the parties concerned. There has been some disagreement, however, on its provisions, and its final drafting has been temporarily postponed until the close of the Fifth International Labour Conference, which will lay down the general principles of factory inspection.

The reply to the preliminary question is as follows:

Along with the conception of modern social legislation as aiming at the formation of a unified labour code, there is a growing tendency to organise factory inspection for all forms of economic activity on a uniform and common system, although, of course, due account has to be taken in practice of the needs of the different branches of economic activity (industry, commerce, transport and agriculture), especially in the organisation of factory inspection. (C.f. the answers to the questions under Part III.)

DENMARK

The reply of the Danish Government is as follows:

Although the provisions of the laws regulating conditions of labour in the different forms of economic activity must, within the spheres in which such provisions have been considered applicable, be based on certain general principles, it must, nevertheless, be recognised that these principles must be adapted to the different forms of activity.

ESTHONIA

The reply of the Esthonian Government is as follows:

Seeing that it is simply proposed to indicate fundamental principles for properly organising supervision of the enforcement of laws regulating labour, the question arises whether it would not be only logical that once these principles have been approved they should be considered as adequate for any branch of economic activity to which they might be applied. Of course, there will always be details to be settled in different ways according to the conditions peculiar to industry, commerce or agriculture.

The Esthonian Government is accordingly in favour of fixing common principles for the supervision of the enforcement of laws regulating conditions of labour in the different branches of economic activity.

FINLAND

The reply of the Finnish Government is as follows:

It would be desirable to indicate common principles for the supervision of the enforcement of the laws regulating conditions of labour in the different forms of economic activity. These principles should be indicated on as broad a basis as possible. Obviously they could not be equally rigid for all forms of activity, since some forms require special measures of supervision appropriate to the needs of the different kinds of work.

FRANCE

The reply of the French Government is as follows:

There are common principles which should be applied to the supervision of the enforcement of laws for the protection of the workers in all forms of economic activity.

Particular forms of activity, however, may require special methods for the supervision of the enforcement of certain laws, as, for example, regulation of work in cases where the workers travel long distances, maritime navigation, inland navigation, railways.

As regards agriculture, it would seem that the experience available in this connection is too limited or too short at the present stage to allow of indicating any general principles applicable to such inspection as may be necessary in this form of activity.

The Questionnaire has therefore been considered as not applying to agriculture and the present reply is restricted to inspection of industry and commerce.

GERMANY

The reply of the German Government is as follows:

It is desirable to indicate as far as possible common principles for the supervision of the enforcement of the laws regulating conditions of labour in the different forms of economic activity (industrial undertakings, commercial establishments, agricultural work, mines). If necessary, however, it will be possible by means of special regulations to take into account the particular conditions in certain branches of economic activity, e. g. mines.

GREAT BRITAIN

In his communication forwarding the reply of his Government to the Questionnaire the British Minister

of Labour points out that the reply relates to factory inspection as that term is generally used in Great Britain. The letter in question further indicates that in the opinion of the British Government the suggestion of the Governing Body of the International Labour Office to limit the duration of the Conference to one week appears to preclude the possibility of dealing adequately at a single Session with a complex question of such importance as inspection of labour generally (*inspection du travail*), and that the limitation imposed by Article 389 of the Treaty of Peace upon the number of technical advisers who may take part in the Conference makes it impossible, so far as Great Britain is concerned, to include in the Delegation advisers having a full knowledge of all branches of inspection which operate in that country for the protection of the workers. The British Government considers that other countries whose industrial conditions are comparable and where the organisation of inspection is similar to that existing in Great Britain will be equally embarrassed if the discussion at the Conference is not confined to factory inspection. The Minister of Labour therefore states that it is the intention of the British Government to impress these views upon the Conference and to nominate Delegates and advisers on the assumption that the discussions of the Conference will be limited to factory inspection strictly so-called and requests that the intention of the British Government may be brought to the notice of the States Members in the present Report.

The reply of the British Government to the preliminary question is as follows :

In the opinion of H. M. Government the Conference should limit itself to the consideration of "factory inspection", i. e. the inspection of the manufacturing industries (1) as distinct

(1) In Great Britain certain non-manufacturing industries - in particular, dock undertakings and the building trade - are brought for certain purposes under the Factory Acts and inspected by the Factory Inspectors.

from the mining, railway, shipping or agricultural industries or from commercial undertakings.

While it is no doubt the case that certain common principles of a general character underlie the systems of Government inspection in the different forms of economic activity, the wide differences between the conditions in the different groups have made it necessary in Great Britain to organise different systems of inspection for factories, mines, railways, and other classes of employment. H. M. Government consider, therefore, in view of the shortness of the time available, that it will be far more valuable, instead of attempting an examination of the whole sphere of Government inspection, which can only lead to conclusions of a vague and indefinite character, to concentrate on factory inspection which is the most important branch of Government inspection, and which presents a number of problems peculiar to itself arising out of the heterogeneous character of the industries affected and the employment of women and girls on a large scale.

HUNGARY

The reply of the Hungarian Government is as follows:

The supervision of the enforcement of laws regulating conditions of labour in the different forms of economic activity should be based as far as possible on common principles. These principles should not, however, prevent the employment of special methods applicable to the particular conditions in the different forms of activity.

Note. See also supplementary observations at end of Hungarian reply to Part III of the Questionnaire.

INDIA

The reply of the Indian Government is as follows:

The Government of India consider that special methods are required for the supervision of labour laws for different forms of activity. Considerations which govern the organisation of a system of factory inspection are different from those applicable to inspection services for other forms of employment.

ITALY

The reply of the Italian Government is as follows:

The Italian Government agrees that it is desirable to indicate common general principles to be followed in the supervision of the enforcement of laws dealing with conditions of labour in the different forms of economic activity. At the same time, it considers it necessary only to indicate certain general principles and not to formulate any special rules.

The Italian Government prefers the form of a Recommendation.

NETHERLANDS

The reply of the Netherlands Government is as follows:

It is desirable that inspection in its different branches (industry, commerce, transport, agriculture and fisheries) should be organised and carried out on common principles.

Exceptions only require to be made for railways and tramways connecting one district with another so far as concerns the supervision of the working hours of the staff not employed in the factories or workshops and for work in mines so far as concerns supervision of underground work and surface work immediately connected therewith.

The nature of the supervision to be exercised over conditions of labour in the different branches of economic activity does not call for any differentiation, but in the Netherlands inspection of the two branches referred to above has been developed as part of the general supervision exercised by the State over the regular carrying on of the work concerned and with the object of ensuring the general safety of person and property.

For technical and financial reasons it is desirable that this state of things should not be interfered with. Accordingly, so far as the Netherlands is concerned, the replies given to the following questions do not apply to the above two branches.

NORWAY

Note. In its communication forwarding a reply to the Questionnaire the Department for Social Affairs indicates that the reply was prepared by the Chief Inspector of Factories in collaboration with the Lady Inspector of Factories.

The reply to the preliminary question is as follows:

Under different conditions of labour different influences may make themselves felt. It is, however, possible to state

the conditions which generally speaking have a bad influence on the workers.

The general principles of controlling the observance of the laws dealing with these matters may also be stated and it may be advantageous to draw up these rules on uniform lines for all conditions of labour.

It is, moreover, necessary to draw up special rules for controlling the various forms of activity, but these rules must be based on and in due accordance with the general principles.

POLAND

The reply of the Polish Government is as follows:

Polish legislation adopts the principle of a uniform system of inspection, carried out by the State, covering all classes of wage earners in all establishments belonging to individuals, institutions, local authorities or the State, exclusively under the Ministry of Labour and independent of other services.

SERBS, CROATS AND SLOVENES

In his letter communicating the reply of his Government to the Questionnaire the Minister for Social Affairs of the Kingdom of the Serbs, Croats and Slovenes gives the following reply to the preliminary question:

The Ministry for Social Affairs is of opinion that it would be useful to establish in all countries by means of international Conventions general principles for the supervision of the enforcement of laws regulating conditions of labour throughout the community, seeing that all labour and social legislation has the same object in view, viz. the protection of the life and health of the workers and their economic, social and moral development.

SOUTH AFRICA

The reply of the South African Government is as follows:

- (1). The reply is in the negative.
- (2). The reply is in the affirmative.

The reasons for these answers are based on the following principles.

Labour laws appear to fall under the following two divisions :

(1) Political, (2) Social. It is true it can be said that these divisions overlap and it is desirable therefore to group them under one Department of State, but it is held that a definite line of demarcation can be drawn by which it is possible and essential to separate the functions of execution.

The Political Division would appear to include unemployment, conciliation in disputes, wages, hours, race, etc., all of which can be said to be questions of controversy, subject to changes of policy and requiring much complex administration.

Under the Social Division fall the questions of safety, hygiene, welfare, etc. These subjects, the supervision of which is now admitted to be essential to the social well-being of the State, are no longer bones of contention, of political controversy, and are capable of exact administration.

If these principles are accepted then it follows that it is necessary to adopt special methods and particular principles for the supervision of labour laws for the different forms of activity.

SWEDEN

The Swedish Government prefaces its reply to the Questionnaire by the following general observations:

In order to explain the answers given to the Questionnaire, it is considered desirable to give some preliminary indications as to the present attitude in competent quarters towards labour legislation.

Labour legislation in its strictest and most literal sense aims at protecting manual labour by certain safety and hygiene measures and at settling questions connected therewith. It can be easily framed and enforced in some directions, e. g. as regards the employment of young persons and women or the eight-hour day, but in other not less important directions, e. g. as regards measures directly affecting accidents or hygienic conditions, it is almost impossible to frame clear and definite rules. Not only are labour conditions extremely varied in the different forms of economic activity — and even in any one branch of activity — but continued improvements on the technical side of industry at the present time are constantly demanding rapid changes in the laws. It is therefore almost impossible in practice to secure full and effective protection to the workers by means of legislation, quite apart from the fact that unduly overloading the texts of the laws may lead to undesirable results.

The general view in Sweden, accordingly, is that, except in certain very special cases, labour legislation should be of

a broad and general nature, employers and factory inspectors being left to interpret the rules of the law in the best possible conditions and to apply them to each individual case. It follows that the factory inspector is required to be able to indicate protective measures which are adequately effective and at the same time interfere as little as possible with the working and management of undertakings. The above considerations are thought to be of sufficient interest to serve as a basis for the organisation and working of factory inspection. It may be added that police measures directed at enforcing the observance of the provisions of the laws in their smallest details have been relegated by the inspectorate to a position of secondary importance.

The reply to the preliminary question is as follows:

Swedish experience of the enforcement of labour laws — laws which cover practically every branch of economic activity — clearly shows that the fundamental principles governing the supervision of such laws can and ought to be of general application.

SWITZERLAND

The Swiss Government prefaces its reply to the Questionnaire by the following general observations:

Although the principle embodied in Article 427 of the Treaty of Versailles regarding factory inspection may appear to be simple, it is soon seen that considerable complications arise when an attempt is made to establish rules common to the whole of the inspection services of the different countries. These difficulties have not been overlooked by the International Labour Office. Its Questionnaire rightly points out that factory inspection cannot be dealt with independently of the public law in the different States and that any endeavour to find common principles must begin by taking account of "the judicial, administrative, and even political rules and practice in each country." From these considerations it follows not merely that the only form which can be taken by the decision of the Conference is that of a Recommendation, but also that the Recommendation, so far from entering into details, must be confined to the enunciation of certain general principles. Only in this way will it be possible to avoid insuperable obstacles in its application.

The Swiss Government, moreover, considers that the object of the Recommendation is to derive from the experience acquired in the different countries those principles which are capable of being taken as the basis of effective organisation of inspection systems and, consequently, of serving to some extent as a model for States which have not yet adopted a system of inspection and for those which may desire to improve their existing systems.

In Switzerland the Questionnaire has been communicated to the Federal factory inspectors and to the employers' and workers' organisations. Without being entirely in agreement, the reports obtained from these sources have nevertheless a certain number of points in common. The replies which follow are based on these reports.

The reply to the preliminary question is as follows:

In view of the variety of the conditions in the different forms of economic activity and the variety of administrative systems, the Federal factory inspectors are of opinion that it is inadvisable to indicate common principles for the supervision of the enforcement of the laws regulating conditions of labour in the different forms of economic activity. These principles would require to be drawn up in such general terms that they would be limited to the statement of self-evident truths and would, consequently, be deprived of all practical utility.

The views of the Swiss Federation of Trade Unions and the Federation of Unions of Salaried Employees are diametrically opposed to the foregoing. In their opinion, the variety of conditions in different branches of economic activity would not prevent the fixing of common principles, as may be seen from the fact that the same variety is found in one and the same branch of industry, e. g. where different types of machines are employed.

1. OBJECT OF FACTORY INSPECTION

- A. Do you consider that the work of factory inspection should be restricted to the supervision of the enforcement of the laws regulating conditions of labour ?**

B. What classes of labour laws do you consider should be brought under the supervision of factory inspection?

C. Do you consider it advisable to give factory inspection officials other work ?

In particular, do you consider it advisable, as has been done in some States, to give factory inspectors additional work of the following nature ?

- (1) Technical supervision or functions of industrial police as regards new buildings, alterations etc., protection of the public against the dangerous, unhealthy or harmful effects of certain industrial establishments, supervision of the construction or testing of steam boilers, etc. ?**
- (2) Intervention in social questions (industrial disputes, collaboration with employment exchanges, social insurance institutions, workers' welfare work, etc.) ?**

AUSTRIA

The reply of the Austrian Government is as follows:

A. In Austria factory inspection deals not only with the enforcement of legislation regulating conditions of labour (hours of work, wages, conditions of work, training of young workers and apprentices, insurance, accommodation in so far as supplied by the employer) but also with the physical and moral protection of the workers. On the other hand, the protection of persons living in proximity to undertakings, of consumers of air and water, as well as protection of the general public against injury or annoyance from industrial establishments do not come within the scope of inspection of industrial establishments. These are, however, functions of the mines administration, which is also responsible for the inspection of mines.

B. Inspection must deal with all labour legislation in the

widest sense of the word, and particularly the protection of the wage earners against any kind of injury which may arise out of their engagement. Inspection must therefore not be confined to measures aiming at the protection of the workers when carrying on their occupation (hours of work, health, safety, prohibition of the employment of certain persons such as women and children, prohibition of night work), but must also deal with the enforcement of provisions regulating certain conditions of labour agreements (periods of notice, payment of wages, etc.).

C. As has already been indicated there are in many ways serious difficulties in the way of establishing common principles for all countries, largely because of differences in the organisation of administration in the different countries. This applies to the present question. It will certainly be useful to assign to the factory inspectors other duties related to their principal work, but the number of these duties will be limited by the powers of the administrative authorities in the different countries. Thus, for technical reasons, testing and inspection of steam boilers should be included among the functions of factory inspectors. Naturally other bodies specially constituted for this form of inspection could also be employed for supervising the protection of the workers concerned. The transference of these duties would be desirable because the functions of factory inspectors partly overlap with those of boiler inspectors. The factory inspectors should further have to inspect all plant the testing of which is required by special regulations. This would cover the examination of cranes and other lifting apparatus, centrifugal machinery, presses, electrical plant etc. The factory inspectors are best qualified to deal with these matters because they are best acquainted with the conditions in which such plant is used (load, frequency of use, emanation of gases, etc.).

It would not be desirable, however, to increase the duties of factory inspectors so far as to require them to settle industrial disputes or co-operate with public employment exchanges, because it is to be feared that one of the parties concerned might think that they were not impartial and that they might thus lose that general confidence which is essential to the effective fulfilment of their principal duties. Besides, in most countries there are already special joint institutions for dealing with these matters. The factory inspection service might collaborate with social insurance institutions by assisting in determining risks to the life and health of the workers on the basis of exact statistics as to accidents and occupational diseases and by preparing a classification of industries by risks for the purposes of accident insurance such as is required by existing legislation in Austria. They might also make proposals as to increases in the subscriptions paid into sick funds if the nature of the undertaking is such as to give rise to frequent illness.

BELGIUM

The reply of the Belgian Government is as follows:

A. The reply is in the negative. Factory inspectors, in addition to qualities of common sense and tact required for the enforcement of labour legislation, must possess technical knowledge, which is indispensable in matters of industrial hygiene and safety. They should also be in a position to intervene with a view to averting and, if need be, settling labour disputes. As regards industrial hygiene they should endeavour to discover the causes of disease and the means of preserving health.

B. The supervision exercised by the factory inspectorate should extend to labour legislation applicable to industrial and commercial undertakings. There are advantages in entrusting one and the same official with supervision of the various regulations to which industrial establishments are subjected by the State. An official carrying out these functions will soon become familiar with the persons and undertakings concerned, and it is also to the advantage of manufacturers that the same official should always visit their factories.

C. It is desirable that factory inspectors should be entrusted with technical supervision and with the duty of mediating in labour disputes. They should advise the persons concerned as to the prevention of accidents and occupational diseases and guide them in the measures to be taken against the unhealthy and obnoxious effects of certain undertakings.

BRAZIL

Note. See note at head of reply to preliminary question.

The reply is as follows :

A. According to the conception of the duties of the factory inspector which is explained later, the scope and diversity of his functions will depend to a great extent on the financial resources at the disposal of the Department of Labour and consequently on the number of officials which it will be able to employ. Along with these two considerations account will also have to be taken of the quantity, importance and degree of centralisation of the undertakings subject to State supervision.

Generally speaking, in view of the extent of the territory of Brazil and the long distances which inspectors have to travel, the inspectors could usefully take advantage of their visits to more distant places in order to collect in the establishments which they inspect important statistical, technological and

commercial information which might be used as a basis for industrial enquiries or economic studies.

B. In thickly populated and industrial and commercial areas the duties of the factory inspector as regards collaboration with social institutions might probably, it would seem, simply be to supervise the enforcement of laws and regulations whose object is to protect the worker while carrying on his occupation (hours of work, weekly rest, night work, work of women and children, safety).

In agriculture the functions of the inspector might be enlarged and might include other social questions.

C. (1). These questions are dealt with partly by the Public Health Service and partly by the municipal authorities. They particularly affect the thickly populated areas where industry is generally concentrated in Brazil. Supervision of steam boilers might be one of the functions of factory inspection. As regards the different points mentioned in the question, the different administrations concerned should work in agreement in order to avoid disputes or differences which would damage the effectiveness of labour legislation.

(2). As regards the enforcement of other labour laws (labour engagement, conciliation in industrial disputes, social insurance and assistance, etc.), it is considered that these matters should be dealt with exclusively by the special official bodies which are to be instituted for the purpose as well as by the local or district joint committees of employers and workers functioning under the supervision of the State.

It is considered, however, that agricultural inspectors might intervene in these matters, as has been already indicated. These questions present a different aspect in the country.

Similar observations may be made as regards inspection of commerce and women's trades.

As regards public employment exchanges, it may be noted that the Federal Government and the Government of the State of Sao Paulo have information and transport services for helping immigrants to find work suitable to their capacities. These services have been tested and it would be hardly logical to diminish their functions. It would be more practical to complete these services by giving them a wider and more compact organisation, so that they may have adequate scope to give their assistance to all workers without distinction, whether nationals or foreigners.

CANADA

MANITOBA.

The reply of the Manitoba Government is as follows:

- A. The reply is in the negative.
- B. All laws in connection with factories, except those appertaining to financial conditions.
- C. The reply is in the affirmative to each question.

NOVA SCOTIA.

The reply of the Nova Scotia Government is as follows:

- A. The reply is in the affirmative.
- B. Industrial establishments.
- C. (1). Plans of new factory buildings or extensive alterations should be submitted to the inspection department for approval. While factory laws are intended for the protection of persons employed in factories, improved sanitary conditions in the industrial establishments must necessarily affect the general public. The public could also be protected by the insertion in factory laws of regulations concerning employees suffering from communicable diseases, particularly in establishments manufacturing food products or wearing apparel. There is no reason why a boiler inspector could not also inspect factories but the ordinary factory inspector has not the technical knowledge to inspect boilers. Probably it is better to have the boiler inspector specialize on one particular phase of industrial safety, but factory and boiler inspectors should be under the same department.

(2). In the matter of industrial disputes the factory inspector from his knowledge of the conditions which are usually the subject of disagreement, and from his personal acquaintance with the employer and many of the workers, is probably the person best qualified to render valuable service as a conciliator, but there is danger that his prestige may suffer with one or the other of the parties and thus impair the confidence so essential to the successful carrying out of his duties. In the larger industrial districts special conciliators who have had experience as factory inspectors should be useful public servants. By publishing the particulars of welfare activities which are organised in the industrial establishments under their jurisdiction, and by taking advantage of the opportunity to discuss the subject with the employers, factory inspectors may assist in the promotion of welfare work.

SASKATCHEWAN.

Note. In his communication forwarding to the Office the reply received from the province of Saskatchewan, the

Federal Minister of Labour indicates that the opinions expressed therein are those of the Departmental officials concerned with the administration of the Factory Act and are not to be regarded as representing the views of the Government of the province.

The reply to Part I of the Questionnaire is as follows:

- A. The reply is in the affirmative.
- B. Factory laws, Building Construction, Minimum Wage, Mine inspection (safety of the worker), Master and Servant, Fair Wage, Industrial Disputes.
- C. (1). We do not think it advisable to give factory inspectors additional work of the nature specified.
- (2). This we consider could be allowed in the discretion of the central administration.

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows:

A. In principle the work of factory inspection should be restricted to the supervision of the enforcement of the laws regulating conditions of labour and should not include other work unconnected therewith (e. g. financial affairs, questions of policy, supervision of steam boilers, protection of the interests of neighbours etc.).

B. The principal work of inspection should be the supervision of the enforcement of laws the object of which is to protect the life, health and morals of the workers, especially women and young persons, or which regulate conditions of work and vocational training, especially for young persons. Attention should also be paid by the inspectorate to the economic conditions of the workers, e. g. their housing conditions, as well as their intellectual life.

C. From the point of view of method, it is proper that factory inspectors should also be entrusted with other work if this work is directed towards the same ends as their principal duties.

It would, therefore, hardly be desirable that inspectors should have to exercise the functions mentioned under (1), seeing that these functions do not come within the scope of their duties. In Czechoslovakia such functions are carried out by other institutions. For example, the protection of the public against the unhealthy or offensive effects of certain industrial undertakings is under the local administrative authorities and the public health authorities, i.e. medical officers in charge of the municipal sanitary services and cantonal medical

officers. The supervision of the construction of new buildings is under the communal building offices and sometimes under the local administration; and the inspection, supervision and testing of steam boilers is carried out by officials specially appointed by the State or by agents belonging to private organisations and officially authorised to undertake these duties.

(2). On the other hand, there is no objection to authorising the inspectorate to intervene in social questions, particularly as regards conciliation in disputes as to labour and wage conditions. The parties concerned must, of course, be willing to accept intervention in such matters if it is to be successful. Under the law at present in force in Czechoslovakia "factory inspectors are instructed to intervene in a suitable manner in questions arising between employers and workers and to use their special qualifications and experience in this connection. They should endeavour to gain the confidence of both employers and workers so as to facilitate the maintenance and development of amicable relations between the two parties". Experience so far in Czechoslovakia shows that, by virtue of their thorough knowledge of the conditions of production, of wages and of the feelings of the two parties, inspectors have rendered valuable services as mediators. In the course of their work of supervision they endeavour to secure the confidence of employers and workers and consequently become highly qualified for exercising the functions referred to above.

That factory inspectors should collaborate in workers' insurance (accident and sickness insurance) is a practical corollary of the supervisory functions which they exercise. Their duties in this connection have been laid down in Czechoslovakia by the different workmen's insurance Acts, by which they are required to collaborate in the classification of undertakings covered by accident insurance, to participate in enquiries into causes of accidents and to see that undertakings report cases of accident or sickness among their workers. In Czechoslovakia, where compulsory sickness and accident insurance is already in force and schemes for insurance against invalidity and old age as well as for widows' and orphans' insurance are being prepared, all other work of the nature indicated is carried out by the public insurance authorities and the institutions connected therewith.

The finding of employment for workers in Czechoslovakia is managed by public employment exchanges assisted by similar offices belonging to the different trade unions, and it is therefore not desirable that factory inspectors should have to take part in work of this kind.

DENMARK

The reply of the Danish Government is as follows:

A. The answer is in the affirmative.

B. The factory inspection service should ensure proper supervision of factories and workplaces with a view to preventing industrial accidents and occupational diseases, as well as to securing the enforcement of legislation relating to the prevention of accidents from machinery. It should also supervise the enforcement of legislation regulating hours of work, etc. of women and children and adult workers, if such legislation exists.

C. (1). In accordance with the above observations, the inspection service should supervise the erection and alteration of workplaces. On the other hand, it would hardly be desirable to entrust this service with the protection of the public; the factory inspectors' duties should be simply to protect the workers. The functions of the inspectors should include supervision of the construction and testing of steam boilers.

(2). The work of the inspection service should not go beyond the limits indicated above. Some measure of collaboration between the inspectorate and industrial accident insurance institutions might, however, be of value for the protection of the workers.

ESTHONIA

The reply of the Esthonian Government is as follows:

A. The connection between laws regulating conditions of labour and those for the protection of the worker in general is so close that it is difficult to separate them. The work of the factory inspection service should not, therefore, be restricted to the supervision of the enforcement of the laws regulating conditions of labour.

B. The supervision exercised by the inspectorate should cover the enforcement of the whole body of law concerned with the protection of the worker, i. e.—

(1) Provisions concerning hours of work and rest; protection of the health of the workers; safety; employment of women, children and young persons;

(2) those which regulate the form and conditions of the engagement when they contain penal clauses;

(3) provisions concerning social insurance in the broadest sense of the term

The practice followed by the inspectorate in Esthonia during

nearly 30 years has shown how much the satisfactory enforcement of labour legislation is facilitated if the inspector can supervise this legislation in its fullest scope and how much this contributes to strengthening the authority of the inspector in the eyes of the workers when the workers can bring all their complaints before him.

C. As regard the additional work which may be assigned to the factory inspectorate, it would be preferable not to entrust inspectors with industrial police functions. In support of this observation it may be pointed out that it would be difficult to define the limits of such functions and that there would always be a risk of overburdening the inspectors with work which might be detrimental to the performance of their most important duties. Moreover, if inspectors are to carry out the functions in question they would require to have a technical experience which could only be found in persons who had received a higher technical training. On the other hand, it would not seem advisable to restrict the recruitment of inspectors to engineers. This would be difficult in many countries on account of the shortage of technically qualified persons.

Intervention in social questions, however, should not be left outside the scope of the work of the inspectorate. Many years' experience has shown that useful service is rendered by inspectors in industrial conciliation, regular collaboration with social insurance institutions, etc., and that there is no fear that their prestige would be damaged by their taking part in such work.

FINLAND

The reply of the Finnish Government is as follows:

A. As a general rule it would be desirable that the work of inspection should be restricted to the supervision of the enforcement of laws regulating conditions of labour. The extent to which this general principle might be departed from depends on the conditions of industry and labour in the different countries and on the number and class of inspectors available. Additional duties should not be entrusted to inspectors except on condition that such duties do not prevent them from carrying out their proper functions and from maintaining strict impartiality towards both employers and workers.

B. The supervision exercised by the inspectorate should cover principally the enforcement of laws for the protection of the worker while at work, that is to say, laws concerning hours of work and rest, hygienic conditions and safety in undertakings and establishments, the work of women and children, etc. Amongst such protective laws should be included also

laws relating to accident insurance, so that the inspector would also have to see that the workers were insured against accidents according to the law, that accidents were reported, enquired into, and brought to the notice of the insurance companies or the special authorities whose duty it is to settle the compensation and deal with all questions relating to accidents.

C. According to the different conditions obtaining in the various States, there would be no serious objection to entrusting inspectors with additional work, on condition that their chief duties did not suffer thereby, and that the impartiality of the inspector towards employer and worker was not damaged. If need be, the staff of the inspectorate might be increased by the addition of competent assistants, according to the importance and nature of the work entrusted to the inspector.

(1). Since the classes of work referred to in this question are particularly concerned with the protection of the public, they would impose on the inspector too large an amount of extra work and would inevitably cause him to neglect his principal duties. Moreover, such an arrangement would often be impossible, seeing that several of these forms of activity demand technical and other knowledge and special qualifications, which could hardly be required in an ordinary inspector. The amount of extra work entrusted to inspectors must be reduced to a minimum and must be of a suitable character, as, for example, the testing of steam boilers, which is closely associated with the protection of the workers and may be easily carried out on the spot and along with other work. But even this function takes up so much time that the inspector should have competent supervisors working under him.

Since additional supervisory work cannot be altogether carried out on the spot conjointly with other work of the same kind and may require on the part of the inspector extensive research of a legal or other nature, such work should only be entrusted to the inspector in exceptional cases, as, for example, inspection of workers' dwellings erected by employers. At the same time, it may be pointed out in this connection that if it is intended to construct a new factory or other industrial building or to alter existing buildings, or if it is proposed to put safeguards on machinery or plant before it is used, and the inspector is asked to see whether the arrangements made conform with the law, it will be his duty to give his opinion.

(2). It is not desirable that inspectors should have to deal with industrial disputes or act as arbitrators, or intervene in social questions, except, as indicated in the reply to B, in accident insurance questions. Such functions are beyond the scope of their duties and mean considerable work, while at

the same time often placing the inspectors in an ambiguous position as regards both workers and employers.

It would, however, be desirable to employ women inspectors on safety and welfare work among the workers, since their education and training qualifies them to give advice and instruction on the improvement of workers' dwellings, hygiene questions, and nursing. It would thus be desirable from a practical point of view to assign such work to women inspectors in the first place and to increase their competence for these duties.

FRANCE

The reply of the French Government is as follows :

A. If the enforcement of the laws regulating labour is to be effectively supervised, it seems absolutely necessary that a special body of officials should be detailed for this work and that the supervision of the enforcement of these laws should constitute their primary and principal duty. It would not, however, appear desirable to lay down the principle that no other work should be assigned to factory inspectors, subject to the observations made in reply to question C.

B. In principle, there would seem to be no reason why the supervision exercised by the inspectorate should not be considered as concerned with the enforcement of all labour laws.

C. (1). It is not desirable, as has been indicated above, to lay down the principle that no work other than the supervision of the enforcement of the laws regulating conditions of labour may be assigned to the inspectors.

Additional work may not, however, be assigned to them, (1) unless it is by reason of its object or methods closely related to the principal duties of the inspectorate, or (2) except on the condition that it does not in any way interfere with the carrying out of their primary duties and only takes up a small portion of the inspectors' time.

The practice in France as regards scheduled establishments may be cited as an example. No objection is seen to inspectors being in some cases entrusted by the *départements* with the inspection of establishments scheduled as dangerous or unhealthy. The object of this inspection is not to protect the workers but the neighbourhood of these establishments. It will be noted, (1) that the technical qualifications required for the inspection of scheduled establishments are of the same nature as those required for the supervision of the enforcement of provisions dealing with the health and safety of the workers, (2) that employers whose establishments are ins-

pected from the two standpoints are only visited by one official, the enforcement of both classes of provisors being thus facilitated and possible disputes between two different services being avoided, and (3) that, on the other hand, in *départements* where the supervision of scheduled establishments is of a nature to take up too much of the officials' time the supervision of such establishments is not entrusted to the factory inspection service but to a special body of inspectors, as, for example, in the Seine *département*.

Restricted in this way additional work of this nature which is entrusted to the factory inspectors may have considerable advantages without any disadvantages.

(2). It is not considered desirable that intervention in social questions such as is contemplated in this part of question C should be a systematic and compulsory part of the factory inspectors' functions. This, however, is not intended to imply that it is desirable in principle to prohibit such intervention, which should always be possible in certain particular cases on condition that the supervision of the enforcement of the laws regulating labour, which is the principal duty of the inspector, does not suffer thereby.

GERMANY

The reply of the German Government is as follows:

A. It does not seem desirable to limit the work of factory inspection to the supervision of the enforcement of laws regulating conditions of labour. This supervision must, however, remain, together with the application of laws concerning safety and hygiene, the principal duty of the officials of the inspectorate.

B. The inspectorate should be principally employed in the enforcement of provisions concerning hours of work, overtime, weekly rest and night work of workers and employees,¹ the protection of children, young persons and women, safety and hygiene.

C. As a result of their training and of the experience acquired in the course of their work, inspectors possess knowledge which can be profitably utilised in the carrying out of other official duties. It would therefore be advantageous to have recourse to their services for the carrying out of these duties.

Among the tasks which might be entrusted to factory inspectors those enumerated under (1) should be included, as well as co-operation in workers' welfare work. In the same way

(1) The German Government indicates that the word "workers" (*Arbeiter*) is used in the text of its reply to the Questionnaire to cover all classes of workers including employees (*Angestellte*).

there is no fundamental reason for excluding the duties specified under (2) from the work of the inspectors, but it would scarcely be possible to lay down general rules in this connection.

GREAT BRITAIN

The reply of the British Government is as follows:

In Great Britain the primary object of the Factory Acts has been the promotion of the health, safety and welfare of the workers and the regulation of the conditions under which work is carried on to this end.

The Factory Inspectors are appointed under the Factory Acts, for the purpose primarily of securing the enforcement of those Acts, and their duties are, with one or two exceptions, limited to the work of supervising the conditions of labour as affecting the health, safety and welfare of the workers. Whether and how far other functions can be entrusted to the Factory Inspectors without prejudice to the primary work of factory inspection must depend in each case on the particular circumstances of the individual State, and it would seem impossible to lay down any hard and fast rule. It can, however, be affirmed that in the case of countries of advanced industrial development the work connected with the regulation of the conditions of work is of such an exacting and complex character that any large addition to it would be found, if not impracticable, at any rate very prejudicial.

If supplemental duties are given to the Factory Inspector, it is desirable that these duties should be analogous in character to and capable of being undertaken easily in the course of factory inspection.

As regards the particular matters referred to under head C, II. M. Government offer the following observations:—

(1). *Technical supervision in regard to new buildings.* If by this is meant the supervision of the planning and lay-out of new buildings used for industrial purposes, it does not come within the duties of the Factory Inspector in Great Britain. The duty of sanctioning plans for new buildings rests in Great Britain with the Local Authorities, i. e. the Town and District Councils. These Authorities are furnished by the Home Office with information as to the structural requirements of the Factory Acts and are asked in sanctioning plans for buildings intended to be used for industrial purposes to pay special attention to these requirements. A scrutiny by the Factory Department of all plans of new buildings intended to be used as factories would undoubtedly be advantageous, but it would impose a very

heavy burden on the Department and would involve the appointment of a new branch of technical officers

Protection of the public against the dangerous, unhealthy and harmful effects of certain industrial establishments. In Great Britain the duties of the Factory Inspectors are strictly confined to the protection of the workers. The protection of the public against the effects of noxious or offensive trades falls within the sphere of another Department; and in the opinion of H. M. Government the combination of these different duties would in this country at any rate be undesirable.

Steam boilers. The Factory Act lays down various requirements in regard to the construction and examination of steam boilers in use in factories, and, while it is no part of the Factory Inspectors' business to supervise the actual construction or actual examination of the boilers, it is part of their regular duty to see that the requirements in question have been complied with. The supervision of such requirements appears to H. M. Government to be an integral part of the work of factory inspection.

Provision is also made in Great Britain for the holding of an official enquiry into explosions from steam boilers. Such enquiry may be either of a technical nature or, if the circumstances call for it, of a judicial character and in the latter case the commission of enquiry may determine the responsibility for the accident and order the persons responsible to pay the whole or part of the cost of the enquiry. In either case, the report of the enquiry is published.

(2). *Intervention in social questions.* As regards industrial disputes, it has always been considered most undesirable in this country that Factory Inspectors should intervene in industrial disputes not specifically arising on some question falling within the scope of the Inspectors' duties. If the Inspectors had to take part in controversies between employers and workers, it would almost certainly result in their being thought to lean to one side or the other, and this would be bound to prejudice their relations with the employers and workers and weaken their influence in securing the enforcement of the Factory Acts.

As to the other matters mentioned under (2) no definite duties are imposed on the Factory Inspectors, but it is laid down in their Official Instructions that, if the expert advice or assistance of the Inspector is sought by another Department or public official on any particular matter, it should as a rule be freely given unless serious interference with the Inspector's work is likely to be entailed. So long as the normal work of factory inspection is not seriously interfered with, it does not appear to H. M. Government that there can be any objection in principle to utilising the services of Factory Inspectors in

connection with the work of employment exchanges, social insurance institutions, and other welfare work. In Great Britain, however, the pressure of their ordinary duties on the time of the Inspectors is such that they are seldom available to assist in extraneous work of this kind.

HUNGARY

The reply of the Hungarian Government is as follows:

A. The work of factory inspection should be restricted to the supervision of the enforcement of laws regulating conditions of labour. It would be admissible, for financial or other important reasons, to entrust factory inspectors with other functions which do not interfere with their principal duties.

B. The supervision exercised by the inspectorate should include the enforcement of the laws and regulations for the protection of the worker while at work (hours of work, weekly rest, morals, safety), as well as the enforcement of laws and regulations prohibiting night work of children, young persons and women and those regulating engagements, for example with regard to the right to notice before dismissal, payment of wages, work routine, payment of fines, etc.

C. Factory inspection officials may have entrusted to them other duties besides those enumerated under B, provided that their principal work is not prejudiced and no special organisation exists for carrying out these duties. Technical supervision or protection of the public against nuisances of a dangerous or unhealthy nature constitutes the first duty of the industrial authorities or public health authorities, if the special conditions of the country concerned do not require other measures, and factory inspectors should collaborate with these authorities, but it does not seem desirable that the two functions should be combined.

Similarly, factory inspectors should not be employed on employment exchange work, even where no special organisation exists for this work. The inspectors should only assist in insurance, the supervision of compulsory insurance, conciliation in industrial disputes, workers' welfare work, if they wish to do so and not to any extent detrimental to their proper work.

Note. See also supplementary observations at end of Hungarian reply to Part III of the Questionnaire.

INDIA

The reply of the Indian Government is as follows:

A. Factory inspection should be mainly and primarily directed towards the enforcement of factory laws. If Factory Inspectors are permitted or authorised to undertake any other duties, great care must be taken to see that these duties do not interfere with their efficiency either by weakening their authority in respect of factory inspection or by encroaching upon the time which they can devote to it.

B. Factory laws only.

C. It is inadvisable to give factory inspection officials other work of any other important nature where this can be avoided. Where factories are few and spread over a very large area, there are occasionally advantages in combining factory inspection with other work and thereby restricting the range over which each factory inspector has to travel. But the ideal to be aimed at is that the factory inspector's work should be confined to factory inspection.

(1). The actual supervision of the erection of buildings is best left to special authorities, but the factory inspectors' advice may prove of great value and he should not be precluded from assisting. The same applies to the protection of the public against danger from certain industrial establishments. The construction and testing of steam boilers requires special qualifications. Further, if a steam boiler in a factory is to be tested, notice has to be given and the factory has to be stopped. It is difficult, and not generally suitable, for boiler inspection and factory inspection to be combined.

(2). It is undesirable that factory inspectors should intervene in industrial disputes or undertake other work of the type specified. They should, however, be competent to advise employers on welfare work when their advice is required.

ITALY

The reply of the Italian Government is as follows :

A. The supervision of the enforcement of the laws and regulations regulating conditions of labour should be the principal work of factory inspection.

The officials employed on this work should not be withdrawn from it either at too frequent intervals or for too long periods by having to carry out an endless series of additional duties.

At the same time, considerations of economy and expe-

diency suggest that these officials might be entrusted with other duties closely related to their principal work, due precautions being taken to avoid interfering with the carrying out of this work.

B. Factory inspection should cover the supervision not only of the enforcement of laws and regulations the immediate object of which is to protect the workers while at work (hours of work, hygiene, safety, prohibition of the employment of certain persons during the night, etc.), but also the enforcement of laws and regulations which, while not strictly regulating conditions of labour, are intended to protect the workers (sickness insurance, invalidity and old age insurance, unemployment insurance, etc.).

It is clear that, if the supervision of the enforcement of these two classes of laws and regulations were assigned to different services indifferently co-ordinated, many disadvantages might result. Energy and work might be wasted to no purpose, and employers would be embarrassed by double inspection, quite apart from the fact that disputes as to competence, inconsistency and confusion might arise at any moment.

C. On the basis indicated above the following functions in particular might, within certain limits and with all due precaution, be assigned to inspectors in addition to their normal work :

(1). Some functions of technical supervision and industrial police closely related to their ordinary duties for which inspectors have special technical qualifications which would make it less advantageous to entrust these functions to any other officials.

Thus, in Italy the testing and inspection of steam boilers is carried out by factory inspectors.

(2). As regards the intervention of inspectors in social questions, it would seem desirable for the reasons given in the commentary of the Questionnaire issued by the International Labour Office not to call upon inspectors to undertake such work. As an exception inspectors might perhaps be permitted to intervene on the request of the two parties concerned in industrial disputes.

NETHERLANDS

The reply of the Netherlands Government is as follows:

A. The reply is in the affirmative. Careful attention, application and study are essential if the work of supervising the enforcement of the laws regulating conditions of labour is to be properly carried out. It is not necessary that factory ins-

pectors should be employed in some other field with a view to acquiring more experience or to rendering their work more attractive. Such a procedure seems, indeed, undesirable, because the inspector's attention would be distracted from his proper duties and the work of inspection would suffer.

B. Prevention of accidents (safety); prevention of occupational diseases (hygiene); special protection of young persons and women; prohibition of child work; hours of work; night work; weekly rest; home work; vocational guidance.

As regards vocational guidance, the functions of factory inspectors should be confined to giving their opinion in virtue of their knowledge of labour in general as to the effect of particular occupations on the health.

C. The reply is in the negative. See the reply to Question A.

(1). The reply is in the negative.

The dangerous, unhealthy or offensive effects produced by industrial establishments on their surroundings are of no importance from the point of view of the protection of the workers. To entrust factory inspectors with supervision in these matters would be to distract them from their proper functions. It may be desirable for the authorities to avail themselves of the technical knowledge of inspectors in the enforcement of the law concerning establishments liable to cause danger or constitute a nuisance. This would be of value if the services rendered by inspectors were confined to the giving of advice, which, thanks to their experience, they are better able to supply and more rapidly than other persons, but it is preferable that the inspectorate should not have to do so if the same object can be secured by means of other public officials.

The supervision of steam boilers requires special technical knowledge and can well be carried out independently. The disadvantage of entrusting the factory inspectorate with the task would be that the inspector might not possess the required special knowledge of boilers, whereas a special staff of inspectors would be properly qualified. Moreover, the factory inspector would be less in a position to make any adequate study of questions of a general and social nature if he were required to possess a perfect knowledge of steam boilers.

(2). As little as possible. Intervention in industrial disputes demands extensive knowledge of industrial life, which factory inspectors have, but it also requires special personal qualities which may not be found even in an excellent inspector. Inspectors can, however, on account of their constant contact with industry, give advice in these matters.

Apart from what has been said above regarding vocational guidance, employment exchanges can work very well without the intervention of the inspection service.

Social insurance institutions do not require the direct assis-

tance of factory inspectors. As regards prevention of accidents and invalidity, an exchange of information is desirable.

Workers' welfare work will naturally be the object of attention on the part of factory inspectors, whose services are devoted to the protection of the workers. Their help cannot but be useful to institutions engaged in such work, and consequently to the workers, because of their knowledge of the workers' needs. It will also benefit the factory inspectorate itself, which will gain a knowledge of the workers' interests and aspirations.

NORWAY

Note. See note at head of reply to preliminary question.

The reply to Part I of the Questionnaire is as follows:

A. The reply is in the affirmative.

B. All laws concerning work places and conditions of labour, except in so far as the amount of wages is concerned. Provisions concerning the paying out of wages are understood to come under the heading of conditions of labour.

Laws coming under the heading of factory inspection are those which deal with safety and health in so far as the workers are concerned; also provisions relating to hours of labour, night and holiday labour, female labour, children's and young persons' labour, etc.

C. The reply is in the negative.

(1). Measures for the protection of the public in general lie outside the scope of factory inspection, which ought to be limited to measures of protection and control based on the legislation for the protection of the workers. Anything beyond this is outside the problems which factory inspection has to solve and which require its full attention.

With regard to the testing of steam boilers, it may be pointed out that accidents arising from steam boilers are most likely to result in danger to the workers, and the testing of such machinery therefore comes under the heading of factory inspection. Under certain circumstances it may be expedient to require approval of dangerous machinery before same is put on the market, and in such cases it should be part of the work of factory inspection to see that the necessary approval is given.

(2). If the factory inspectorate were to take any part in labour disputes the result would be strained relations between the inspectorate and employers or workers.

It is considered desirable that the factory inspectorate should give advice concerning workers' welfare and co-operate with public social insurance institutions and Labour Ex-

changes, it being, however, understood that factory inspectors shall not in this connection be encumbered with work which prevents them from carrying out their primary duties.

POLAND

The reply of the Polish Government is as follows:

A. In the opinion of the Polish Government the work of inspection cannot be restricted exclusively to supervision of the enforcement of laws for the protection of the life, health and efficiency of the wage earners.

B. Seeing that the regulation of conditions of labour as regards hygiene and safety is closely bound up with the general protection of the workers and that it is desirable to have a simple and economic administration, inspection by its very nature covers the following functions :

(a) Supervision of the enforcement of the interior regulation of labour (works regulations, work sheets, factory registers, etc.);

(b) Supervision of the enforcement of provisions concerning hours of work;

(c) Supervision of the observance of the prohibition of the employment of children and provisions regulating the work of young persons;

(d) Supervision of the enforcement of provisions concerning women's work;

(e) Supervision of the health and safety of the workers, carried out by means of participation in committees whose duty it is to authorise establishments newly built or altered to commence work.

C. (1). It would not appear desirable to entrust inspectors with duties of technical supervision or functions of industrial police. These duties could be easily carried out by other administrative bodies, and the inspectors would then be able to devote themselves to their own special work and would be regarded by those concerned simply as factory inspectors.

In Poland the testing of steam boilers was at first a duty of the inspectors, but at present it is carried out by a special service under the direction of the Ministry of Industry and Commerce which gives complete satisfaction on all sides.

(2). In newly created or recently reconstituted States, in which some social institutions, e. g. arbitration courts, industrial courts, etc. have not yet been organised, inspectors are sometimes called upon to carry out additional work which is only indirectly connected with their principal duties.

In Poland at present inspectors carry out the following additional work :

(a) Prevention and settlement of industrial disputes in agreement with the parties concerned. The part taken by the inspectors in these matters is very popular and gives very satisfactory results.

(b) Collaboration with commissions set up under the Central Statistics Office for the investigation of fluctuations in the cost of living with a view to settling bases for a sliding scale which may be used in the regulation of wages.

(c) Supervision of the enforcement of provisions concerning workers' representation.

(d) Duties concerned with the election of workers' representatives on arbitration committees.

(e) Registration of trade unions.

(f) Duties under social insurance laws (in that part of Poland which formerly belonged to Russia inspectors have considerable duties to carry out under the Workmen's Compensation Act).

(g) Supervision of the enforcement of provisions aimed at facilitating the general and occupational education of young persons.

(h) Collaboration with State employment exchanges with a view to finding employment for disabled ex-service men.

(i) Collection of information relating to the conditions of labour of all classes of wage earners.

(j) Presiding over commissions which fix minimum wages for home workers.

Intervention in industrial disputes takes up the greater part of the inspectors' time. Although the Polish Government considers that this situation is undesirable, it must at present, in the absence of arbitration institutions, be considered as inevitable. As a result of the fall in the mark wages have to be frequently re-assessed and it is therefore necessary at present for the inspectors to give their assistance in these matters. The Bill on conciliation and arbitration commissions which is being drawn up by the Ministry of Labour and Social Affairs will, if adopted by the Diet, transfer the functions at present carried out by the inspectors in this connection to bodies specially appointed for the work in question.

SERBS, CROATS AND SLOVENES

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows:

A. It would be desirable to entrust to the factory inspection

service the supervision of the enforcement of all laws dealing with the hygienic and social conditions of the working classes. This method would secure through the factory inspector uniform enforcement of all measures for the welfare of the workers in general; it would also be advantageous to the individual worker, since on any question he would only have to apply to the factory inspector. The inspectorate must, of course, be organised so that the work is within the capacities of the staff.

B. The inspection service, through its various branches, should supervise the enforcement of all classes of labour laws, such as laws dealing with hours of work, social insurance, hygiene, etc.

C. (1). Among other tasks which it would be desirable to entrust to factory inspection officials is the testing of boilers, which should form part of their functions because it is essential to the safety of the workers that boilers should be in proper working order. As regards the protection of the public against the dangerous effects of certain industrial undertakings, it would not be desirable that factory inspectors should have to carry out these duties of industrial police, because to do so would only interfere with their chief work which is to ensure the proper protection of the worker.

(2). Conciliation in labour disputes is a matter which should be dealt with by the factory inspection service, which is the only Government service in close and continuous touch with industrial undertakings and is for that reason the best qualified to deal with questions affecting labour and industrial conditions. It would also be desirable that the inspectorate should constantly collaborate with social insurance and workers' welfare institutions.

SOUTH AFRICA

The reply of the South African Government is as follows:

Accepting the principles enumerated under the preliminary question, the answer to this question is considerably narrowed.

A. Factory inspection rests upon the principle that work places should be made safe for employees. Its fundamental purpose is to protect the life and health of workers from hazard arising in connection with machinery and industrial processes. It is intimately associated with everything that concerns the welfare and efficiency of the operatives. It should be restricted to this aspect of administration.

B. The functions of factory inspectors may be divided under the following headings :

- (i) supervision of the factory laws,
- (ii) prevention of industrial accidents and diseases,
- (iii) education of employers and operatives in order to obtain their co-operation in the enforcement of the factory laws, the prevention of accident and disease and general welfare and efficiency.

Factory inspection should be confined to the supervision of this class of labour laws.

C. For the reason stated in the answer to the preliminary question, it is not considered advisable to give factory inspection officials work which is grouped under the Political Division.

(1). The training through which the factory inspector passes should equip him to be able to supervise the plans of new buildings and alterations to old ones. In questions of hygiene, safety and welfare, the inspection of preliminary plans is an advantage which cannot be exaggerated. The inspector is able to discuss and define all requirements under this heading with architects and owners before work is commenced, thereby saving time and expense.

The protection of the public against the danger of unhealthy or harmful effects of certain industrial establishments, the supervision of the construction or testing of steam boilers do not appear to fall naturally within factory supervision, the former being more a function of public health, the latter a question for insurance companies.

(2). The solid foundation upon which factory inspection must stand is the complete trust and confidence of employers and operatives. This position must be jealously guarded and questions such as unemployment, industrial disputes and such subjects as fall under the Political Division must be rigidly excluded from factory supervision.

SWEDEN

The reply of the Swedish Government is as follows:

A. The answer is in the affirmative. Factory inspectors, in whom special competence and considerable personal ability is rightly required, must be able to devote themselves as far as possible solely to their chief duties, i. e. the protection of the workers in the strict sense of the term. Further, it seems indicated that they should not be entrusted with functions which may damage the strictly impartial position which by the nature of their work as above defined they have to occupy between the conflicting interests of employers and workers.

B. The supervision exercised by the factory inspectorate

should include the enforcement of such laws as may be classed among those which protect the workers in the strict sense of the word, i. e. regulate conditions of safety and health, as well as provisions regulating hours of work and their distribution over the working day and the employment of young persons and women, so far of course as these provisions do not go beyond the limits indicated above. With these laws may also be included, perhaps, certain Orders which are directed towards the same ends, such as, for instance, Orders dealing with home work and workers' dwellings.

C. In the light of the reply to Question A it is considered that from the social standpoint these questions should, generally speaking, be answered in the negative. It is desirable, however, that an exception should be made as regards co-operation in workers' welfare work, because such co-operation may often be directed towards the same ends as the enforcement of labour legislation properly so called. Although from the social standpoint it may be undesirable in itself to entrust factory inspectors with functions beyond those which are directly within the scope of their work, it would nevertheless seem justifiable to do so in certain cases where urgent practical and administrative considerations so require.

SWITZERLAND

The reply of the Swiss Government is as follows:

A. B. and C. The first duty of factory inspection is to supervise the observance of the laws for the protection of the workers. The effective enforcement of these laws can only be ensured by means of this supervision. The work of factory inspection must therefore be taken chiefly to mean the protection of the workers properly so-called.

As regards the other tasks referred to under C, an answer which is merely affirmative or negative is insufficient.

Everything depends on the administrative system as a whole. It is possible that in a highly developed administration police authorities or some special inspectorate may be found capable of carrying out the duties in question. It is equally possible that in the absence of other qualified services they should be entrusted to the factory inspectorate. The solution of the question must therefore depend on the particular conditions of each country.

As regards intervention in social questions referred to under C (2), the Swiss Government considers that it is of primary importance not to extend too widely the scope of the inspector's work and not to require him to undertake duties which may

prejudice his authority and his impartial position. This might be the result, for example, if he were to concern himself with employment exchanges or with conciliation or arbitration work.

The answer to the question whether inspectors ought to take part in the work of social insurance institutions depends primarily on the organisation of these institutions. In Switzerland the insurance institutions created by law are entirely independent and only require the assistance of the factory inspectorate to an insignificant extent.

Lastly, as regards workers' welfare work, it is unnecessary to indicate explicitly that this work should become an official part of the inspectors' duties. A general clause simply requesting the inspector to give to this work any attention and assistance which circumstances may require will be sufficient to define the part to be taken by the inspectorate in this connection and to ensure its performance.

II. NATURE OF THE FUNCTIONS AND POWERS OF FACTORY INSPECTORS

A. Right of entry.

- (1) **In what way do you consider that the right of inspectors to enter establishments under their supervision by day and night should be laid down and defined ?**
- (2) **Do you consider it advisable to affirm the principle that factory inspectors should be bound not to disclose manufacturing secrets and working processes in general which may come to their notice in the course of their work ?**

B. Judicial powers.

Do you consider that after an infringement of the law has been ascertained the inspector should only be authorised to submit a simple statement of

fact to other authorities competent to take proceedings ?

Or do you consider that inspectors should be authorised to prosecute before the Courts of Law ?

C. Administrative powers.

- (1) Do you consider that the laws and regulations concerning conditions of labour should authorise the inspectors themselves to issue orders in given cases ?

To what cases do you consider this power should be restricted (e. g. safety) ?

- (2) Do you consider that such orders should take the form of

(a) warnings or summonses against which an appeal to other administrative authorities may be allowed or not but which are in any case subject to examination by the Courts of Law, or

(b) orders on which appeal to other administrative authorities may be allowed or not but non-observance of which is considered as an infringement of the laws and regulations ?

- (3) Do you consider that factory inspectors should be authorised to grant exceptions for which provision is made in the laws regulating conditions of labour ?

How do you consider this power should be restricted ?

D. Moral and Social Aspect of Inspectors' duties.

Do you consider it desirable to insert in a Recommendation some indications as to the

general conception of the functions of the factory inspector ? In particular, do you consider it desirable to define how the inspector may assist in the improvement of the laws ? What should be his duties in inquiries into accidents ? How can he assist in preventing accidents ?

E. Reports.

Do you consider it desirable that factory inspectors should regularly submit reports on the results of their work ?

In this connection, do you consider it desirable that the Conference should recommend the different Governments to give these reports a form which would render them easily comparable internationally ?

AUSTRIA

The reply of the Austrian Government is as follows:

A. Duly authorised officers of the inspection service must have access to undertakings at any time by day or night without restriction, because any restriction might lead to the deception of the inspectors.

There can be no doubt but that factory inspectors should be bound on oath not to reveal manufacturing secrets and working processes which may come to their notice in the course of their work. This obligation should extend beyond their period of office, or otherwise the inspector might use for his own or a third party's advantage and to the detriment of the owner the manufacturing secrets and working processes of an undertaking with which he has become acquainted in the course of his visits of inspection. Moreover, in the absence of any such obligation there would be a danger lest attempts should be made to conceal certain parts of the undertaking which the inspector would have to see if his work was to be properly carried out.

B. The position of the factory inspector as regards judicial powers and administrative procedure will naturally be determined in the individual countries by the existing organisation of

the legal and administrative authorities and by the scope of their jurisdiction. It would be extremely difficult to establish any international principle in this connection because, owing to the great diversity in the organisation of the judicial and administrative authorities in the different States Members, their views and proposals will vary and will often be diametrically opposite.

In Austria the powers of the factory inspector are limited to notifying the competent authorities of breaches of the regulations whose enforcement he has to supervise, if no steps are taken to comply with the law in response to his request. It is for the competent authorities to take any further action. If the breach is punishable not by the Courts but, as is normally the case, by the administrative authorities, the inspector has the right to accompany his notification by a proposal as to the penalty which should be imposed. Owing to his constant contact with the industry, the establishment in question and its occupier, the inspector is in the best position to know the circumstances in which the breach of the law took place, the extent of the benefit derived by the employer from it, and its gravity. If the administrative authorities fail to act in accordance with his suggestion, the factory inspector is entitled to appeal against their decision. Mines inspectors are, however, in a different position. As already stated, mines inspection is in the hands of the mines administration, which as regards mining undertakings carries out the functions assigned to the industrial inspection service and the industrial authorities respectively in respect of industrial undertakings. It has independent powers to impose penalties, and, in cases of acts punishable under the Penal Code, it may notify the public prosecutor.

It would not seem desirable to empower factory inspectors to institute legal proceedings before the Courts for breaches of the law which they have duly ascertained, i. e. to act as public prosecutor. As a rule, notification of the public prosecutor (administrative authorities) will suffice to cause penal proceedings to be taken. In any event it is not so important for the factory inspector to have the right to appear as plaintiff that the principle of instituting proceedings only through the public prosecutor should be interfered with—least of all in States such as Austria where breaches of the laws for the protection of the workers are, as a rule, dealt with not by the Courts but by the administrative authorities.

C. The administrative powers of inspectors of industrial establishments are regulated in Austria as follows. If an inspector finds in any given undertaking that measures are necessary for protecting the life, health or morals of the workers, it is the duty of the industrial inspectorate, if the matter is not immediately dealt with and the legal conditions authorising

administrative intervention are fulfilled, to suggest to the competent authority the measures which require to be taken. If the inspector considers that immediate action is necessary which the administrative industrial authorities are competent to take, he is authorised to take such action, which will have the same force as if it had been taken by the competent authority. The measures taken must be communicated in writing to the occupier of the undertaking or his representative without delay and the competent authority must also be informed. The works committee must also be informed of these measures. The employers have a right of appeal in these cases (but such appeal does not constitute stay of execution) similar to that against orders issued by the competent authority. Such appeals must be submitted to the inspection service for industrial establishments which will also inform the competent authorities.

The mines administration, which is responsible for the general supervision of mines, has to see that the obligations imposed on mining employers under the Mines Act are carried out and must intervene whenever special measures are needed for the upkeep of the mine or in the general interest.

In the light of the above observations the following replies are given to Question C (i) and (2).

Where measures for the protection of the life, health and morals of the workers are concerned, the factory inspectors should within their sphere of competence be empowered themselves to take measures which are to be binding on employers and workers, but in general they should not be given unlimited powers in this connection. Quite apart from the fact that this principle would be contradictory to existing principles of administration in most countries, such an extension of the powers of factory inspectors would be undesirable if only on the grounds that many measures must have regard not only to technical but also to important legal considerations which require that the facts should be examined and judged from both these points of view. In urgent cases, however, i.e. when the inspector considers that immediate action is necessary, he should be authorised to take the necessary measures himself in order to prevent delays which might have tragic consequences for the workers (explosions, falls of scaffolding, fall of material in quarries, poisoning, etc.). The measures ordered by the inspector should have the same force as orders issued by the competent administrative authorities. The persons to whom such orders are issued should have the same right of appeal as against other decisions of the administrative authorities, but in this case appeal should not constitute a stay of execution.

Failure to carry out the inspector's orders should, after a final decision by the administrative authorities, be regarded

as a punishable contravention of the provisions applicable to the case.

(3). Factory inspectors should have the power to grant exemptions from the provisions of existing legislation for the protection of the workers, but such exemptions should be expressly specified in the provisions concerned. It is not possible to define this power by any general clause.

D. Factory inspectors on their visits of inspection and in other suitable ways should take the opportunity to instruct employers and workers in the precautions which should be taken in order to comply with the requirements of the laws and thus ensure the safety of the workers in industrial establishments.

The inspectors should be allowed some influence when provisions are being adopted dealing with the technical protection of the workers. They should attend as advisers any meetings at which the adoption of such measures is being discussed or should themselves draft the measures.

In Austria there is a committee for the prevention of accidents, consisting of 10 to 12 members, which draws up technical regulations. The chief inspector for industrial establishments is a member and secretary of this committee. The value of such an institution, which has been well tested, should be internationally recognised.

Factory inspectors should in particular be called upon to co-operate in the prevention of accidents and diseases. For this purpose all statistics as to accidents and diseases in industrial establishments should be submitted to them. The statistics of occupational diseases are of particular importance because they draw the attention of the inspectors to the influences injurious to the health of the workers employed in any given form of manufacture and enable them to take the necessary measures. In practice dangers to health are of much more importance than risks of accident, and the factory inspectors and the doctors attached to the service would be the proper persons to ascertain and deal with the causes of noxious influences.

E. It is very desirable and particularly important that inspectors in all countries should submit reports for publication. Through these reports it is possible to compare experience, and they help to secure uniformity in the working of the different inspection services. They also serve to inform the general public of the provisions of the laws and to encourage suggestions for improvements of the laws. It is desirable that the information contained in these reports should be uniformly presented so far as such information relates to questions which are dealt with by the different branches of the inspectorate.

BELGIUM

The reply of the Belgian Government is as follows:

A. (1). The right of free entry by night and day should be formally laid down by the law. It should further be sanctioned by the imposition of penalties on employers who hinder its exercise.

Inspectors should be authorised to question the workers on the spot without witnesses and to have access to all books and records which are kept in accordance with the law.

(2). The reply is in the affirmative. It would be desirable to affirm this principle.

B. The separation of powers in Belgium precludes factory inspectors from taking judicial proceedings. They may, however, cause proceedings to be taken by submitting a statement which holds good until the contrary is proved, but they have no power to demand the opening of proceedings if the Parquet considers that there is no occasion for prosecution.

C. (1). Generally speaking, factory inspectors cannot themselves issue orders; this power belongs only to the higher authorities. The inspector is simply called on to give his advice as to the measures to be adopted in individual cases. Nevertheless, if the safety or health of the workers and the neighbourhood is in immediate danger, it is desirable that the inspector should have sufficient authority to order the necessary measures to be taken, subject to the employer's right of appeal to a higher authority.

(2). It is considered that these orders should take the form of injunctions which are subject to appeal to other administrative authorities, but non-compliance with which is considered as an infringement of the law. This system maintains the principle of the separation of powers.

(3). The reply is in the negative. The right to grant exemptions should belong solely to the administrative authorities, who would obviously consult the inspectors as to the advisability of granting them.

D. The reply to the first two questions should be in the affirmative. The factory inspector by virtue of his experience, competence and disinterestedness is the best qualified person to ascertain and notify whether the law is defective or inadequate and to indicate improvements.

As regards the third and fourth questions, the prevention of industrial accidents is the most interesting side of the functions of factory inspectors. Enquiries into accidents undertaken by them should serve not only for their personal instruction but for the instruction of all, whether employers or workers, who may be exposed to accidents. In this connection it would be

desirable to organise a research and propaganda section at the inspectorate's headquarters. The inspector might take part in the prevention of accidents by systematically studying every case that occurs, and these studies might form a basis for re-drafting and improving the safety regulations.

In addition, it would be desirable that everything connected with the medical treatment of the victims of industrial accidents should be under the supervision of medical inspectors.

~~222~~ E. The reply is in the affirmative. There can be no question of requiring every country to employ an identical plan for drawing up inspectors' reports, but it would be desirable that certain broad outlines should be followed everywhere. As regards industrial accidents, for instance, an agreement might be reached as to definitions and the manner of drawing up statistics and calculating accident risks.

BRAZIL

Note. See note at head of reply to preliminary question.

The reply is as follows :]

A. (1). The inspector must have the right to enter by day and night into all undertakings subject to his inspection in accordance with official instructions. Provision should be made for fining occupiers who refuse to admit inspectors. Exceptions, restrictions or mitigations of this right of entry may, however, be laid down by the law, if considered necessary.

The inspector should also have the right to question the workers and to be shown any register which the law requires to be kept.

Some observations are made later as to the manner in which the inspector should use these rights.

(2). Although industries where there are "manufacturing secrets" are in a very small minority, the inspector is required to maintain secrecy, and he should be bound by oath not to disclose processes which come to his notice during his work. The affirmation of this principle, it would seem, cannot but facilitate the work of inspection.

B. (1). It is considered that inspectors should have the right to initiate penal proceedings before the Courts in cases of deliberate breaches of the laws. These judicial powers, however, should only be assigned to officials in the higher grades of the service, as is explained later. The inspector should use this right with due caution and only as a last resort. It must

be clear that there is intentional bad will on the part of the employer.

The possession of direct judicial powers is of a nature to increase the moral authority of the inspectorate and to remove any influence which might tend to hinder the enforcement of the law. Moreover, it eliminates delay in the procedure.

C. (1). It is considered that the inspector should have the power to issue orders in exceptional cases and in certain given circumstances, for example where there is danger to the workers or urgent measures are necessary. This power should only be accorded to inspectors above a certain grade. The inspector should use this power with moderation, and should, in any case, inform his immediate chief of any action taken.

(2). Non-compliance by the employer with the extraordinary measures ordered by the inspector should be considered as a breach of the laws and regulations. The employer concerned, however, should have the right to appeal either to a higher authority in the inspectorate or to an advisory committee according to the nature of the breach committed and the provisions of the law in connection therewith. The decision taken by either of these authorities should have the force of law.

(3). It is considered that the law should empower inspectors above a certain grade to accord certain exemptions from the regulations concerning conditions of labour; such exemptions, however, should be of a temporary character and should have to be approved by the inspector's immediate chief. It is considered that too much rigidity in these matters may prevent the attainment of the object in view and that nothing should be neglected which might contribute to maintaining a good understanding between the administration and employers, this being the surest way to ensure that the provisions of the law are respected.

D. It is considered that the moral and social aspects of the inspector's duties are very important. The inspector in a country like Brazil must, above all, help to instruct many employers in the scope of the social reforms which he has to enforce.

The inspector should avoid acting simply as a police officer whose only duty it is to ascertain offences against the law, to report such offences and see that they are punished. The experience of many countries shows that this method of procedure often leads to results diametrically opposed to those aimed at.

It is not desirable that industry should perpetually live under a system of threats and penalties. The object in view is that the employer should accept the provisions of the law with a good grace and he should, therefore, be convinced of their necessity. It is part of the inspector's duty to bring home to

the employer the necessity of the requirements which the law lays down.

Moreover, the inspector should attentively observe and note difficulties and special cases which arise in the enforcement of laws and regulations concerning conditions of labour. He should impartially listen to the complaints or observations both of employers and workers. He should not forget to consider the possibilities of immediately and fully carrying out certain social reforms, and, in this connection, he should not neglect the economic aspect of the reforms. In a word, the chief object is to secure equilibrium between the protection of the workers properly so-called and the vital necessities of industry, whose development and normal working must not be impeded.

In carrying out his duties in this way the inspector can contribute to the improvement of labour legislation. He can point out gaps in the laws or provisions which are too severe, inexpedient or inapplicable in practice. He will also see that it is simpler to introduce social reforms by gradual stages rather than to endeavour to graft them upon industry *en bloc*—a fact which has been found true more than once.

Obviously a measure of firmness is necessary for the enforcement of the safety measures laid down in installations or establishments scheduled as dangerous.

In short, it is considered that the inspector should try to win the sympathy, not only of the workers, but also of the employers, not despising their observations, but discretely giving them suggestions as to the scientific organisation of their undertakings with a view to securing the maximum output of work, which would help to compensate for the extra charges arising from the introduction of social reforms.

The inspector should pay particular attention to industrial accidents, should carefully investigate the circumstances in which they happen and their causes, should find out how far they are attributable to the nature of the operations carried out and how far to negligence on the part of the employer or to the workers' carelessness or mistakes, and should estimate how they might have been avoided and how they may be prevented or diminished in future. He should also note the age, sex and personal qualifications of the victim as well as the frequency of accidents of the same kind.

All these details, apart from their immediate utility as means of instruction to those directly concerned, are indispensable for compiling statistics on industrial accidents, and it is on information of this nature that actuaries base their calculations of insurance rates.

The inspector can assist in the prevention of accidents, first by giving clear instructions from time to time to the working staff in a factory as to the need for precautions and,

secondly, by acquainting employers, if necessary, with effective safeguards and safety devices.

He can also help to secure agreement between the two parties concerned as to the compensation to be paid, when there is no special institution for settling these questions.

E. It is very desirable that inspectors should regularly submit reports on their work containing all the information which is worthy of note. It is to the advantage of all countries that the information collected which is of interest should be classified according to a definite plan and uniform methods internationally agreed upon. It would then be easier to study and compare the information given in the reports and to deduce conclusions which would be very valuable from different points of view.

CANADA

MANITOBA.

The reply of the Manitoba Government is as follows:

A. (1). By legislation.

(2). The reply is in the affirmative.

B. Inspector should submit a report to the Head of his Department and the Head of the Department should conduct or authorise prosecutions.

C. (1). The reply is in the affirmative without restriction, except in cases where inspector is in doubt, when he should refer the matter to the Head of his Department.

(2). (a) The reply is in the negative.

(b) The reply is in the affirmative.

(3). Inspector should make recommendation to the head of his Department for decision.

D. The reply is in the affirmative to the first two questions. In regard to accidents he should ascertain the cause and issue orders which will prevent a recurrence if possible. He can assist in preventing accidents by seeing that machinery and working conditions generally are safe and can assist in educating workers to follow safe methods of doing their work.

E. The reply is in the affirmative to both questions.

NOVA SCOTIA.

The reply of the Nova Scotia Government is as follows :

A. (1). The inspector should have the right to enter, inspect and examine at all reasonable times by day or night any

factory or any part thereof when he has reasonable cause to believe that any person is employed therein.

(2). Factory inspectors should be bound not to disclose manufacturing secrets or working processes which may come to their notice in the course of their work. If the employer feels assured of this, then there is no objection to the inspector entering any room or place in the factory.

B. The custom in this Province is for the inspector to report to the head of his Department; the case is then referred to the Crown Prosecutor with whom the Inspector collaborates in the prosecution of the case.

C. (1). The inspector should issue orders. There should be no restrictions.

(2). There is not any provision in the laws of this Province for an appeal, the inspector's orders are final. The employer can only take issue with the order by refusing to comply with it and contesting the matter in court if the inspector prosecutes.

(3). It is very difficult to apply a definite regulation in some cases. It is important that the inspector should have discretionary powers.

The power to grant exceptions should be restricted so as to protect the inspector from sentimental appeals—such as to grant working permits for children who are not qualified by age.

D. It is desirable that some standard should be established as indicated by the question. Where the circumstances are not clear or where the inspector has reason to believe that any important particular is being concealed he should have authority to administer an oath and to summon any person to give evidence. The inspector can assist in the prevention of accidents by using his experience, and by making such a study of accident prevention literature that he will be in a position to discuss the matter intelligently with the employers, and if necessary address a meeting of workers on the subject. The ability to address a meeting is a development of the modern safety movement which requires that quality in an inspector.

E. Factory inspectors should make public reports. With proper distribution, reports are the medium through which the inspector can place before the interested persons details of his work which should be interesting, instructive, and useful.

It is desirable that there should be a standard form for accident statistics.

SASKATCHEWAN.

Note. See note at head of reply to Part I of the Questionnaire.

The reply to Part II of the Questionnaire is as follows:

A. (1). We would consider that an inspector should have the right at all times during working hours to enter and inspect, at his discretion.

(2). The reply is in the affirmative, for the reason that inspectors' usefulness would be impaired otherwise.

B. We would consider that both propositions should be permitted.

C. (1). We would consider that the object sought to be obtained should be done by recommendation for the reason that in our experience more can be accomplished by persuasion than by mandatory order.

(2). The recommendation to take the form of a warning to be followed by a summons in aggravated cases.

(3). Exemptions should be permissible in installations that have been in existence for a considerable period, where changes would work considerable hardship on the employer, so long as with the exercise of reasonable care the safety of the worker would not be endangered. This power should be restricted to installations in existence for a considerable period and not allowed in any new installations.

D. We would consider it helpful if such "Recommendation" was made, but the Inspector should be selected for his qualification and experience for the work. It would be of assistance if suggestions were made with regard to his personal efforts in helping to improve the laws for prevention of accidents. We would consider that it should be the duty of the inspector to make close enquiry into causes of all serious accidents and to make practical recommendations with a view to the prevention of their recurrence.

E. We would consider it essential that factory inspectors should regularly submit reports on the results of their work.

Conditions vary greatly in different localities, but it would be an advantage if in the main the general features of the report were comparable internationally.

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows:

A. (1). The present legal position is that a factory inspector, once he has presented his official identity card to the management of the undertaking he is visiting, has the right to enter all places where work is carried on as well as premises provided for the accommodation of the workers employed

therein. This right applies to any establishment under his supervision at any time of the day; at night the inspector may only enter places where work is being carried on.

(2). The reply is in the affirmative. A provision of this nature is already incorporated in Czechoslovak law. The factory inspector is bound by oath as a public official to observe official secrecy as to the commercial situation and the working processes of undertakings under his supervision and, above all, not to disclose manufacturing secrets and technical processes. Inspectors are bound to do so even after they have resigned their posts. Any breach of these rules is dealt with not only by disciplinary action but also by prosecution.

The Factory Inspection Bill previously referred to re-affirms these principles to their fullest extent.

B. (1) and (2). It is the duty of inspectors to see that the laws whose chief object is to protect the life and health of the workers are observed, and their powers depend, in principle, on the scope of the preventive measures laid down by these laws. It is for the administrative authorities to see that these measures are carried out. In accordance with the present law, therefore, factory inspectors, who so far have no direct executive powers themselves, submit statements to the administrative authority concerned when no effect is given to a notice issued by them with a view to removing any irregularity which they have ascertained. If the precautionary measures which the law lays down as compulsory for the protection of the health and life of the workers, however, have been neglected to such a degree that the law has been violated and a punishable offence therefore has taken place, it is clear that it is the factory inspector who, as the best informed person, will first be called upon to initiate proceedings before the Courts by submitting a complaint. This is not, however, a consequence of any special powers belonging to the inspector, whose duty is to prevent breaches of the law: in principle, his position is identical in these matters with that of any other third party.

These principles have also been included in the new Bill on factory inspection.

C. (1). The reply is in the affirmative. Under the law at present in force (Section 9 of Act No. 117 of 1883), the inspector only possesses the right to request the removal of irregularities which he ascertains, and, if the employer refuses to comply, it is the inspector's duty to submit a statement of fact to the competent administrative authority which opens the regular procedure on the basis of his statement.

The power of the inspector to issue orders in given cases has not yet been dealt with by the law. Attention will, however, be given to this question in the revision of the Bill on factory inspection, and in given cases, which will be clearly defined

in the Act, the factory inspector will be given a measure of independent executive power (power to issue orders independently). In all cases, however, the exercise of this extraordinary executive power will be subject to reference to the competent administrative authority in order that the regular procedure may be carried out.

(2). Under the existing law the inspector is only authorised to issue warnings requesting that steps be taken to put a stop to any irregularities which come to his notice. If the party warned refuses to comply, the factory inspector submits a statement of fact to the competent administrative authority which proceeds to set the regular procedure in motion.

(3). The reply is in the affirmative. Acts and regulations concerning conditions of labour in which provision is made for such exemptions should give inspectors this power and should define its scope.

D. In the light of their reply to Question C, the Czechoslovak Government consider it advisable that the Recommendation should contain a clause to the effect that the factory inspectorate is of the nature of a public social welfare authority.

Under existing law factory inspectors have the right to submit proposals to the higher authorities as to legal or administrative measures which should be taken on behalf of industry or the workers. Provision for this right is also made in the factory inspection Bill which is being prepared. Moreover, it is the custom in practice first to submit all labour Bills or draft regulations to the inspection service for its opinion.

In enquiries into industrial accidents the inspector has so far acted as a technical expert. This system has been tested and there is no reason to suppress it.

The factory inspector assists in preventing accidents not only in the normal discharge of his supervisory duties, but also by means of the proposals referred to above as to the promulgation of protective measures.

E. The reply is in the affirmative.

In Czechoslovakia a report on the results of the work of the factory inspectorate is published annually. This report contains :

(1) *A short survey of the work accomplished.*

External activities, correspondence, complaints, relations with the various parties.

(2) *Work premises; their condition and measures taken for the protection of the workers.*

General observations, new undertakings, undertakings extended, undertakings suppressed, undertakings destroyed by fire, undertakings approved, general situation of workplaces from the industrial hygiene and safety standpoints, new build-

ings, quarries, ballast holes and gravel pits, brick works, obstructions, stairs and exits, emergency exits, ventilation, mechanical dust, gas and steam exhaustion, heating of workshops, lighting of boiler rooms, steam engines, high pressure engines, starting engines, safeguards, explosives, celluloid, benzine, benzol, petrol (mineral oils), acetylene, storing and sorting of rags, model works, new working processes, baths, lavatories, clothes, dining-rooms.

(3) *Industrial accidents: accidents, occupational diseases, sickness and accident insurance.*

Explosions, accidents, fatal accidents, collective accidents, interesting accidents, first aid measures, state of health of the workers, industrial diseases, sickness insurance, accident insurance.

(4) *Conditions of employment of industrial workers.*

General remarks, illegal employment of persons protected by law, apprenticeship, vocational training of apprentices, hours of work, rest by rotation and unbroken rest of 32 hours, night work, breaks during work, overtime, Sunday work, workshop regulations, work sheets, workers' rolls, notices of dismissal, dismissals, payment of wages and illegal reductions, application of paragraphs 1154 (b) and 1155 of the Civil Code regarding special cases where a worker, unable to perform his work for adequate reasons, is entitled to a part of his wages, workers' confidants, home work.

(5) *The labour market and economic situation of the workers.*

State of work in the different branches of industrial production and its influence on the labour market, unemployment, unemployment relief, means of obtaining employment, productivity of the workers, state of wages, share of workers in the profits and management of businesses, collective agreements, central joint committees, arbitration courts, housing conditions, employers' care of the worker, workers' movement.

The Czechoslovak Government recommend that a small exhibition be organised of factory inspectors' reports for the benefit of the Delegations at the Fifth International Labour Conference and that the International Labour Office publish, either before the opening of the Conference or on its conclusion, a comparative study of the contents of the reports of factory inspection services in the different countries.

It may also be noted that in January of the present year the Social Institute of Czechoslovakia held a conference on factory inspectors' reports published in Czechoslovakia. At this meeting a resolution was adopted inviting the International Labour Office to take the necessary steps in order that factory inspectors' reports published in the different States might be planned as far as possible on uniform lines so that they might

provide a basis for a comparative international study of a number of important social questions, for example, the enforcement of legislation limiting hours of work, the number and employment of women and young persons, night work, etc.

It is, therefore, proposed that the Conference recommend to the different Governments some methods which would facilitate a comparative international study of such questions through the medium of their factory inspectors' reports. It would also be particularly desirable that the different States should come to an agreement as to the intervals at which these reports should be published and the most important present-day questions which should be dealt with in them, special consideration being given to the Conventions and Recommendations already adopted or in course of preparation.

DENMARK

The reply of the Danish Government is as follows:

A. (1). Provisions of the nature indicated are incorporated in Section 39, Sub-section 1, of the Factory Act of 29 April 1913, which runs as follows :—

“Officers of the inspection service, who can establish their identity, may enter freely into all parts of the undertakings covered by the present Act at any hour of the day and night when work is being carried on. They have the right to question any person they find in the factory or the workshops or whom they may presume to be employed in the factory or to have been employed there during the previous three months. They may, moreover, inspect registers which the present Act or regulations made thereunder require to be kept in the undertakings as well as the certificates which must be kept in the factories or workshops. An enquiry should be made by the inspection service into any complaints of a breach of the present Act.”

(2). The reply is in the affirmative. This principle is laid down in Section 39, Sub-section 2. of the Factory Act of 29 April 1913, which runs as follows :—

“Officers of the inspection service are forbidden to make use of their position in order to secure any other information than such as is necessary for their work. They are also forbidden to communicate to anyone publicly or privately any information they may have gathered in the course of their work concerning the undertakings under their supervision or the persons employed therein, unless they are compelled to do so in the interests of their work.”

B. (1) and (2). Supervision of the enforcement of labour

legislation should be carried out by factory inspectors distributed over the whole country whose work should be under the direction of a headquarters. The judicial powers of inspectors should be restricted to the power to submit reports to headquarters, which will decide whether a prosecution is to be undertaken through the medium of the ordinary prosecuting authorities.

C. (1), (2), (3). Factory inspectors having the best knowledge of labour conditions, the laws and regulations concerned should empower them to some extent to issue orders themselves in given cases. This power should be restricted to cases where it has been found necessary in framing legislation to leave a decision on certain questions to the good judgment of the inspectors, and the persons to whom such orders are issued may always appeal to higher administrative authorities whose decision is final, unless the law formally prescribes that the matter in question should be dealt with by the Courts. Moreover, the laws and regulations should settle the cases in which inspectors are authorised to grant exemptions.

D. Inspectors should simply gather the lessons to be learnt from their experience and communicate the results to headquarters, which would consider any improvements in the laws which might be suggested by experience. A recommendation giving some indications as to the general conception of the work of the factory inspector would hardly be desirable. It would be useful, as has been done in Denmark for many years, to hold general meetings of the inspectors periodically, e.g. once a year.

E. Although they can only furnish information of fact as to the work accomplished — and an examination of the results of this work and the indications which they may give requires a statistical co-ordination of the reports for many years — inspectors should regularly submit reports on their work, as is done for example in Denmark every year. It would probably be of interest to have these reports drawn up in a form which would allow of comparing them internationally.

ESTHONIA

The reply of the Esthonian Government is as follows:

A. (1). It can scarcely be said with reference to factory inspectors that the employer has a right to the inviolability of his factory. The inspector's right of entry into undertakings which come under his supervision should be laid down by the law, as well as the corresponding obligation on the management of such undertakings to admit inspectors to all their workplaces. Inspectors should be provided with identity cards which they are bound to show to the management if so required. During

their visits to an undertaking a responsible employee should accompany them and give them all possible assistance.

It would be difficult to lay down any special rules for night visits. The rules for these visits should, it would seem, be the same as for day visits.

There is no doubt but that the inspector should have the right to question the persons present in the undertaking and to demand the production of any book or register which the law requires to be kept.

(2). It is desirable to affirm the principle that inspectors should be bound not to disclose manufacturing secrets and working processes in general which may come to their notice in the course of their work. At the same time, it may be asked whether it would not be preferable to enforce the observance of this principle by penalties rather than by putting the inspectors on oath.

B. The practice adopted in Esthonia is that inspectors have the power to institute penal proceedings before the Courts of Law. This system is the simplest, because the inspector is sufficiently competent to decide whether offenders should be prosecuted or not.

C. (1). It is difficult to imagine that inspection would work satisfactorily if the inspectorate is not left sufficient latitude to deal with the numerous concrete cases which arise in practice in enforcing the laws and regulations concerning the health and safety of the workers. In these matters the inspector should be given the power to prescribe measures for the removal within a given period of time of any irregularities which he ascertains.

(2). The orders issued by inspectors should take the form of injunctions, non-compliance with which is regarded as an infringement of the laws and regulations. Although the original decision should be taken by the inspector, the right to appeal to higher administrative authority, e. g. Minister of the Department administering the inspectorate, should be guaranteed.

The considerations in favour of the adoption of this system are as follows :—

The most frequent cases which arise are such that they require in the interest of the safety of the workers remedies which must be applied immediately or at least at the earliest possible moment. If a system were adopted by which the orders given by the inspector were always subject to examination by the Courts of Law, the application of the necessary remedies would be unduly delayed and the safety of the workers might be endangered. Moreover, the Courts of Law are not always sufficiently competent to deal with these questions.

(3). It is clear that there are cases in which it would be impossible to do without temporary exceptions to the provisions of the laws regulating labour. It would, therefore, seem more

expedient that the authority empowered to grant such exceptions should be the factory inspectorate, because it would not always be convenient to address requests in this connection to superior authority, e. g. to the Minister.

It is difficult to establish any common principles as to how far inspectors should exercise this power. Primarily it might be exercised in urgent cases which must be dealt with without any delay. But, generally speaking, the whole question could only be settled by the national law in the different countries.

D. It would undoubtedly be useful to insert in the text of the Recommendation some indications as to the general conception of the functions of the factory inspector, in particular as to the assistance he may give in the improvement of the laws; but it would hardly be possible to define exactly how the inspector can be of service in this connection.

The Recommendation might make it clear that the most important object of the inspector's work should be not so much to exercise repressive or police functions (this is his primary duty) as to maintain constant collaboration with employers and workers by intervening in industrial disputes or consulting them as to the imperfections of the laws and regulations as well as the measures which might be taken for their improvement.

The duties of inspectors in enquiries into industrial accidents are so thoroughly dealt with in the Questionnaire (vide pp. 23-24) that there is nothing to add.

E. There can be no doubt as to the utility of regular reports by factory inspectors on the results of their work or as to the value of these reports from the point of view of the development of labour and safety legislation; but experience shows that it is not always easy to secure really satisfactory reports from which information can be obtained providing material for the improvement of the laws. This observation, of course, does not apply to countries where factory inspection has existed for a long time and has reached a high degree of development.

It might perhaps be possible to adopt a method by which inspectors should each year, in addition to the subjects ordinarily dealt with in their reports, make a study of some special subject previously selected by the Conference or the International Labour Office. In this way a fruitful supply of information would be obtained in the course of time on different questions concerned with the protection and safety of the workers.

The Estonian Government fully associates itself with the idea that these reports should, at least partially if not throughout, be given a form which would render them easily comparable internationally. Special attention should be given to the suggestion made by the International Labour Office that it might be possible to publish in these reports comparable statistics as to the number of undertakings under the inspectors'

supervision and the number of undertakings actually inspected, the number of workers according to age and sex, the number of accidents, etc., as well as to include in them an international section dealing with the application of Conventions already ratified.

FINLAND

The reply of the Finnish Government is as follows:

A. (1). Factory inspectors should have an absolute right to enter establishments under their supervision. In order to prevent other persons from abusing this right, the inspector should when making a visit carry a certificate delivered to him by his chief which should be produced on the request of the employer or his representative. He should also carry a badge authorised by the same authority.

(2). In Finland, as in many other countries, inspectors, on entering upon their duties, are obliged to take an oath by which they bind themselves to respect the provisions of the law, so that, if the law forbids the inspector to reveal professional secrets which come to his knowledge in the course of his work, it is not necessary to require him to take any special oath. In countries, however, where officials are not obliged to take any oath on their appointment, it would be desirable to require the inspector to take a special oath, chiefly with a view to inspiring confidence in employers, who might otherwise be tempted to conceal from the inspector manufacturing secrets and working processes which, from the point of view of the protection of the workers, might be dangerous and might necessitate measures being taken by the inspector.

B. After ascertaining any breach of the law relating to the protection of the workers, the inspector should only have to present a detailed statement to the authority competent to take proceedings and to prosecute before the Courts of Law. The inspector does not possess the necessary legal competence to institute proceedings, and functions of this kind would occupy so much of his time that he would neglect his other duties. It would therefore not be desirable to entrust him with the function of instituting proceedings or prosecuting before the Courts of Law.

C. (1). Since laws and regulations cannot contain provisions dealing with all the special cases which may arise in practice, it is only possible for the laws to lay down general provisions, and in practice it will be for the inspector to apply them according to his own judgment. It would accordingly be desirable to leave the inspector to issue special orders based on the

general rules laid down by the laws, but this power should be restricted chiefly to matters concerning the safety and health of the workers.

(2) (a) and (b). The orders which the inspector might be empowered to issue should in the first place be in the nature of instructions or warnings entered in writing in a register kept for the purpose, compliance with which is not absolutely compulsory and against which there is no appeal, and secondly in the nature of written injunctions, appeals against the decision of the inspector being made to higher administrative authority. Where no appeal is made against the written injunction, or if the higher administrative authority confirms it with or without altering it, it would have the force of law, without having been first submitted to examination by the Courts. Non-compliance with a written injunction having the force of law would thus be considered an infringement of the laws and regulations, there being no right of appeal to the Courts or to the executive authorities.

(3). For practical reasons it would be desirable to authorise inspectors to grant exemptions for which provision is made in the laws and regulations. This power should, however, be restricted. If, for example, a child worker is employed in an industrial establishment or at a machine where he is exposed to real danger, the inspector should be authorised to decide whether the child should continue his work or should relinquish it, according to whether the establishment or the machine is provided with the safeguards required for protection against disease and accident. As another example of the same kind, there might be instances where on his own judgment, and on certain conditions, the inspector might have to allow overtime beyond the legal hours of work. It would, however, be necessary for the law to lay down the amount of overtime which the inspector may authorise. It would be for the inspector to decide whether such overtime is absolutely necessary for the continuation of the work in question, and for how long it should be permitted. It would also be for the inspector to grant the right of appeal first to a superior authority and finally to an administrative Court.

D. The principal work of the inspector consists in assisting the institution of measures for the protection of the worker while at work against accidents and disease. The extent to which the inspector succeeds in this work may be judged by the number of accidents and cases of occupational disease. From an examination of these figures it will be clear what are the protective measures to be taken. It is therefore of great importance that in a case of accident or serious occupational disease the inspector should carry out an enquiry on the spot, without any loss of time. By investigating the causes and

effects of such cases the inspector can complete the protective measures laid down and judge of their value. From other points of view also such enquiries are important. As is generally agreed, a mechanical application of the laws does not secure the object which protective measures have in view. If employers and workers are not absolutely convinced of the desirability and necessity of protective measures, lasting results will not be obtained merely from fear of the law. For this reason it is absolutely necessary that both employers and workers should understand the real significance of protection against accidents and disease. The presence of the inspector at the place at which an accident occurs offers perhaps the best opportunity of demonstrating clearly and effectively not only the necessity of protective measures but also what should be done to prevent accidents and occupational diseases. The professional experience acquired by inspectors in matters of workers' protection can be of the greatest utility in the development of labour legislation.

What has been said above may apply to inspection in all countries and might furnish the basis for an international Recommendation.

E. Inspectors should be required to submit a brief report on their work at least once a quarter, and a report on each year's work at the beginning of the following year.

In order to render these reports comparable from an international point of view, they should be drawn up on more or less the same general principles in all countries.

FRANCE

The reply of the French Government is as follows:

A. (1). The inspectors' right of entry into establishments under their supervision should be laid down by law, and the inspectors should be authorised to enter such establishments at any time during their working hours.

(2). It is desirable that inspectors should take an oath in the sense indicated. This would tend to inspire confidence in the employer who is always afraid lest disclosures should be made. It would also tend to facilitate the work of the inspection service. It would seem that a rule of this nature should be applied in all countries.

B. It would not seem that there is any general principle to be laid down in this connection. The system selected in each country depends on that country's judicial organisation. It may be pointed out that in France, in spite of appearances to the contrary, the inspection service has not, properly speak-

ing, the power to initiate penal proceedings before the Court. It is in the same situation as other services responsible for bringing offences to notice. It is the Public Prosecutor's Department which decides on the action to be taken on reports sent in by these services. The reports of the inspectors, however, hold good until proof to the contrary is forthcoming.

C. (1). It has not been considered desirable in France to give inspectors the power to issue orders themselves in given cases. The inspectors can only require observance of the measures laid down by the laws and decrees regulating labour.

(2). The reply to the question above being in the negative, there is no need to reply to this question.

There is, however, in French legislation a special procedure by which inspectors may issue summonses on employers in matters affecting the health and safety of the workers. This system is sometimes wrongly considered as implying that inspectors have the power to issue orders themselves in given cases.

French legislation provides that inspectors may summon occupiers to comply with a particular provision of the law within a given period when the inspectors have duly found that there is a breach of the provision in question. The measures for the enforcement of which this procedure may be adopted, however, are not ordered by the inspectors themselves, but are laid down by regulations issued in virtue of the laws.

Occupiers can send in protests against these summonses; these protests constitute a stay of execution and are examined by a technical committee.

This procedure is only permissible in regard to hygiene or safety measures and is specially intended to meet cases where the carrying out of such measures would necessitate considerable alterations affecting the building of the establishments.

Only in such cases can the technical committee which deals with the summonses extend the period within which the necessary measures are to be taken.

(3). It may be considered that inspectors should have the power to accord certain exemptions. Such cases should, however, be clearly laid down and strictly limited by the law.

D. There is no objection to inserting in the text of the Recommendation some indications as to the general conception of the factory inspectors' functions.

As regards the way in which the inspector may assist in the improvement of the laws, it is quite clear that it is the inspector's duty to indicate in his reports, whether special or general, such modifications and additions as he considers might be made to the regulations in force.

As regards industrial accidents, it should be laid down in principle that inspectors should be informed of all industrial accidents and be given any indications necessary as regards the

circumstances in which the accidents happened, in order that they may, if necessary, proceed to an enquiry with a view to dealing with the breaches of the hygiene and safety regulations which may have been the cause of the accidents—measures which are necessary in order to avoid the continuance or recurrence of such breaches.

In France, the inspector is informed of the accident, takes note of it for statistical purposes, and simply endeavours (1) to ascertain whether there has been a breach of the existing regulations and (2) whether the accident might have been avoided by measures not laid down in the existing regulations.

Should the inspector take part in enquiries into industrial accidents for other purposes than to secure the observance of the regulations and the prevention of accidents in the conditions indicated above? Should he, for example, intervene in order to see that the victim of the accident obtains compensation?

Workmen's compensations laws are, of course, labour laws and as such come within the class of laws the enforcement of which may be supervised by the factory inspectors. The number of industrial accidents, however, is so great that if inspectors were required to make an enquiry into each case the inspecting staff would have to be increased to an extent out of proportion with their principal duties, i. e., the enforcement of laws regulating labour. It would, therefore, seem necessary to limit the part to be taken by inspectors in this connection to enquiries into accidents affecting the enforcement of hygiene and safety regulations.

In short, the following general principles regarding industrial accidents might perhaps be included in a Recommendation :

(1). The inspectors should be informed of all industrial accidents, industrial diseases being regarded as accidents, and the information communicated to them should contain all indications necessary for the carrying out of their supervision;

(2). Inspectors should proceed to an enquiry into accidents in which there is a presumption that the enforcement of the hygiene and safety regulations is affected;

(3). Inspectors should, in connection with their enquiries, indicate the new legislative measures or regulations which it might be desirable to take in order to avoid the recurrence of similar accidents.

E. The reply is in the affirmative; this is a general principle which can be included in a Recommendation.

The plan on which reports are drawn up depends, to a large extent, on the form of the regulations in force, which vary considerably from country to country (differently drawn up labour codes, separate laws, etc.) and on the procedure for ascertaining breaches of the laws.

An endeavour might, however, be made to secure uni-

formity in these reports, for example as regards the presentation of statistics on industrial accidents.

GERMANY

The reply of the German Government is as follows:

A. (1). Factory inspectors should be authorised to enter establishments under their supervision at any moment when work may be assumed to be carried on. This right should be unrestricted and established by law. In addition, inspectors should be authorised to question the staff and to examine the books and registers which are required to be kept by law. They should also be entitled to inspect wages books.

(2). The reply is in the affirmative. In Germany officials of the inspectorate are bound to professional secrecy by Section 139, Sub-Section I, third sentence, of the *Reichsgewerbeordnung*, which provides that "subject to disclosure of infringements of the law, officials of the factory inspectorate shall observe secrecy with regard to manufacturing processes which come to their knowledge in the exercise of their functions in undertakings under their supervision."

B. (1). The reply is in the negative. The inspector should be entitled to deal directly with the Court or the Public Prosecutor.

(2). The reply is in the affirmative. (See above).

C. (1). The reply is in the affirmative. Inspectors should themselves be authorised to issue the necessary orders for the protection of the life and health of the workers. This method is in force in almost all the German States and has given good results.

(2) (a). The reply is in the negative. In Germany orders issued by officials of the inspectorate are not subject to further examination of the facts by the Court. The Court simply verifies these orders from the point of view of legal form.

(b). The reply is in the affirmative. This method has given good results in Germany.

(3). The reply is in the affirmative. It is desirable however that inspectors should only be authorised to grant exemptions for a limited time. Exemptions for longer periods should be granted by higher administrative authority.

D. The reply is in the affirmative. It appears desirable that the Recommendation should contain some indications as to the additional duties to be entrusted to factory inspectors. In particular, it may be pointed out that, by reason of their technical knowledge and experience, factory inspectors are in a position to render useful service in the improvement of labour

legislation. It is German experience that the co-operation of factory inspectors and those responsible for legislation can be facilitated by regular meetings of the higher officials of the inspectorate at the Ministries administering the inspection service.

Enquiries into industrial accidents are particularly important for factory inspectors, since it is by this means alone that they are able to discover the causes of accidents and to take suitable preventive measures.

In questions of safety and hygiene the work of factory inspectors ought not to be confined to the improvement of existing protective measures by suggestions and instructions. They should also be required to instruct employers and workers, as well as the general public, in the importance and necessity of protective measures relating to safety and hygiene. This should be done by means of the publication of articles in periodicals, by lectures, lantern slides etc.

E. The reply is in the affirmative. It would be desirable to arrive at an understanding which would allow of the adoption as far as possible of a uniform outline for reports as well as for the statistics published therein. Experience in Germany has shown the advantage of investigating certain questions in very close detail in the annual reports.

GREAT BRITAIN

The reply of the British Government is as follows:

A. (1). The right of entry and other powers of the Factory Inspectors in this country are laid down in Section 119 of the Factory and Workshop Act, 1901. That Section provides in particular that the Factory Inspector shall, for the purposes of the Act, have power "to enter, inspect and examine at all reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein and to enter by day any place which he has reasonable cause to believe to be a factory or workshop". H. M. Government consider it desirable that the right of entry of the Inspectors should be laid down and defined on the above lines.

(2). This principle is contained in the Official Instructions issued by the Home Office to the Factory Inspectors as follows :-

"The duties of an Inspector often necessarily involve inquiries and actions of a confidential character, but he should not take advantage of his position or powers under the Acts to make inquisitorial search into matters of which knowledge is not requisite for the discharge of his duties, and he should be careful

not to prejudice or risk prejudicing any private interests by disclosing, either privately or publicly, matters which become known to him in the course of inspection, such as the output of works, the nature of the processes carried on, the type of machinery used, etc.” H. M. Government consider that it would be advisable to affirm this principle.

B. The latter system is the British one. In Great Britain the Factory Inspector is expressly authorised (subject to the approval of his superior officers) to undertake prosecutions for breaches of the law. This arrangement which has been operative in Great Britain for many years has worked very well. The Inspectors are so familiar with the provisions of the Acts and with the technicalities of the cases they conduct that they do not as a rule experience any difficulty. If, however, any serious difficulty should arise, they can always obtain legal assistance from the Director of Public Prosecutions. If they had to make a report and hand on the prosecution to some other authority, it would mean great delay in securing the punishment of offenders, would in consequence weaken the efficiency of the administration, and would entail much greater expense.

C. (1) and (2). If by ‘orders’ are meant Orders ‘having the force of law’ the answer is — generally speaking — in the negative. The Inspector’s business is limited to seeing that the requirements of the law are carried out. These requirements, however, are in regard to many matters necessarily stated in general terms, as for instance, that “all dangerous parts of the machinery must be securely fenced”, and when an Inspector is not satisfied that the fencing of some piece of machinery is adequate it becomes his duty to warn the occupier of the factory, calling his attention to the need of remedying the defect and indicating what are the measures necessary to be taken for the purpose. If the occupier contests the opinion of the Inspector or fails to comply, the Inspector would enforce the law by prosecuting the occupier in a Court of Law, and he is authorised, subject to the approval of his superior officers, to take the necessary legal proceedings for this purpose. In a case of clear contravention of the law the occupier is liable to prosecution in a Court of Law without warning and, if the contravention is at all serious, prosecution would follow as a matter of course.

If the occupier disputes the reasonableness of any of the instructions given by one of the local Inspectors, it is open to him to appeal to the Chief Inspector to override the instructions of the local Inspector; but if the case is taken into Court it is for the Court to decide whether the Act has been complied with or not.

The general principles therefore of the British system are (1) that the occupier shall not be required to comply with a mere direction by an Inspector but only with a definite obligation

set out in the Acts or in the Regulations made thereunder, and (2) that he shall not be punished for a breach of the Act or Regulations except where a Court of Law is satisfied that such breach has been committed. In the opinion of H. M. Government these principles are sound and, while not in any way handicapping the enforcement of the Act by the Inspectors, afford the necessary safeguard to the occupier against the possibility of arbitrary or ill-judged action. They would therefore be in favour of the general adoption of these principles.

(3). One of the essentials of a successful administration is uniformity of practice, so as to ensure that the same standard of enforcement is maintained throughout the country and every occupier feels that he is being treated on exactly the same footing as his competitors. To give individual Inspectors a general power of allowing exceptions in particular cases would militate seriously against an impartial and uniform administration of the law and would, in the view of H. M. Government, be open to the greatest objection.

This of course is not to say that a power to allow exceptions in certain circumstances should not be reserved to the *central* authority. In framing special health regulations for a particular industry it is not always possible to provide for every case that may arise, and it has been found necessary in this country, for the sake of elasticity, in the case of certain elaborate Codes of Regulations applying to large industries or groups of industries, to authorise the Chief Inspector of Factories to exempt particular works from all or some of the requirements of the Regulations. Before exercising this power in any case the Chief Inspector is required to be satisfied that the regulations from which exemption is granted are not in fact necessary for the protection of the workers at the factory by reason of some special conditions. Such conditions, for example, are that other and more effective precautions are adopted, or that some special method is in use which avoids the dangers against which the Regulations are aimed, or that the process is carried on so intermittently or to such a small extent that no special precautions are required. Further, it is provided in every such case that the exemption may be made subject to such conditions as the Chief Inspector may think fit, that it shall be given only by a formal certificate in writing, and that it shall be revocable at any time in the discretion of the Chief Inspector.

It has also been found necessary in some cases to give a power to the Chief Inspector to exempt existing works in cases where he is satisfied that by reason of the structural conditions compliance with the Regulation is impracticable or would involve undue hardship.

H. M. Government suggest that the powers of granting exceptions should be exercisable only on such or similar grounds

and subject to such or similar conditions as are indicated above and by a central authority.

D. It would seem essential that some general conception of the function of the Factory Inspector should be formulated as the organisation of the inspection service must to a large degree depend on the conception of its functions.

It will be generally agreed that the primary duty of the Factory Inspector is to check and enforce compliance with the law, and in the early days of factory legislation when it was mainly concerned with imposing restrictions on the hours of work of women and children, preventing the employment of children under a certain age and the like, the main duty of the Inspector was, and remained for many years, the duty of seeing that those restrictions were obeyed. Later came the more positive conception of factory administration as concerned with the promotion of health and safety conditions generally in the factories, and with this came a change in the nature and scope of the Inspector's work. While it remains one of the chief functions of the Inspector to check breaches of the law and enforce compliance with the Regulations, he has also become an expert in regard to questions of health and safety in factories and as such he is continually called upon :

- (1). to advise the employer as to the best means of complying with the standards laid down by the law.

- (2). to study the working of the law, observe where the existing standards prove inadequate or require modification to meet new developments, and advise the Government and the employers as to the best means of improvement, and

- (3). to investigate particular problems affecting health and safety and to collect information for the central department.

Under this conception the investigation of accidents and case of industrial disease is one of the most important duties of the Inspector inasmuch as it is only in the ascertaining of the causes of accident and disease that the defects in the existing safeguards can be detected and steps taken to prevent the occurrence of similar cases.

In the case of fatal accidents, special provision is made in this country for judicial investigation, but the Inspector also inquires into the case and it is his duty to attend the judicial investigation and give the Coroner or other officer conducting it all the assistance in his power. In the case of non-fatal accidents the duty of investigating the accident rests wholly on the inspector.

E. It is considered very desirable that Reports should be regularly furnished on the work of the Factory Department, and under the British Act the Chief Inspector of Factories is

required to submit an annual report on the work of his staff which is laid by the Home Office before Parliament.

It would hardly be possible to arrange for the Reports of the Factory Departments of different States to follow a common form, but it is thought that it might be practicable and useful to arrange (1) for the inclusion in each Report of general statistics in regard to certain specified matters, such as, for example, the strength of the staff, the number of works under its supervision, the number of inspections made, the number of accidents and cases of industrial disease reported, the number and nature of the offences in respect of which penalties were imposed, and so forth; (2) for information to be given respecting the general position in regard to matters such as safety and hygiene; and (3) for the inclusion in all the Reports of any given year of articles dealing with some special subject, such as, for example, the incidence of lead poisoning among pottery workers or prevention of accidents at docks.

HUNGARY

The reply of the Hungarian Government is as follows:

A. The right of entry of inspectors should, if possible, be unrestricted. They should have access by night and day to the establishments under their supervision. The inspector should have access, after establishing his identity, to all parts of the undertaking. He should be forbidden to give previous warning of the time of his visit.

The principle should be affirmed that inspectors must take the customary oath not to reveal manufacturing secrets and working processes in general. Breaches of this rule should be dealt with by penal proceedings and disciplinary measures.

B. Inspectors should be empowered to institute legal proceedings before the Courts.

C. (1) and (2). Inspectors should be empowered to issue orders on matters falling within the scope of their duties, in accordance with the rules in force. These orders should be subject to appeal to the competent central authority (the Ministry). The period for compliance with the orders should be determined according to each case. Where delay in complying with the orders might have serious consequences, the inspector should have the right, on his own responsibility, to require immediate compliance, irrespective of appeal to the authorities. Failure to carry out legitimate orders or obey summonses should be considered a breach of the law.

(3). The right to grant exceptions for which provision is

made in the laws regulating conditions of labour should not be given to inspectors unless absolutely necessary.

D. The functions of the inspector should be so defined that he can exercise an influence not only on the drawing up of regulations but can also give advice and furnish information. In enquiries into industrial accidents he should act as expert : he should have the absolute right to submit proposals for the prevention of accidents.

E. It is desirable that inspectors should periodically submit reports on the results of their work.

These reports should aim at furnishing a clear statement of the questions raised by the special conditions in each country. They might be drawn up on the same plan from year to year or might contain statistical tables easily comparable internationally. Small countries with a language which is not universally known will, however, experience difficulties on account of the cost of reproducing their reports in one of the well-known languages. But this difficulty would not exist as regards statistical tables.

Note. See also supplementary observations at end of Hungarian reply to Part III of the Questionnaire.

INDIA

The reply of the Indian Government is as follows:

A. (1). Inspectors should be empowered by law to enter any establishment under their supervision at any hour of the day or night. They should have the right to question any employees of the establishment or other persons and to inspect any books or registers which the law requires to be kept.

(2). The reply is in the affirmative.

B. The method to be adopted will naturally depend upon the criminal law of the country concerned. In India the inspectors are authorised to institute prosecutions by complaint to the court having jurisdiction. They can also sanction the institution of proceedings on complaints by other persons. The Government of India consider that this method is the most suitable one for India, but they are not prepared to lay down any general principles.

C. (1). The reply is in the affirmative.

Such orders should be restricted to cases of danger to health or safety.

(2). (a) and (b). The order should have the force of law until it is repealed or suspended by an appellate authority. An

appeal should lie against all such orders and the appellate authority should have the power to suspend the operation of the order pending its decision if it sees good ground for so doing.

(3). Not as a general rule. The power to grant exemptions should be reserved to Government or the Department responsible for administering the law. In purely minor matters of detail there may be no objection to their delegating this power to inspectors.

D. There is no objection to some indications being embodied in the recommendations. But it should be no part of the inspector's duty to assist in the improvement of the laws except in an advisory capacity and it is not necessary to refer to this question in the Recommendation. On the other hand, enquiry into and prevention of accidents is a very important part of the inspector's functions. He should direct his enquiries towards ascertaining the cause of accident with a view to their prevention by issue of suitable orders, e. g. orders prescribing safety guards, interdicting the use of certain machinery, etc.

E. Regular reports on the factory inspection work in each area should be submitted at intervals not exceeding one year. In the opinion of the Government of India it is not possible to reduce these reports to a common form for international use. The form which the reports take depends directly on the statutory laws and regulations in force in the countries concerned and, without uniformity in these, uniformity in the report is impossible to achieve. In respect of a few details such as the number of inspections effected and the number of accidents it might be possible to obtain a common basis.

ITALY

The reply of the Italian Government is as follows :

A. (1). There should be no restrictions on the right of inspectors to enter establishments under their supervision at any hour of the day or night. Any restriction might render their inspection ineffective.

At the most it might be laid down, as is done by the Factory Inspection Regulations in Italy (Section 9), that inspectors must not enter places adjoining workshops such as dormitories, refreshment rooms, etc., except when they suspect that such places are used for violating the law or concealing violations.

(2). As regards the oath which inspectors should take not to disclose manufacturing secrets and processes which may come to their knowledge in the course of their work, it would

seem that suitable penal sanctions would be adequate to secure the object in view.

B. Under Italian legislation inspectors are in fact judicial police officers as far as concerns obedience to the laws whose enforcement they supervise. They are empowered and required to bring any breaches of these laws before the judicial authorities as soon as such breaches are ascertained.

The reports which they draw up in such cases are sent directly to the judicial authority by the chief inspector of the district in which the inspector operates who has ascertained the breach of the law. This is done without the intervention of any other authority outside the inspectorate.

This system seems by far the best, because it is the most rapid and because it tends to increase the prestige of the inspectorate by avoiding duplication and disputes as to competence.

C. (1). The following system is adopted in Italy :

The inspector is empowered to issue such orders as he considers necessary for the enforcement of the laws which he has to supervise. These orders must be made out in two copies which must be signed by the inspector himself and the employer or his representative who was present during the inspection. One of the copies is handed to the employer who is required to carry out the measures prescribed in it "unless an appeal is lodged by him in legal form and in accordance with the procedure laid down by the different laws." If on a subsequent visit of inspection the inspector finds that his orders have not been carried out, he brings the matter before the judicial authorities which proceed in the usual way. The consequence is that when he appears before the magistrate the employer can no longer plead good faith.

It would seem that this system has the great advantage of being very simple and consequently preferable to many others mentioned in the commentary of the Questionnaire issued by the International Labour Office.

(2). The Italian Government by implication expressed its opinion on this question in the reply to the questions dealing with the object of factory inspection.

(3). It would seem not only useful but necessary that inspectors should have the power to authorise certain exemptions from provisions of labour laws. The limits within which this power should be restricted and the principles on which it should be accorded are as follows :

a. As regards the importance of the exemptions.

Exemptions which would alter the laws as regards time limits or the scope of their application or which would suspend or would not enforce certain substantial and fundamental provisions of a labour law should not be accorded by the in-

spectors but should be dealt with exclusively by the higher authorities.

b. Exemptions which are essentially of a technical character might be granted by the inspectorate, which is *par excellence* a technical service and is therefore better qualified than any other service to decide as to the expediency or necessity of granting the exemption.

c. In urgent cases the inspectorate must have more extensive powers to grant exemptions.

As regards special restrictions, those responsible for legislation in the different countries must be left complete liberty in the application of the principles indicated above.

D. It would seem that some general indications as to the conception of the functions of inspectors from the moral and social point of view might be useful but would not perhaps be necessary.

E. It is undoubtedly extremely useful that inspectors should regularly submit reports on the results of their work.

It may also be considered desirable that the Conference should recommend the different Governments to give these reports a form which might render them easily comparable internationally. This of course only refers to the principal parts of these reports, and the Governments should be left free to settle according to local requirements what further information should be inserted in the reports.

NETHERLANDS

The reply of the Netherlands Government is as follows:

A. (1). Officials of the inspection service should have the right to enter all places in which work is carried on or where work is carried on ordinarily as well as places where it may reasonably be supposed that work is carried on. This right should only be restricted as regards entry into dwelling-houses. The occupier of the undertaking and the persons employed in it should be required to supply all information which the inspectors may need for the purposes of their inspection.

(2). The reply is in the affirmative. In supervising the enforcement of the laws regulating conditions of labour it is necessary that the inspector should take note of the methods of work, the materials employed, etc. In order that no information on these matters may be refused to them through fear that it may be communicated to competitors, it is most important that employers should have confidence in the inspectors not making disclosures to others and only employing their knowledge in the interest of the protection of the workers.

B. (1). The reply is in the affirmative.

(2). The reply is in the negative.

Although it may be in the interests of justice in the matter of infringements of labour laws that inspectors should be empowered to prosecute, as is the case for some breaches of fiscal regulations, it is in the interest of the general administration of justice that this power should belong solely to officials of the Public Prosecutions Department. The number of breaches of the law is, moreover, so large that the exercise of this function by the inspectors would occupy a considerable amount of their time.

C. (1). The reply is in the affirmative. This power should be restricted to cases in which measures for the protection of the workers against accidents and disease cannot be laid down in a general provision of the law but must be indicated in detail according to the circumstances.

(2). These orders should take the form of injunctions non-compliance with which is punishable. Appeal to other administrative authorities should be allowed.

(3). In the application of labour laws the inspector must in special circumstances be empowered to grant exemptions from certain provisions. This power should be restricted to the provisions indicated in the laws. District inspectors should be authorised to grant less important exemptions. More important exemptions should require the approval of the central authorities or the Minister. An appeal should be allowed.

D. It is desirable that the Recommendation should contain a clause recommending that every country should have an inspection service whose sole business is to acquaint itself with the conditions of the workers, to study the means of removing imperfections and to supervise the observance of the laws relating to the protection of the workers while at work.

In carrying out these duties the inspectorate will have no difficulty in ascertaining what modifications are required in existing legislation. It seems unnecessary to recommend any special method of procedure in this connection.

The part to be taken by inspectors in enquiries into industrial accidents should be directed towards discovering the causes of such accidents and, if necessary, to instigating prosecution for any culpable negligence to which the accident was due.

With a view to preventing accidents factory inspectors should supervise the carrying out of safety measures. They should give advice and endeavour to inculcate the spirit of precaution and attention among the managing staff and the workers. They should devote special attention to the technical study of protection, and should have the right to re-

quire further measures to be taken to give effect to the provisions of the laws in this connection.

E. The reply is in the affirmative. The inspection service should give public account of the manner in which it carries out its duties. The public and its representatives should be able to judge whether the laws are properly observed. The reports should also indicate how far labour conditions necessitate the taking of new measures.

If an estimate is to be formed as to whether the supervision exercised in the different countries is of equal value, it is very desirable that the reports should be easily comparable.

NORWAY

Note. See note at head of reply to preliminary question.

The reply is as follows:

A. (1). Factory inspectors ought to have access for the purpose of inspection at any time by day or night, i. e. in and out of the hours of work. They ought to have power to require of any person employed in the establishment as well as of the owner such information as they may find necessary. Generally they ought not to give previous notice of their impending visit. It is assumed that inspectors carry a written authority which they produce on request.

(2). The reply is in the affirmative.

B. In cases of infringement the factory inspector shall notify the police whose duty it is to take legal proceedings.

C. (1). The reply is in the affirmative when it is a question of the observance of the provisions contained in the Act concerned, hours of work, night and Sunday work, the drawing up of rules and regulations etc., and discretionary orders concerning health and safety.

(2). A certain period of grace should be given for orders to be carried out. Orders should be open to appeal to a central authority whose duty it is to see that the law is uniformly practised by the inspectors.

Discretionary orders should not be subject to the examination of the Courts of Law.

If the period of grace is exceeded it shall be considered an infringement of the law.

(3). In view of the desirability of uniformity throughout the country inspectors ought only to be allowed to grant exemptions for short periods and in cases of lesser importance.

In certain stipulated cases of greater importance which experience shows to arise often and when it is necessary to arrive

at a quick decision, the granting of exemptions should be in the hands of the central factory inspection authority.

In questions of great importance, however, involving important principles the decision ought to lie with the Government Department concerned.

D. It is supposed that provisions of this kind are included in the instructions in most countries and that there can be no reason for not including some indications of this nature in a Recommendation.

It is assumed that matters of importance in connection with inspection and of interest in connection with social legislation and its further development are reported to the central factory inspection authority whose duty it is to put forward proposals in respect of the measures which are considered necessary.

Factory inspectors ought to be notified of all accidents which result in more than 3 days' inability to work; and if possible without seriously disturbing their other work and if the nature of the case is of sufficient importance, they ought to visit the scene of the accident and make investigations. They ought to give orders for preventing a recurrence of the accident and send a report to the police if the accident is found to be the result of an infringement of safety regulations.

Inspectors should assist in preventing accidents by giving advice and instructions when inspecting and by indicating special rules of protection in special cases.

E. The reply is in the affirmative to both questions. International comparability is considered desirable, but it depends on the form adopted whether it will be practicable or not.

POLAND

The reply of the Polish Government is as follows:

A. (1). The Polish Government is of opinion that the right of entry is properly dealt with in the provisions at present in force in Poland.

On presenting their identity cards inspectors have a right to enter by day and night into establishments under their supervision as well as into any place which they have reason to believe is such an establishment.

The inspector has the right to inspect the establishment accompanied by the head of the establishment or alone. Only on his inspections of mines must he be accompanied by a responsible person selected by the management on his request.

The inspector also has the right to enter all places for the use of the workers and belonging to the undertaking, dwellings, hospitals, rest houses, day nurseries, schools, baths, etc. He

is not, however, entitled to enter workers' dwellings unless permitted by the workers resident therein.

The inspector can demand information and statistics affecting his work from the management and can require to be shown documents authorising the working of the establishment, plans, drawings and other books or documents affecting the protection of the workers and technical plant.

He has the right to question all persons employed or previously employed in the establishment.

Information may be collected and enquiries made on the spot, or the inspector may require the persons concerned to come to his office but must indicate in his request to them the legal reasons for and the object of the enquiry.

All the above functions of the inspector must be carried out with as little inconvenience as possible to the normal working of the establishment.

(2). Inspectors indirectly take an oath not to disclose manufacturing secrets and working processes in general which may come to their notice in the course of their work by taking the oath which is compulsory for all State officials.

It seems, however, necessary to have detailed provisions imposing an obligation to maintain the strictest secrecy on all questions concerning manufacturing processes and methods. Such provisions should lay down among other requirements that, if necessary for official reasons, inspectors should be in duty bound to reveal secrets to their chiefs in confidential reports. Inspectors should be required to maintain secrecy during the whole of their service and should not be discharged from this obligation on resignation. Severe sanctions should be laid down for any violation of the provisions in question.

B. Inspectors should be empowered to initiate proceedings before the Courts, but, in order to avoid over-burdening them with work, this power might be given to the police authorities which would institute prosecutions on the request of the inspector.

In Poland the judicial powers of inspectors are dealt with differently in the different provinces. In provinces where the *Gewerbeordnung* is still in force the police authorities institute proceedings before the Courts on the request of the inspector. In provinces which were once part of the Austrian Empire the administrative authorities also exercise these powers. On the other hand, in parts of Poland formerly belonging to Russia the inspectors initiate proceedings under Sections 42 and 49 of the Penal Code. Under these Sections the police and other administrative authorities bring breaches of the law within their respective jurisdictions directly before the competent Courts.

C. (1). It seems desirable that inspectors should be empowered to issue orders within the limits of the provisions

regulating conditions of work inside establishments. These orders cannot be arbitrary, but must be based on the provisions of the laws in force. Thus, the inspector is not authorised to order industrial installations to be removed or altered even if he considers them to be dangerous to the safety or health of the workers, unless there are legal provisions prohibiting their use. On the other hand, the inspector, guided by general provisions (for example, "the work place must be well lighted and ventilated"), has the power to order specific measures to be taken (for example, the installation of ventilators, improvement in lighting, etc.).

(2). The orders issued by the inspector should be in the nature of injunctions which, in contra-distinction to warnings or summonses applied in other cases, ensure that the law is carried out and impose penalties on defaulters.

Appeal against the inspector's decision may be addressed by the party concerned to higher administrative authorities.

In Poland there are two kinds of injunctions for which there are two different methods of appeal.

(a) Appeals against orders the execution of which does not require any alteration in the technical installation of an establishment or in manufacturing processes may be made to the inspector's immediate superior, i. e. the divisional inspector. Against the divisional inspector's decision there is a final appeal to the Ministry of Labour and Social Affairs.

(b) If the injunction issued requires such alteration as is indicated under (a), appeal is made to a commission consisting of the *Voïevode* (Governor of the Province) who acts as President, the divisional inspector, the head of the divisional industrial, agricultural or public works service, and, in cases affecting industrial hygiene, the chief of the divisional health office. This composition of the commission guarantees complete impartiality and the greatest competence. It also guarantees employers against being ordered to make alterations in their installations unless they are absolutely necessary. The decisions of the commission are taken in accordance with Polish administrative jurisdiction and its sentences may be annulled by the Supreme Administrative Court.

(3). Seeing that the principles laid down in the regulations for the protection of the workers cannot be altered, any exemptions should be accorded with extreme caution, even if provision is made for them in the laws. It would be desirable that the power to grant exemptions should be given, not to the police or other administrative authorities, but to the Ministry of Labour and its specially qualified officials, i. e. the inspectors.

District inspectors can (a) reply promptly and effectively to requests for exemptions, and (b) verify the reasons given in

the requests and supervise the use made of any exemptions accorded.

Powers to grant exemptions from provisions regulating labour should be distributed among the different grades of officials according to the importance of the exemptions requested. The power to exempt a whole branch of industry over the whole territory of the State should be in the hands of the higher inspection authorities, the Ministry of Labour or the Inspector General. Exemptions for groups of undertakings or large factories as well as exemptions which are seldom permissible should be granted by inspectors of a higher grade (divisional inspectors). District inspectors have the power to accord exemptions in the cases which most frequently arise, i. e.

(a) on the request of less important undertakings when the privilege asked for constitutes a minor exemption from the general principle;

(b) when the occupier, for urgent reasons or in an unforeseen emergency, has taken measures in accordance with the provisions of the law which must be authorised and approved subsequently.

D. Being constantly in touch with the workers and having a wide experience of labour questions, the inspector can furnish those responsible for legislation with valuable indications for the improvement and development of the laws.

By keeping closely in touch with the parties affected by labour legislation, the inspector ascertains their opinions on matters connected therewith. He naturally becomes the intermediary by which the opinions and wishes of different social classes are made known to the Government. The inspectors' opinions are formed as a result of close contact with trade unions and employers' organisations and are therefore of great value.

In supervising the enforcement of the laws, the inspector has occasion to form an opinion at first hand and with complete impartiality as to their positive and negative results and effectiveness. He is thus in a position to estimate the gaps in existing legislation and the more urgent changes to be made in it. For this reason the inspectors' annual report forms in Poland contain, among other sections, a section for imperfections noted in existing legislation and amendments to be made thereto.

As regards industrial accidents, the inspector should be informed of every accident which takes place within his area. Notice of the accident should be addressed to him either directly by the establishment concerned or by the police. The police are also required to inform the inspector in sufficient time of the date of the enquiry to be made on the spot in order that the inspector may have a chance of taking part in it. It

is very useful to have the assistance of the inspector in enquiries into accidents on the spot for the following reasons :

(a) because the inspector's experience is supplemented thereby, and he ascertains what are the practical requirements as regards safety;

(b) because the inspector is able, if necessary, to furnish insurance institutions with adequate and impartial information as to the circumstances of the accident;

(c) because the competent office or institution can use the knowledge acquired by the inspector through such enquiries for classifying establishments according to their safety.

E. Regular reports by the inspectors on the results of their work are indispensable both for administrative reasons and for the development of the improvement of labour legislation. The publication of these reports helps to make known to the public the inspection service's methods of work.

In States where inspection has been only recently organised it is desirable that inspectors should submit reports at frequent intervals. In Poland, for example, inspectors submit quarterly reports to their immediate chiefs. The annual reports are based on the quarterly reports and also contain a chapter giving a general survey of the year's work.

As a general rule, subordinate inspectors should submit reports to their superior officers who draw up their own reports on the basis of those which they receive and address them to the Inspector-General. The Inspector-General prepares for the Minister of Labour and Social Affairs a general survey which is published in the official publication of the Ministry. In consequence of the administrative centralisation of inspection in Poland and of the progress made in improving its organisation, it is proposed to publish the annual reports of the divisional inspectors *in extenso* as is done in other States. Inspectors' reports are studied with great interest by workers' and employers' organisations and by other persons interested in questions connected with the protection of the workers. Moreover, the information furnished in the reports is to a large extent used by the Parliamentary Commission on Labour Legislation.

The Polish Government considers that it would be desirable for the Conference to recommend the Governments of States Members of the International Labour Organisation to adopt some uniform methods in inspectors' reports, for example, as regards particulars showing the actual development of labour legislation and the extent to which it is enforced. This question is of particular interest to Poland in view of its relatively recent industrial development as compared with the longer industrial development of its neighbour States.

The Polish Government proposes that uniform information might be furnished by all the Members of the International

Labour Organisation on the following points :

- (1) number of inspectors employed,
- (2) number of establishments and workers employed,
- (3) number of inspections made,
- (4) statistics of exemptions authorised relating to hours of work,
- (5) statistics of industrial accidents in the different branches of industry, tabulated according to their causes,
- (6) employment of women in the different forms of work,
- (7) employment of young persons (from 14 to 18 years of age) in the different forms of work.

SERBS, CROATS AND SLOVENES

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows:

A. (1). The right of inspectors to enter establishments under their supervision should not be restricted in any way, either by day or night, provided always that it does not interfere with the normal working of the establishment.

(2). It is unnecessary for factory inspectors to be bound by oath not to disclose manufacturing secrets and working processes in general which may come to their notice in the course of their work, because on their visits of inspection they have to enquire, not into the small details of manufacture, but into the hygienic and technical conditions of the undertaking; any manufacturing secrets or working process can be concealed from them if the occupier desires to do so. A general statutory provision prohibiting the disclosure of manufacturing secrets may be considered as adequate for the object in view; a provision of this nature is contained in the Factory Inspection Act of the Kingdom of the Serbs, Croats and Slovenes.

B. It is not sufficient, after a breach of the law has been ascertained, for the inspector to submit a simple statement of fact to other authorities competent to take proceedings; he must be authorised to institute prosecutions and to take all the preliminary steps so that the competent authorities will have only to pronounce sentence.

The factory inspector alone, who is familiar with all the details of the conditions of employment in the undertaking in question, is in a position to estimate accurately the seriousness of any infringement of the law and to determine the period within which irregularities or non-compliance with the law ought to be rectified.

He should therefore be authorised to appear before the

Court and take a direct part in the proceedings until the verdict and sentence are pronounced.

This function could not equitably be carried out by any other authority without the assistance of the factory inspector.

C. (1). The rapid and constant development of new technical processes in industry makes it impossible to lay down by law all the necessary measures for the health and safety of the workers, and it is therefore absolutely necessary that factory inspectors should be authorised to prescribe safety measures which may be required in cases not definitely covered by the law. This power should, however, be restricted to the issuing of orders regarding technical installations for the protection of the health and safety of the workers.

(2). These orders should take the form of injunctions on which appeal may be allowed to the administrative authority to which the inspector is subordinate but non-compliance with which is considered as an infringement of the laws and regulations.

(3). Factory inspectors should always be authorised to grant exceptions for which provision is made in the laws regulating conditions of labour, since no other representative of public authority is so well qualified as the inspector to decide with full knowledge in all cases and circumstances whether the exception permitted by the law is justified in the instance in question. The exercise of this function should only be restricted by requiring the inspector to inform the authority to whom he is subordinate of any action taken by him by way of dispensation from the provisions of the laws regulating conditions of labour.

D. It would be desirable to insert in the Recommendation some indications as to the general conception of the functions of the factory inspector, since this would enable all branches of the inspectorate to follow the same principles in carrying out their duties and to adopt the same standpoint in interpreting the provisions of the law. In the exercise of their functions inspectors should derive from their special training and experience the impartiality and tact necessary to gain the confidence of employers as well as of workers and thus to promote not only the health and safety of the workers by the prevention of industrial accidents but also the continuance of good relations between employers and workers.

It is scarcely possible to define in advance how the factory inspector may assist in the amendment and improvement of the laws. The measure of his assistance in this connection must depend upon the state of social advancement in each country, but he should collaborate by making reports, writing on technical subjects and participating in conferences. In enquiries into industrial accidents the duty of the inspector

is, first, to investigate and bring out the causes of the accident with a view to preventing similar accidents in future and, secondly, to discover the person responsible and inform the judicial authorities.

E. There is no question but that factory inspectors should regularly submit reports on the results of their work.

The collection of these reports would be of great value for the improvement of labour legislation and for drafting different protective measures. The Conference might recommend the different Governments to give these reports a form which would render them easily comparable internationally.

SOUTH AFRICA

The reply of the South African Government is as follows:

A. (1). There can be no thorough or efficient supervision if the right of entry to industrial establishments is restricted. The modern trend of labour legislation is to impose restrictions on hours of work by rest intervals, to exclude certain classes of individuals from work during the night, from certain processes, etc. It follows therefore that unless the right of entry at all reasonable hours is accepted the supervision will be of little avail.

It should be definitely laid down by law that the factory inspector has the right to enter and inspect, at any reasonable hour by day or night, any factory where he has reasonable grounds for believing that any person is employed and may enter at any time during the day in premises which he has reasonable grounds for believing to be a factory. In cases of obstruction or apprehended obstruction, he should be empowered to take with him a Police Officer. The law must also contain a provision inflicting penalties upon obstructionists.

(2). In order that the solid foundation of trust and confidence upon which factory inspection must be built may not be impaired, it is essential that inspectors be bound by law not to disclose manufacturing secrets or other trade information which they may obtain in the course of their duties. It is important therefore that factory laws should contain provisions governing this question.

B. Adopting the principle that the factory inspector is an adviser to employer and worker, it appears more consistent to separate him from conducting prosecutions of infringements of the law.

It is considered that the functions of factory inspectors are far higher than those of a Police Executive.

It is considered that the preparation of evidence, the sifting of facts and the general preparation of cases for prosecution are all matters requiring expert knowledge and training apart from the scope of factory inspection.

It must be borne in mind that in the majority of cases it is the factory inspector who will be the chief witness for the prosecution, and it is considered highly desirable that inspectors should be separated, as far as possible, from the detection of infringements of the law. For these reasons it is considered that inspectors should be authorised to submit a simple statement of fact to other authority who should be responsible for the initiation of proceedings in the Courts of Law.

C. All the answers given under this heading are based on the principle that it is desirable that the system of inspection should be as flexible as possible, and that certain powers of discretion should be given to inspectors, but it is held that these powers must be clearly defined and restricted to the administration of regulations and rules only; that the power to grant exceptions to the law should be vested in higher authority.

Under the South African Factories Act an occupier has the right to appeal against a requirement of an inspector to the Chief Inspector on the grounds that it is unreasonable. The Chief Inspector's decision is final and binding on all parties concerned, provided that all parties concerned have the right of a further appeal to the responsible Minister.

In the case of structural requirements and the granting or withholding of a certificate of registration, the occupier has the right to appeal to the responsible Minister.

(1). It is considered that inspectors should be allowed to issue orders in regard to certain specified subjects, among which should be the following :—structural requirements in all factories, both in new premises and in alterations to old ones, safety, including guarding of machinery, lighting etc., hygiene including sanitation, ventilation, etc., welfare including cloak-rooms, lunchrooms, etc.

(2). (a) These orders should take the form of a warning and should be subject to an appeal, as to reasonableness, to a higher authority, but should not be subject to examination by the Courts of Law.

(b) The failure to comply with an order, on which an appeal to higher authority has been unsuccessful, should then be considered an infringement of the law and subject to prosecution.

(3). It appears so important to protect the impartial position of the inspector that it is not considered desirable to

confer on him any authority to grant exceptions to the law. This power should be vested in the Minister responsible for the administration of the Act.

It is important that there should be consistency of practice in the administration of regulations and rules. It is held, therefore, that, except in minor details, the discretionary powers granted to inspectors should be subject to confirmation by a higher administrative authority.

D. The domestic relations in countries vary to such an extent that it is difficult to define in any very definite way inspectors' duties under this heading. If, however, supervision is confined to the narrower administration, as indicated in the answer to the preliminary question, then it would appear possible to insert in a Recommendation certain principles which might be common to all countries.

The conception of factory inspection aimed at in the answers given to this Questionnaire is that its highest duty is advisory and consultative in the widest sense of these terms. The inspector by his training and experience should be able to offer expert advice in the framing of factory laws and regulations.

It is through enquiries into accidents that the road to prevention generally lies. It is held that this is an important function of inspection. Inculcation of safety measures is a cardinal principle of supervision and the inspector should be conversant with all the approved methods for obtaining safe conditions. His influence should be felt by both employers and workers to establish a safety atmosphere in all factories under his supervision, and his constant care should be elimination of accidents caused by ignorance, carelessness and defective plant.

E. It is considered highly important that factory inspectors should render reports on the results of their work, and these should be as full as possible. There is grave danger, however, that if inspectors are called upon to make too frequent reports the matter becomes stereotyped, uninteresting and of little real value. Reports should be framed on definite lines, but care must be taken that in trying to obtain uniformity for a comparison individuality be not sacrificed and the real value of the reports lost.

It is considered that reports of this nature should be made only once a year and the calendar year should be accepted.

SWEDEN

The reply of the Swedish Government is as follows:

A. (1). It is considered that the right of entry ought to be unrestricted, unless it is desired that employers be authorised to conceal from the inspectors facts relating to trade secrets. Differences of opinion between the employer and the inspector might be settled by reference to a higher authority.

(2). The answer is in the affirmative. It is considered that the obligation to maintain secrecy in these matters might be extended with advantage so as to include commercial secrets which might come to the knowledge of inspectors in the conditions indicated. Moreover, any infringement of this rule should be punished. On the other hand, it does not appear to be necessary, as the French text suggests, that inspectors should be placed under oath to observe secrecy. Departures from the rule might be permitted when inspectors are required to make disclosures for reasons connected with their work.

B. The answer to the first of these questions is in the affirmative. The competence of the inspector to carry out his functions and the functions which he has to carry out should, in principle, be determined solely by the special duties entrusted to him. If he is required to prosecute or appear in Court, he would necessarily have to acquire a certain knowledge of law and legal procedure, apart from the fact that the exercise of these functions would probably be detrimental to the professional duties which should be his first consideration.

It may be added that it has frequently been found expedient that inspectors should be left free to refrain if necessary from taking legal proceedings, when it is clear that the infringement of the law has occurred through ignorance, lack of judgment, or a simple oversight, provided that the matter is set right without delay.

C. (1). As has already been pointed out in the prefatory observations to the preliminary question, it is often impossible, for example as regards material safeguards, to frame legislation for the protection of the workers so as to cover every individual case which arises. Some cases must be dealt with on the personal initiative of the inspector, unless the employer himself has succeeded in adequately solving the problem.

It is not desirable, therefore, that the inspector should only be authorised to deal with cases where the safety of the workers is affected: he should also have power to take action where the health conditions of the work carried on may so require, and there might perhaps be other matters involving the safety of the workers to which he could usefully pay attention.

On the other hand, it is perhaps advisable to make some reservations as to the effect and finality of the orders issued by inspectors in the cases under consideration. For instance, these orders would not carry any sanctions, or in case of appeal would have to be examined by higher authority.

(2). It would seem preferable that orders issued by inspectors should take the form indicated under (b). To require the Courts to examine in fact orders of the nature under consideration would hardly be practicable and would probably involve loss of time and considerable expense. Moreover, the ordinary Courts are not, as a rule, qualified to deal with such matters.

D. After what has been said above, the reply to the first question might perhaps be that the inspector's functions are mainly defined by the fact that in his capacity as technical expert he ought to work towards securing the adoption of appropriate legislation regarding the safety of the workers and healthy conditions of work.

It is obvious that there is every reason to make use of the inspector's experience and special competence with a view to labour legislation, and it might perhaps be desirable to emphasise this. On the other hand, it appears unnecessary to indicate one method rather than another for securing this object.

It is desirable that the inspector should be informed without fail of all industrial accidents of any importance which occur in his district, but he should not be obliged to hold enquiries into these accidents or to take part in such enquiries personally except in so far as he may consider it his duty to do so. As regards the last question under D, it may be recalled that the inspector's duty primarily consists in promoting all effective measures of protection against industrial accidents.

E. It is essential that reports should be submitted at fairly frequent intervals, if only to ensure efficiency and uniformity in the work of the inspectors. The submission of periodical reports appears to be the best means of communication not only between inspectors and the higher authorities to whom they are subordinate but also to a certain extent between the different branches of the inspection service, and an indication in this sense might have a good effect on the technical improvement of the means of protecting the workers as well as on the enforcement and development of the laws concerned.

In view of the development of international co-operation in labour and industrial questions, it would undoubtedly be highly desirable that these reports should be comparable from the international standpoint as to the essential facts and information which may be contained in them. Among the measures which might usefully be taken in this direction particular emphasis may be laid on the value of summarising and publishing annually, at any rate in outline, the reports drawn up by the different branches of the inspectorate in the States concerned.

SWITZERLAND

The reply of the Swiss Government is as follows:

A. It is indicated that inspectors should have the right to enter establishments under their supervision during normal or exceptional working hours, i.e. by day, by night and on Sunday, as well as to interview the manager or his representative and, without witnesses if necessary, any person employed in the establishment. At the same time, inspectors should avoid as far as possible causing any inconvenience to the work of the undertaking.

The factory inspector should be required to observe absolute silence regarding anything which does not concern the carrying out of his duties. As to whether the inspector should be placed under oath in this connection or bound to keep silence by a special legal provision, it may be pointed out that in Switzerland the latter system is considered to be adequate.

B. The solution of this question depends primarily on the administration of the Penal Code. In Switzerland an inspector is only authorised, in accordance with the principles of judicial administration in these matters, to submit a simple statement of fact to other authorities who are competent to take proceedings. It would not be possible to go beyond this.

C. This question cannot be dealt with without taking account of the principle of the separation of powers. For example, in a country where a clear division is made between the legislature, the executive and the judiciary, it does not appear possible to assign powers to the factory inspectorate which might entrench on the legislative or the judicial powers. At the most, the inspector might be authorised to make a provisional decision in specially urgent cases.

As regards the exceptions for which provision is made in the laws regulating conditions of labour, it may be observed that their application is a matter which concerns the executive authorities and not those responsible for the supervision of the enforcement of the law. It would therefore seem undesirable to empower the factory inspectors to grant exceptions authorised by the law. On the other hand, it might be advisable in certain cases for the competent authority to take the opinion of the inspectorate before pronouncing a decision.

D. The Swiss Government has no objection to the definition in general terms of the moral and social aspect of inspectors' duties. For example, it may be advantageous to define the part which the inspector is called upon to take either in assisting to spread knowledge among employers and workers of the laws whose observance he supervises or in co-operating in preparatory studies with a view to labour legislation.

On the other hand, enquiries into accidents and the prevention of accidents do not necessarily enter into the functions of factory inspectors. Here again everything depends on the way in which accident insurance is organised. In this connection the Swiss National Accident Insurance Society considers that the prevention of accidents is unsuitable for inclusion among the duties of factory inspectors. At the best this solution is a method to which recourse may be had in the absence of other adequate means, but when these means exist—for instance, when insurance is dealt with by a single administration—it is much preferable to entrust to the insurance society the prevention of accidents in all undertakings subject to insurance.

The point of view of the Insurance Society is based on the following considerations. If the prevention of accidents is to keep pace with technical progress, it will require to be placed in the hands of engineers thoroughly familiar with technical machinery generally and possessing specialised knowledge of certain branches. A well-trained engineer from a University cannot to-day have sufficiently wide knowledge of all the technical branches to enable him properly to take the measures desirable in the matter of prevention of accidents. This observation applies *a fortiori* to the engineer who does not devote his whole time to the study of technical questions connected with prevention of accidents. At the present time specialisation is an unavoidable necessity. Factory inspectors' work covers fields which are essentially different from the prevention of accidents. It is true that inspectors who are themselves excellent engineers may render great services in the matter of accident prevention, but this would be to the detriment of their other functions, which are equally important and which require knowledge and qualifications not always found together in an engineer.

These difficulties are removed if an official insurance society deals with the prevention of accidents. This method, moreover, has the advantage of saving time and labour. As a matter of fact, many enquiries which are necessary for the prevention of accidents are required by other investigations undertaken by the Insurance Society. This is the case, for example, with enquiries made to determine specific risks and enquiries in case of accidents.

E. It is undoubtedly useful in every way that factory inspectors should regularly submit reports on the results of their work.

It would be equally desirable to determine the broad principles on which these reports should be drawn up, in order to render them easily comparable internationally. It is clear, however, that the establishment of these principles is rendered extraordinarily difficult by the differences in the laws of the different

countries, in the work performed by the inspectorates and in the conditions in which the laws are applied. The desirability of comparing the reports of the inspectorates internationally, however, is an incentive to grappling with these difficulties and at least making an attempt in the desired direction.

III. ORGANISATION OF FACTORY INSPECTION

- A. If it is considered that the general principles of factory inspection hold good for all forms of activity, do you consider it desirable to organise a single inspectorate for the supervision of all classes of establishments coming within the scope of the laws regulating conditions of labour and for the enforcement of all these laws ?
- B. Do you consider it desirable to organise special independent services for certain classes of establishments (industrial establishments, mines, agricultural undertakings, commercial establishments, mercantile marine, railways, State industrial establishments, establishments connected with national defence) ?
- C. Do you consider it desirable that special inspectors should be entrusted with the application of certain provisions of the law which are of a technical character (e. g. hygiene, electrical installations, etc) ?
Where such special officials may exist what in your opinion should be their relations with the general inspection service ?
- D. What should be the general rules for the organisation of the factory inspectorate ?

(1) By what Government Department should the inspectorate be administered ?

(2) Do you consider it desirable to put the staff of inspectors directly under the central administration, or to institute one or more intermediate grades ?

In the second case, what should be the distribution of functions between the different grades ?

E. What rules and methods do you consider the best for the recruitment and training of factory inspectors ?

F. How do you consider women should be employed as factory inspectors ?

(a) On exactly the same conditions as men ?

(b) Should they inspect all establishments employing women ? Or

(c) Should they be detailed to deal with particular classes of establishments ?

G. Do you consider that representatives of the workers may be called upon to take part in the supervision of the enforcement of the laws regulating conditions of labour ?

If so, what methods do you consider the most appropriate to secure their collaboration ?

H. Do you consider it advisable that the ordinary police authorities and local authorities should collaborate with the factory inspectors ?

AUSTRIA

The reply of the Austrian Government is as follows:

A, B, C and D. As in the replies to the other parts of the Questionnaire, attention must also be drawn here to the difficulty of indicating general principles. In countries possessing a fully-developed inspection service organised in accordance with the requirements of the country and incorporated in the national system it will be difficult to introduce international principles for the regulation of factory inspection which varies from country to country. On the other hand, such principles may be of importance for States which are proceeding to institute or extend their system of factory inspection.

As was pointed out in dealing with the preliminary question, the particular circumstances of individual forms of activity must be taken into consideration. This applies all the more to the organisation of factory inspection. Even if it were advisable to create a central service covering all forms of inspection which would have to supervise the enforcement of common general principles of factory inspection, special independent services would still have to be created for most classes of establishments (commercial and industrial establishments, mines, railways, shipping, etc.), because the inspectors could not be familiar with all forms of inspection or have the necessary technical knowledge for carrying out their duties, a circumstance which would place in question the value attached to inspection by employers and workers.

For similar reasons, supervision of the application of provisions of the law which are of a technical nature, e. g. provisions relating to hygiene, electrical installations, etc., should be entrusted to special inspectors. Such special functions can only be assigned to the general inspectors in isolated individual cases. They might be assigned to general inspectors whose technical training and employment afford sufficient guarantee that they possess the necessary technical knowledge and that the work which they have to carry out would not in any way suffer thereby.

Factory inspection should be administered by the Ministry which in accordance with the administrative organisation of each country is responsible for the protection of the workers in the particular form of activity concerned. The officials actually engaged on the work of inspection should be directly under the Ministry concerned and there should be no intermediate grades.

E. Factory inspectors should have had the necessary theoretical and practical training and should possess considerable knowledge of social and labour legislation. They must also be able to show that they have been employed, for several years if possible, in the form of activity which they have to inspect and in a position in which they could acquire the necessary experience. They should not be given the right to issue orders on their own account until after a period of perhaps three years.

Doctors in the inspection service should have had similar practical experience, such as, for instance, employment as sick fund or factory doctors, by which they could acquire special technical knowledge. They should also have to show that they have successfully passed an examination in industrial hygiene and social legislation and that they possess the necessary technical knowledge for their work. Doctors with these qualifications should act as expert advisers to the other inspectors.

F. Women inspectors should be employed on the same conditions as men, provided that they have had the same theoretical and practical training. In preference, they should be detailed to supervise establishments in which the workers are mainly women and young persons.

G. In Austria, when the works committee observes any infringement of the laws regulating conditions of labour or any circumstances endangering the health or personal safety of the workers, it has to notify the occupier of the undertaking, and if immediate action is not taken it has to appeal to the factory inspection authorities. The works committee also has to take part in all official enquiries undertaken as a result of its action and in all official visits of inspection on questions affecting the protection of the workers, industrial hygiene and the prevention of accidents. In mining and allied undertakings the works committee also has to supervise the enforcement of measures for the protection of the workers and to appoint two representatives to take part in enquiries and visits of inspection undertaken by the mining authorities previously referred to. These two representatives must inspect all underground and surface works twice a month and in connection therewith make any investigations necessary for ensuring the effective application of measures for the protection of the workers. In the event of a fatal or serious accident or other dangerous occurrence in a mine the works committee must immediately make a visit of inspection to the place of the accident and lay its observations before the committee of enquiry appointed by the mining authorities.

Question G may accordingly be answered as follows. It is undoubtedly advisable that representatives of the workers should co-operate in individual undertakings in supervising the

observance of measures for the protection of the workers with a view to assisting the inspection officials. If after the occupier of the undertaking has been notified he fails to take action, the co-operation of the workers' representatives should be restricted to notifying the factory inspector of their observations as to infringements of the regulations for the protection of the workers or as to circumstances likely to endanger the health or personal safety of the workers.

H. It is unquestionably desirable that the police and other local authorities should collaborate in the work of factory inspection. The State authorities should also be required to assist the inspectors in their work as far as lies in their power and jurisdiction.

The Austrian Government supplements its reply by the following observations:

In conclusion, a few points may be mentioned which appear to be of importance for the organisation of a thoroughly effective inspection service but which would not seem to have been dealt with in the Questionnaire. Thus, the supervision of the training of apprentices should be transferred to factory inspectors (apprenticeship inspectors). Factory inspectors should also be responsible for the inspection of the living and sleeping accommodation of workers in so far as these are provided by the employer (workers' dwellings). Finally, it should be laid down that the authorities should consult the factory inspectors before taking measures affecting the protection of the workers. The factory inspectors should be required to furnish information in so far as this is compatible with keeping manufacturing secrets.

BELGIUM

The reply of the Belgian Government is as follows:

A. This should be done as far as possible. It is obvious; however, that certain services established for a particular purpose must carry out their special functions either independently or in co-operation.

B. In Belgium, mines, surface mines, quarries and siderurgical undertakings are subject to special supervision by the mines administration. All other industrial and commercial undertakings, public as well as private, are subject to supervision by the factory inspectorate. State services have no difficulty in submitting to the legal obligations imposed on them in this connection. The two administrative services in charge

of inspection are subordinate to the same Ministry. They are in constant and close communication and a uniform line of action may be drawn for both.

C. The reply is in the affirmative, but only in respect of questions of industrial hygiene coming within the competence of medical inspectors. In other matters there is no need to employ special inspectors for the supervision of certain provisions of the law which are of a technical nature.

Medical inspectors should form an independent service separate from the two administrative authorities referred to in the reply to the previous question.

D. (1). Except for what has been already said concerning mines and industrial hygiene, factory inspection should be centralised in a single service so as to secure uniformity in the enforcement of labour legislation. There should be a central administrative authority, which is essential for the co-ordination of the work to be done, and provincial executive services.

The factory inspection services should be under the Ministry whose function it is to deal with questions relating to the public regulation of labour.

(2). As a general rule the inspectors should be under the central administrative authority, which should be in a position to direct and supervise the work of the officials under it.

E. Open competitive examination followed by a test of the tact and judgment of the candidates. A technical expert holding a diploma may be very valuable and yet not possess the qualities needed for satisfactorily carrying out the duties of a factory inspector. These qualities will manifest themselves during a period of probation which selected candidates should have to undergo before their appointment is confirmed.

F. Women factory inspectors should be under the orders of male inspectors. Unless in exceptional cases to be determined by the head of the service they should only inspect undertakings in which all or the majority of the workers are women. Even in such undertakings they should not deal with safety questions, but they may with advantage intervene in questions concerning wages and unemployment or in the conciliation of disputes.

G. The reply is in the negative. In Belgium workers' representatives who are called on to take part in supervising the enforcement of the laws regulating conditions of labour are the labour supervisors and the workers' delegates to the mines inspection service. Any other kind of collaboration would only result in embittering the relations between employers and the factory inspectorate.

At the same time, it is possible to imagine the workers

participating in an organisation appointed to settle economic labour questions.

H. The answer is in the affirmative, in exceptional cases, and in particular when the safety of the neighbourhood or the workers is in danger.

BRAZIL

Note. See note at head of reply to preliminary question.

The reply is as follows :

A. It is not necessary to reply to this question, seeing that it is not considered desirable to indicate uniform methods and principles for inspection in the different forms of economic activity.

B. In Brazil, where conditions are such that, leaving aside agriculture, it may be said that there is no predominating industry and industrial establishments of different classes are found together in small numbers in each district, it would appear adequate to organise a special inspection service for each of the following forms of activity :

- (1) industry,
- (2) commerce,
- (3) women's trades,
- (4) agriculture.

It is considered preferable to entrust the inspection of State undertakings, railways and mercantile marine to officials belonging to the administrations dealing with these activities (the Ministries for Public Works, Railways, the Marine and War). It seems hardly proper that officials under one Ministry should be supervised by officials belonging to another Department. Account should, however, be taken of the two following points :

(1) The same laws and regulations should be enforced, without prejudice to supplementary or special measures which may be considered necessary;

(2) For the recruitment and training of the inspectors a system should be followed analogous to the system indicated below for inspectors of industrial establishments, and the work of the officials in question should be regulated in a similar way.

C. Hygiene in all its aspects is dealt with in Brazil by a special service which it would be desirable to keep but with which the inspectorate should collaborate. In countries differently situated it would probably suffice to appoint, along with special technical inspectors, special medical inspectors

responsible for the supervision of hygiene and dealing with occupational diseases.

Industrial conditions in Brazil do not at present require any subdivision of the inspection staff for the enforcement of measures of a technical character. Nevertheless, it is considered that the inspectorate should include among its higher officials specialists in some questions whose assistance seems necessary for the study and solution of certain difficult matters (mining work, machinery and electricity, industrial chemistry and explosives, textile industries etc.).

D. (1). It is considered that inspection (granting that it may some day be independently organised for all forms of economic activity) should be under the Ministry of Labour and Social Affairs, including also the Health and Hygiene Service. Until this ideal can be carried out, it appears that inspection should logically be under the Ministry of Industry and Commerce, which in Brazil also includes agriculture which is, rightly, its most important subdivision.

(2). In a federal State of the extent of Brazil the inspection service can only be effectively and economically organised with the practical collaboration of the different constituent States. The central administration under the Federal Government must be the headquarters for the higher technical, administrative and legal direction of the service. The territory should be divided into a number of inspection districts. If necessary, two or more States can be grouped together as one district. This refers to inspection of industry, commerce and women's trades. Agricultural inspection is already separately organised.

Each district would have a chief inspector in charge of it with an adequate number of inspectors under him. The chief inspector would be the representative of the central administration, with which he would communicate through the Inspector-General.

When a State institutes its own inspectorate, it should come to an agreement with the Federal Government, which might delegate some administrative power to the new service while still carrying on the higher supervision of its activities.

There must clearly be some organised connection between agricultural inspection and the inspection of industry, commerce and women's trades. The methods of securing this connection can only be settled after close study of the question, particularly from the point of view of administration, the machinery of which must be simplified as much as possible. Thus, in some areas which are not very much industrialised and where the population is scattered, there would be no objection to entrusting the industrial inspection service with the inspection of commerce and women's work. In some

rural areas the agricultural inspection service could probably carry out all the inspection required.

E. In view of the character and importance of the duties of the inspector already indicated, it is clear that inspectors should be recruited with the greatest care. For the supervision of industrial work, for example, candidates must not only have had a sound technical education in a higher school but must also possess the moral qualities necessary for carrying out the duties which may be assigned to them.

Generally speaking, young engineers who apply for posts in the inspectorate will not have had the time or opportunity to make themselves familiar with industrial affairs. Many details will have escaped their notice during the rapid visits which they make to establishments. Moreover, they will be almost entirely ignorant of the special knowledge necessary for carrying out their future duties—knowledge which is only gradually acquired through practising a trade.

Nevertheless, it is considered that it would be desirable, for the administration as well as for employers and workers, that candidates should have to complete their training by attending a year's course in the following subjects :

(a) Principles of general hygiene, industrial and occupational, arrangements and devices to be recommended in the building of factories and the installation of workshops, etc.;

(b) Industrial accidents in general, their causes where mechanical plant is used or in purely manual work, proper measures for avoiding industrial accidents; safeguards for preventing or diminishing them and protecting the workers;

(c) Industries and installations considered as particularly dangerous or unhealthy, technical methods and special arrangements to be adopted in such cases, precautions in the preparation, handling, transport, and use of dangerous materials (explosives, steam, gas under pressure, volatile and inflammable substances, acids, poisonous substances, etc.);

(d) Study of social laws for the protection of the workers while at work, application of regulations, administration, rights and duties of the inspector, moral and social aspect of his work;

(e) Scientific organisation of work with a view to securing the maximum output of human effort (the adoption of which is of a nature to compensate for the charges on manufacture which are caused by the introduction of social reforms in favour of the workers);

(f) Visits conducted by inspectors to establishments and workshops of interest for the organisation of manufacture or the protection of the workers, and preparation by the students of reports on the observations made by them during their visits.

Admission to this preparatory course should be by com-

petitive examination and should be limited according to the needs of the administration for staff. At the end of the year the candidates should have to pass an examination and submit a thesis. They might then be employed as probationers. After a year they might be definitely appointed as assistant inspectors and should only be promoted to the rank of inspector after at least three years' experience if there is a vacant place. The next grade might be that of chief inspector in charge of an inspection district. Lastly, one or more Inspectors-General according to requirements would have the higher supervision of the service.

Each of these grades should carry minimum and maximum salaries, with possible increments every two years.

Assistant inspectors, whether probationers or confirmed, should only have the right to enter establishments and to question the workers and inspect the prescribed books. They should not be empowered to issue extra-ordinary orders or to accord exemptions. Only regular chief and general inspectors should be invested with full judicial and administrative powers.

It is considered that the views indicated above may be supported by the following considerations :

(1) The duties of the factory inspector, understood in their fullest extent, require, if they are to be satisfactorily carried out, devotion, patience and sustained effort. They demand a readiness to study and observe the social and psychological surroundings in which the inspector works and a desire to use the results of these studies for properly enforcing social reforms. There is nothing more harmful for the person concerned or more contrary to the interests of the community than to entrust functions so important and delicate to young graduates from special schools, and especially to give them high commencing salaries. If this is done it is bound to happen that the young man believes that he has no further efforts to make; he fulfils his obligations as little as possible and no longer takes any serious trouble with his work, having reached the height of his ambition, i. e. a comfortable position. A slow and gradual system of promotions must therefore be adopted by which the inspector's position improves by degrees and on the results of his work.

(2) It is beyond doubt that employers, generally men of mature age with practical experience of industrial life, are hardly prepared to take orders and advice from a young man whom, rightly or wrongly, they consider to be inexperienced and ignorant of the technical and economic working conditions of their industry. A young man often lacks tact, a sense of proportion and patience; he is often inclined to be too absolute in enforcing regulations and does not take account of cir-

cumstances. It is generally agreed that forcible methods must be used as little as possible and that good will on the part of the employer is a factor of great importance for the success of inspection.

The defects indicated above are only removed in time. It therefore becomes necessary that the beginner should be given work of less importance for some years, in order that he may have the time to get into touch with employers and workers. The assistant inspector, who works under the orders of an ordinary inspector, is an intermediary between the administration and the employer. His responsibility being limited, he can often act as a conciliator and win the respect of the employers—a result which cannot but have a beneficial effect when he is called upon to carry out the full functions of inspector. Moreover, by this method the assistant inspector will be able to complete his technical and administrative education. Nevertheless, he can render valuable service to the administration, particularly by making notes and collecting statistical information.

It is considered that it would be equally desirable to adopt a system similar to the one outlined above for the selection and training of officials of the inspectorates for commerce, agriculture and women's work.

F. It is considered necessary that women should take an active part in inspection wherever persons of their own sex are employed, because they are more qualified than men to supervise some operations and trades which are essentially women's work and because the women workers whom they have to question will have more confidence in them than in men.

For women's occupations it is considered desirable to appoint women inspectors with the same powers as men inspectors in the corresponding grades. Recruitment and promotion should be regulated in the same way as for men.

For inspecting industrial establishments properly so called employing women it is considered that it might be sufficient to have women assistant inspectors under the orders of men inspectors; their powers, functions and conditions of service should be specially regulated.

Women candidates for these different posts should have the required moral qualities and an adequate general and special education, for example, the diploma of a normal school or higher technical school.

G. In principle it is desirable that representatives of the workers should collaborate in supervising the enforcement of labour legislation, because they are the principal persons affected and the value of their practical experience of their trade cannot be underestimated. The methods of securing such collaboration, however, depend largely on the situation in

each country as regards the organisation of the working classes.

In Brazil, and probably in other new countries, it is still difficult to find really accredited representatives of the workers on account of the scarcity and unimportance of workers' organisations (except in certain forms of industry). In the present conditions of the country the only practical means of securing the assistance of the workers in inspection consists in creating joint committees of workers and employers working under official supervision which would be called upon to give their advice in enquiries made with a view to solving difficulties in applying the laws. These industrial committees might be local or divisional, as required.

This method, however, is mentioned without prejudice to other measures which might be adopted subsequently in order to give the workers a more active part in inspection, e. g. by means of works committees on which the workers would be represented.

Nevertheless, it may be observed that although the collaboration of the workers with the administration in an advisory capacity is of value, the appointment of workers' inspectors or perhaps even of workers' delegates to a service of the State which is essentially neutral and must be impartial would be a measure of a unilateral character which would not perhaps tend to increase the good relations which should exist between employers and employed—and the principal object to be aimed at is to reduce to a minimum antagonism between these two classes.

Moreover, what has already been said of the knowledge and qualifications which the inspector must possess may be recalled here. A worker appointed as inspector would in fact cease to be a worker and become an official.

H. In the light of the general conception of inspection already indicated it is considered that intervention of the ordinary police authorities in the work of inspection must be avoided as far as possible, because such intervention sometimes degenerates into abuse and brutality. Such a danger is to be feared in new countries whose social organisation is being constantly developed and sometimes lacks equilibrium and where political passions without ideals may warp men's sense of equity.

Moreover, such intervention is always viewed askance by the employer who is annoyed and irritated by it. It is considered preferable that the employer should only have to deal with the administration, which is anxious to win his confidence and respect. Seeing that the inspector can only make periodical visits to establishments persuasion will be more effective than coercive measures.

Nevertheless, in order to ensure the enforcement of certain

regulations such as those relating to closing hours and days for commercial establishments, general hygiene measures, precautions in building work, recourse must be had to the local authorities who call upon the municipal police. Naturally such intervention must not in any way restrict the supervision of the higher administration responsible for seeing that the laws concerning conditions of labour are enforced.

CANADA

MANITOBA.

The reply of the Manitoba Government is as follows:

A. The reply is in the affirmative.

B. Circumstances might warrant the organisation of special independent services in connection with such establishments as agricultural undertakings and establishments connected with national defence.

C. Special inspectors having technical knowledge will be required in certain cases, but they should be attached to the General Inspection Department and be under the Head of that Department.

D. (1). Department of Labour and Industry.

(2). The reply is in the affirmative—inspectors should be under central administration.

E. Inspectors should be recruited from men and women who have had practical experience and have a practical knowledge of industrial conditions. They should be put on a probationary period, during which period they should be instructed in their duties by an experienced person.

F. (a). The reply is in the affirmative.

(b). The reply is in the affirmative.

(c). They should deal with establishments employing women only.

G. The reply is in the affirmative—in an advisory capacity through the medium of Boards representative of workers and employers.

H. The reply is in the affirmative in exceptional cases only, such as Coroners' inquests and in isolated districts.

NOVA SCOTIA.

The reply of the Nova Scotia Government is as follows:

As the factory inspection department in this Province consists of only one inspector there has not been the experience to provide useful or interesting answers to the questions under this heading.

SASKATCHEWAN.

Note. See note at head of reply to Part I of the Questionnaire.

The reply to Part III of the Questionnaire is as follows:

A. We would consider it desirable to have a single inspectorate for the supervision of all classes of establishments, for the reason that the system of following up recommendations made can be more easily made and maintained.

B. We would consider it desirable to constitute special services for certain classes of inspection.

C. We would consider it desirable that inspectors with the necessary qualifications should be entrusted with all inspection work of a technical character.

The relations of such special officials should be that of co-operation with the general inspection service and under the direction of the head of such service.

D. The inspectorate should be administered by the Department of Labour.

We would consider it desirable to place the control under one intermediate grade, directly responsible to the central administration.

E. By selection after thorough investigation as to qualifications.

F. Women should only be appointed as inspectors to a limited extent and to deal with conditions under which women are employed in particular classes of establishments.

G. The reply is in the affirmative. By reporting any breaches of the laws for the investigation of the Factory Inspectorate.

H. These authorities should collaborate with the factory inspectors whenever possible.

CZECHOSLOVAKIA

The reply of the Czechoslovak Government is as follows:

A. B. C. The attitude of the Czechoslovak Government on these questions is determined by the reply given to the preliminary question. Theoretically the greatest possible degree of centralisation would be the ideal, but under the administrative organisation of a State some forms of economic activity must by their very nature be dealt with by different branches of the administration. Thus, in Czechoslovakia, in addition to a general factory inspectorate which comes

under the Ministry of Social Welfare and covers not only factories and small workshops but also commercial establishments, a mines inspection service has been organised under the Ministry of Public Works as well as a general railway inspection service under the Ministry of Railways. (Provision is also made by the law for official medical inspectors to ensure the protection of the life and health of the workers). In proceeding to a progressive centralisation of inspection it would be possible to satisfy the special needs of the different forms of economic activity by organising special inspectorates which would be incorporated in the general inspection service or by appointing specialists to deal with particular questions.

Under the law at present in force agricultural and forestry undertakings are outside the scope of the inspection service, except in Slovakia and Sub-Carpathian Russia, where, under Section 16 of the Hungarian Act No. XXVIII of 1893, the subsidiary branches of agricultural and forestry undertakings for the preparation of milk, butter, cheese, etc. using motor or steam power are covered by the factory inspection service. The Ministry of Social Welfare has proposed in the Bill of which mention has already been made that inspection be extended generally throughout the territories of the Republic so as to cover all agricultural and forestry undertakings to which compulsory accident insurance applies. This extension of the scope of inspection, however, to agricultural and forestry undertakings and their branches, which for the most part prepare for use only the products of the undertakings themselves, is opposed by the Ministry of Agriculture, which claims that if inspection is extended to agriculture it should be independently organised under the Ministry of Agriculture. The Ministry of Agriculture also proposes to make it part of the duties of this inspection service, which would be specially qualified to deal with agriculture, to encourage agricultural production, above all among small farmers.

As to the supervision of State undertakings, humanitarian institutions, reformatory institutions, and establishments connected with national defence, these problems should be left to be settled by administrative practice in the different States. In Czechoslovakia they have been settled by an agreement between the Ministries concerned in favour of the factory inspectorate.

D. (1). The general factory inspectorate should be under a single Ministry, i.e. the Ministry responsible for the protection of the workers (Ministry of Social Welfare). Room should, however, be left for the collaboration of the other Ministries concerned, e.g. the Ministry of Industry and Commerce in all questions of principle affecting the inspection of industries, the Ministry of Health in sanitary questions, etc.

(2). At present factory inspectors in Czechoslovakia are directly under the Ministry of Social Welfare, at which there is a special section which is the central authority for the administration of the work of the inspectorate. So far no need has been felt to institute intermediate grades between the different local branches of the inspectorate, which always cover a number of Cantons, and the Ministry of Social Welfare. This is a question which by reason of its scope and other circumstances can only be settled separately by each State.

E. In Czechoslovakia a candidate for a post as factory inspector must, after completing his studies at a higher technical school, passing the State examinations prescribed by law and obtaining his engineer's diploma, serve a probationary period of at least four years in some branch of industry. To obtain a permanent appointment he must, after at least one year's training in the inspectorate, pass a special practical examination in administrative questions and more especially in questions relating to social affairs, safety and industrial hygiene.

F. In Czechoslovakia women possess all political privileges, including that of universal suffrage for the local councils and the national legislative assemblies, and a number of women have been elected members either of the House of Deputies or of the Senate. There is therefore no objection in principle to employing women as factory inspectors on exactly the same conditions as men, provided that they fulfil the conditions indicated under E.

It must be pointed out, however, that women possessing the technical qualifications indicated are at present only employed as inspectors in exceptional cases—(this does not include office and laboratory work, etc.). Furthermore, it must be noted that in the recent organisation of factory inspection, which has not yet reached a high degree of specialisation, it is undoubtedly an advantage to be able to employ the inspector on the supervision of any form of economic activity and even on dangerous and difficult duties which women could not possibly be required to carry out, such as long journeys during bad weather, laborious night inspections, etc.

For these reasons women have so far been employed in the inspection service only in an auxiliary capacity—(at present there are seven female assistants in the inspectorate). They supervise establishments chiefly employing women and take part in enquiries into home work.

G. It may be noted that at present in Czechoslovakia there are five auxiliary services the members of which are drawn from the ranks of workers or employees. Some of these "supervisors" work with the special inspectorate for building work and some with the factory inspectorate in the principal towns of the Republic. Their principal duties are to supervise building work and small industrial undertakings (supervision of night

work in bakeries, inspection of carpenters' and locksmiths' workshops, etc.).

H. The reply to this question is in the affirmative. The importance of the work requires mutual assistance on the part of all the authorities for the effective enforcement and observance of the laws. With this end in view factory inspectors should be authorised to enter into direct relations, if necessary, with the public safety authorities.

DENMARK

The reply of the Danish Government is as follows:

A. and B. The Danish Government, considering that the adaptation to the different forms of industrial activity of principles relating to the enforcement of labour legislation would require different methods for the various forms of activity, is of opinion that the supervision of the enforcement of such legislation should be entrusted to different authorities independent of each other.

C. Special inspectors might be employed for certain given classes of undertakings, but the ordinary inspectors should be competent to carry out all the work assigned to the factory inspection service.

D. Inspection is centralised under the Ministry for Home Affairs (Department of Social Affairs), which is assisted in an advisory capacity by the Labour Council. The Labour Council was instituted under the Factory Act of 29 April 1913. It is composed of a president appointed by the king, a number of persons representing employers and workers and representatives of the Public Health Department. In addition to acting in an advisory capacity, the Labour Council can, on its own initiative, discuss questions within the scope of labour legislation and is also authorised to submit suggestions and proposals in this connection to the Government. The Ministry for Home Affairs has issued regulations governing the working of the inspection service, which, on the basis of these regulations, has drawn up the necessary instructions for its officers.

E. Only persons possessing the required technical qualifications should be appointed as factory inspectors.

Candidates should be required to have passed a recognised examination in a higher technical school or to have a wide practical knowledge of the undertakings covered by labour legislation. It is desirable, moreover, that inspectors should have a certain knowledge of social conditions.

F. The answer is in the affirmative, in so far as women

are as competent as men. Certain classes of industrial establishments, e. g. dressmaking establishments, should be supervised by women inspectors, and establishments which are placed under the supervision of a woman inspector should not at the same time be supervised by a male inspector.

G. As is indicated in the reply to question D, the workers as well as the employers have representatives on the Labour Council, one of the functions of which is to collaborate in the preparation of labour legislation and to supervise its enforcement.

H. In the ordinary way the inspection service should not collaborate with the police authorities, unless an establishment formally refuses to comply with the provisions of the laws and the orders of the inspectors.

ESTHONIA

The reply of the Esthonian Government is as follows:

A. In view of the fact that among the Members of the International Labour Organisation the smaller States are in a majority, it would seem preferable to extend the scope of inspection so as to cover industrial, commercial and agricultural undertakings and to organise a single inspection service. The advantage of this system would be that the area within which each official would work would be smaller and he would consequently be more in touch with the undertakings which he had to supervise.

B. It would be desirable not to bring establishments connected with national defence under the general inspection service. The responsible heads of these establishments would then be entrusted with the supervision of the observance of labour legislation in these cases and this would ensure the protection of the interests of the workers concerned.

It would not seem desirable, however, to apply this rule to public utility undertakings under the control of the State (railway workshops, etc.) or State industrial establishments, including monopolies. In Esthonia all these establishments are supervised by the factory inspectors along with private undertakings, and this system works satisfactorily.

C. The enforcement of certain provisions of the law which are of a technical character, in particular provisions relating to industrial hygiene and electrical installations, necessitates in the officials who have to supervise them special technical knowledge which is not ordinarily to be found in factory inspectors. It would, therefore, seem necessary to assign duties of this nature to special officials. These officials should be in close touch with the general inspection service. The factory inspectors should

be required to inform the special inspectors of any irregularities which they ascertain in technical matters in order that the special inspector may take the necessary measures for their removal. It would not seem practicable to place the different inspection services, where they exist, under a single Government Department except when the work of the special inspectors is restricted simply to the protection of the workers and is not concerned with the safety or health of the general public.

D. (1). It would probably be most suitable to place the inspection service under the Ministry of Labour or the Ministry of Social Affairs.

(2). It is desirable to institute intermediate grades including local and district inspectors. Local inspectors should have to carry out their duties within a limited area, while the district inspectors would have to supervise and centralise the work of the local inspectors.

E. The best rules and methods for the recruitment and training of inspectors would seem to be those which are adopted in Prussia.

F. There is no doubt but that in some circumstances the employment of women as inspectors may give good results. At the same time, experience of the employment of women in this capacity is still insufficient to allow of any general conclusions being drawn which might be inserted in the text of the Recommendation to be adopted by the Conference.

G. It is beyond doubt that no objection can be raised to calling upon representatives of the workers to take a part in the supervision of the enforcement of the laws regulating conditions of labour. The question of the most appropriate methods to secure this object is, however, more complicated. Of the different methods mentioned in the Questionnaire the best would be to appoint workers' representatives who would help the factory inspectors with their practical experience. This is already done in different countries by means of works committees, e. g. in Germany, Czechoslovakia, Norway and Esthonia.

H. The work of the inspectorate cannot be carried on without the help of certain local authorities. In the first place, if the supervision of the enforcement of the laws is to be effective it is necessary that certain information should be secured for the inspectors, e. g. concerning the opening of new undertakings, disputes between employers and workers, etc. It is necessary that inspectors should be accompanied during their visits to establishments by ordinary police officials, and, for the purposes of medically examining the workers, they must have the help of the public health authorities. Moreover, it would seem advisable that the ordinary police authorities should assist the inspectorate in the supervision of the enforcement of provisions concerning weekly rest, especially in commercial establishments.

FINLAND

The reply of the Finnish Government is as follows:

A, B and C. Inspection in its fullest extent, covering also forms of activity where it is a question of protecting not only the worker but also the public against dangers to health and morality, should be carried out under a single administration, a single Ministry or other central authority. Naturally the Ministry or central authority which deals with questions concerning the conditions of the workers should also direct and administer the inspectorate. Whether the inspectorate should be directly under the Ministry or under an independent central administration, however, depends on the conditions in each country. As a matter of fact, there are different methods of organisation. In Finland, where the inspectorate has been gradually brought directly under a Ministry, experience so far has not gone to show that the inspectorate has served political ends or has reacted adversely on the supervision of the laws for the protection of the workers. It is clear that factory inspection understood in a broad sense can only be carried out by means of a practical division of labour and with the help of specially competent inspectors for the different forms of activity. Among these inspectors there would be persons whose work from certain points of view would be far removed from inspection properly so called, and who, in view of the nature of their duties, would more appropriately belong to other administrations. But if all these inspectors were under the orders of a single administration, it would be easier to direct and supervise them and their work would be better co-ordinated and rendered more effective. In the course of their work these inspectors are often in touch with each other and are obliged to collaborate, and it would therefore be absolutely necessary to bring them under the same administration in order to ensure that their collaboration may be as close and as profitable as possible.

In organising the work of supervision centralised as suggested above and understood in the broad sense already indicated it would also be necessary to have regard to the nature of the work and the qualifications and abilities of the inspectors. As a general rule, it would be desirable to detail inspectors having the required qualifications to deal with special forms of activity. In settling the number of districts and the scope of the work in each regard should be had to the possibility of the inspector's carrying out his duties conscientiously. The distribution of the inspectors according to their qualifications depends on the number of establishments to be supervised and the importance of the work, and also to some extent on

the geographical situation. Thus, agricultural work regulated by labour legislation depends on the seasons and other natural and climatic conditions. Building work in country districts, wood cutting, carting, floating of timber and seasonal work generally must be supervised by an inspector living on the spot, but it is not absolutely necessary that this inspector should possess technical knowledge and experience. Similar observations apply as regards commercial undertakings, offices and warehouses, as well as restaurants, hotels and cafés, and often as regards handicrafts and small workshops, particularly in country districts. It would hardly be desirable, even from an economic point of view, to entrust the inspection of these undertakings and establishments to officials with higher technical education. The inspectors best suited to inspection work of this kind are persons resident in the localities concerned, with an ordinary training and familiar with conditions of labour, particularly those obtaining in their own districts, and possessing, if need be, elementary technical knowledge. These local inspectors should be supervised by the district inspector, who should possess higher qualifications.

It would be desirable to institute a special inspection service for some classes of work which call for special technical knowledge and experience, e.g. the generation of electric power. These inspectors should have technical knowledge equivalent to that obtained in higher technical colleges and should be highly qualified to carry out the special duties entrusted to them. They should have to keep themselves thoroughly informed of the development, frequently very rapid, of these classes of industrial undertakings.

Since the inspector of electrical power houses has to see to the protection of the workers as well as of the general public, he would necessarily have to collaborate so closely with the district inspector that it would be desirable to put them both under the same central administration.

A second group of inspectors might consist of inspectors dealing with the manufacture of explosives. These inspectors should have technical chemical knowledge equivalent to that acquired in higher technical colleges as well as the necessary professional experience. This group would be in the same position as the group above as regards the general inspectors and the central administration.

A third field of inspection may be mentioned, the supervision of steam boilers other than ships' boilers. This work might well be entrusted to factory inspectors, since it does not in any way interfere with the carrying out of their principal duties. In practice it could be arranged that the work of examining boilers would be directed and supervised by the factory inspector, with the assistance of the necessary number of super-

visors who would work under the instructions of the inspector and would possess the necessary technical knowledge and experience. Their qualifications might be less than those of the inspectors.

Supervision of ships' boilers, on the other hand, should for practical reasons be entrusted to the administration whose duty it is to supervise the seaworthiness of ships. This work is generally carried out by an official under the marine department.

As examples of the forms of activity for the supervision of which it would seem necessary in the light of the experience obtained in a number of countries to have special inspectors, mention may also be made of railways, so far as concerns rolling stock, and of the mining industry. Inspectors for these forms of activity should possess qualifications equivalent to those required for inspectors of electrical power works.

The supervision of the application of laws for the protection of workers on board ship is quite different in character and presents special difficulties. Here the inspection service can, as a general rule, only supervise the application of laws dealing with insurance against accident, hours of work and, to a certain extent, sanitary conditions. These duties do not require technical knowledge properly so called. For this reason, and because ships either ply within very limited areas (inland and coastal navigation) or only go to particular ports (overseas navigation), supervision could be best carried out by the local inspectors concerned. The supervision of ships' boilers, machinery and general seaworthiness should not be carried out by the general inspectorate but by the marine authorities, which in many countries have qualified officials for this purpose.

Finally, it does not seem necessary to have special inspectors for State undertakings. Although for the inspection of these undertakings it is possible to find persons detailed for their technical or other supervision who might also be entrusted with the duty of ensuring the protection of the workers, these officials do not usually possess the necessary qualifications for this class of work and their own special work is generally in itself so heavy that they would not have sufficient time or interest to carry out the additional work required.

As regards the ordinary officials of the inspection service, the range of their work covers widely different classes of establishments and undertakings and their duties are therefore very varied. There are some which require sound technical knowledge, practical training and knowledge of methods of work, while others consist merely in the enforcement of clearly defined provisions of the laws. It would not be desirable or

necessary or economic to entrust work of the latter kind to officials whose qualifications would justify their employment on more difficult work. The functions and the qualifications of the inspectors should therefore be graded according to the nature of the different classes of work. Ordinary local inspectors should have high technical knowledge and an adequate practical training acquired in industrial undertakings. They should also be familiar with the occupational side of the workers' life. Lower technical qualifications would be sufficient for assistant inspectors, but they should have a thorough knowledge of labour conditions. Some of the inspectors should be required, in addition to their other work, to give advice on various questions connected with social and workers' welfare, for example, as regards food, lodging, hygiene and nursing. These inspectors should naturally have sound general knowledge and be familiar with social questions. In addition, they might be required to supervise the work of women and children (hours of work, overtime, etc.). Work of this kind might with advantage be assigned to women inspectors, who would be well qualified by their special education to carry it out successfully.

D. (1). The following general rules which are partly a recapitulation of the reply given to Questions A, B. and C. above should be adopted for the organisation of inspection.

The general inspection service, including both general and special inspectors, should of necessity be under a single administration, a department of the Ministry of Labour or other central administration. The central administration should include a chief inspector, who should be an engineer possessing high technical qualifications and an experienced inspector, and who should have under his orders assistants familiar with the various kinds of special inspection who might be permanent or temporary experts. Directly under this official and subject to his supervision there would be the general inspectors and the special inspectors, independent of each other but none the less united in their efforts towards a common end. All these inspectors should be engineers or should possess high technical knowledge and adequate practical training, such as might be acquired, for example, by five years' experience in a factory, together with the necessary knowledge of working conditions. The special inspectors should have in addition a thorough knowledge of the particular form of activity which they have to supervise.

In order to assist the general inspectors and the special inspectors in their work, it would be desirable to give them a number of assistant inspectors, some of whom should have the same theoretical qualifications as the inspectors themselves, while the others might have lower technical qualifications but would have undergone a sound practical training and

possess a thorough knowledge of labour conditions. Assistant inspectors of the first class might subsequently be promoted to fully qualified inspectors.

The moral qualities of inspectors are of the greatest importance for ensuring effective protection of the workers. It is by his personal influence that the inspector may convince employers of the necessity and utility of protective measures. It is also in virtue of his moral qualities that the inspector succeeds in arriving at independent judgments and maintaining an impartial attitude when dealing with employers and workers.

E. Candidates for the inspection service should, in the first place, possess the necessary theoretical and technical qualifications. It is equally important and necessary that they should acquire practical training in industrial undertakings. A candidate who wishes to become a fully qualified inspector should acquire the necessary practical training by passing several years in a big factory. He should also possess a very wide knowledge of labour conditions. A special inspector should have been employed for several years as an engineer in an industrial undertaking belonging to the class for which it is proposed to utilise his services. A supervisor need not have passed through a course of higher technical instruction, since he would work under the supervision of an inspector, but he should have average technical qualifications and as wide a knowledge as possible of labour conditions. Candidates for posts as supervisors should have been either workmen or foremen for at least five years, and it would be desirable that they should have had practical training in several different forms of work. Inspectors, on the other hand, also have advisory duties to carry out in connection with social welfare, and candidates for these posts therefore should first have to undertake an appropriate course of studies and then pass a period of training in a social welfare institution, for example as hospital assistants, inspectors of health, inspectors of dwellings, etc.

All candidates for posts as inspectors should, before entering on their duties, have a sound knowledge of the social legislation of their country and in particular of legislation relating to the protection of the workers. Experience shows that the inspector is hampered in the execution of his duties by a lack of the necessary legal knowledge. As, however, long study is necessary in order to acquire even a passable knowledge of the laws, it can only be regarded as desirable, and not compulsory, that candidates should have this qualification.

It would be desirable that persons possessing the qualifications required for the post of inspector should work for some time as probationers before being permanently appointed.

F. (a). If a woman has the qualifications required for a post as factory inspector or special inspector, there is no reason to prevent her from securing such a post on the same conditions as a male candidate. It is well known, however, that women with high technical qualifications are so few that it would be impossible to recruit factory inspectors among them. There are still fewer women engineers with a technical training acquired in factories such as is necessary for the posts in question, because the work performed by women engineers in industry is generally of minor importance. In short, there are in fact no women available qualified to fill posts as factory inspectors or special inspectors.

In connection with the protection of the workers, on the other hand, there may be work specially suitable for women, e. g. supervision of the hours of work and night work of women and children. Certain specially important aspects of workers' protection—development of workers' welfare as regards food, hygiene, nursing and questions relating to dwellings, etc.—relate to subjects of which women have a thorough knowledge. They also have wide experience in inspection of workers' dwellings and in giving advice on matters of domestic economy. This knowledge and experience qualifies them to undertake work connected with the protection or welfare of the workers. Women inspectors should be on an equality with male inspectors performing similar work. They should have the same independence as their male colleagues. At the same time, if they carry out their duties in establishments supervised by male inspectors and issue orders therein, they should be required to bring any such orders to the notice of the male inspector concerned.

(b). Women inspectors should have to visit establishments where a considerable portion of the staff consists of women.

(c). There are classes of undertakings which might be supervised solely by women inspectors irrespective of the sex of the workers employed. e. g. commercial establishments, commercial offices and dépôts, cafés, hotels and restaurants, small bathing establishments, hairdressing saloons for men and women, and other establishments where the supervision of the enforcement of the laws for the protection of the workers does not require that the inspectors should possess any technical qualifications.

G. It would be desirable, perhaps even necessary, that representatives of the workers on the spot should collaborate in the supervision of the enforcement of the laws regulating conditions of labour. Factory inspectors cannot always ascertain breaches of the laws and abuses unless they are on the spot, and if they are to investigate matters of this kind they would often have to remain in the workplaces concerned

for a long time. Moreover, it is frequently only a person who is regularly in the workplace who can know whether the instructions of the inspector are complied with. It would seem desirable that such local supervision should be entrusted to the workers on the spot, who should choose a representative from among themselves. This system of supervision might in practice be arranged as follows. The workers of an establishment would choose a representative from among themselves who would communicate to the inspector when he came to inspect the establishment the wishes of the workers and their complaints of abuses and inform him of breaches of the laws for the protection of the workers. The inspector would give the workers' representative a copy of the instructions and orders issued by him to the employer for the removal of the abuses noted. The measures taken by the inspector would thus be brought to the notice of the workers. The workers' representative, however, would not have the right to inspect the establishment and he would not be allowed to issue instructions himself to the employer. He should always apply to the factory inspector.

It would be desirable that the question of the collaboration of workers' representatives in factory inspection should be dealt with by an international Recommendation indicating the general principles to be followed in the selection of these representatives as well as those which the representatives would have to apply in the performance of their duties.

II. It is absolutely necessary that the factory inspectorate should have the collaboration of the authorities, especially the ordinary police authorities. As regards hygiene, the State and communal medical authorities as well as the public health authorities should be required to furnish information and to lend the inspectorate any assistance necessary.

FRANCE

The reply of the French Government is as follows :

A. B. C. It would seem difficult to indicate any general principles in this connection which would be of use. These are practical questions which depend particularly on the strength of the inspection service in each country. If a large number of inspectors are available, specialisation may be more easily considered. While such specialisation may be advantageous in some cases, it may, on the other hand, have some disadvantages by subjecting establishments to visits of inspection from a number of inspectors, and this might be vexatious to employers and might give rise to disputes.

Moreover, it would not seem that special services are indispensable to securing effective enforcement of protective measures.

D. (1). Just as the supervision of the laws regulating labour should be the primary and principal work of the factory inspector, so it would seem that the primary and principal duty of the Ministry responsible for such laws should be to promote their improvement and enforcement.

There are many exceptions to this theoretical rule which can be historically explained by the periods at which the different protective measures were passed. The situation therefore varies considerably in the different countries and it would be difficult to secure any uniformity.

In France, the enforcement of labour laws has, in principle, been entrusted to a ministerial Department specially responsible for this work, i. e. the Ministry of Labour. The application of some of these laws to some special classes of undertakings, however, has been entrusted to other ministerial Departments responsible for supervising these undertakings from other points of view, e. g. railways, maritime navigation, inland navigation and, partially, mines.

(2). This is a practical question which it would not seem should be dealt with as a general principle. The solution to be adopted depends, for instance, on the strength of the inspecting staff and on the extent of the territory over which the inspection service works.

E. Candidates for posts as inspectors should have to show that they have certain technical and legal qualifications. There may be two systems, open competitive examination or open selection by recognised qualifications. It seems desirable that an inspector should only be definitely appointed after a period of probation.

F. In principle, there is no reason why women inspectors should not be employed on exactly the same conditions as men inspectors, when the system of recruitment for men and women is the same, by means of the same competitive examination open to both sexes.

At the same time, just as certain forms of work in industry are in fact exclusively reserved for men for practical reasons, so the inspection of certain establishments requiring physical strain such as could not be required of women should be reserved exclusively for male inspectors.

Naturally, if the qualifications required for admission to the inspectorate are not the same for women as for men, women could not be employed on the same work as men.

In practice it will be preferred to detail women inspectors to inspect establishments employing women, but it would not seem that there is any general rule to be laid down on this

matter. It is for the administration to employ women inspectors to the best advantage in the interests of an effective enforcement of labour laws, in accordance with existing circumstances, which may vary not only from country to country but even from district to district in the same country.

G. Qualified representatives of trade unions may, like any other citizen, take part in the supervision of the enforcement of the laws regulating labour by informing the inspectors with as much detail as may be necessary of any breaches of the laws which come to their notice.

As regards particularly the protection of miners, a special institution has been created in France—"Delegates for the protection of miners" (Act of 8 July 1890, at present Sections 120 to 157 of Book 2 of the Labour Code). These delegates, chosen by the miners, have the following duties :—

"to inspect underground work in mines and quarries with a view to examining the conditions of safety and hygiene for the staff therein employed and also, in case of accidents, the conditions in which the accident took place. These delegates are, moreover, instructed to notify, in the forms laid down in Section 130 hereafter, any breaches of the regulations concerning the work of women and children, hours of work and weekly rest which may come to their notice in the course of their visits of inspection."

H. This question affects the interior administrative and legal organisation of each State, and should not, it would seem, be dealt with as a general principle.

Whatever solution may be adopted with a view to ensuring uniform enforcement of labour laws—a uniformity which is at least as indispensable from the national as from the international point of view—it is absolutely necessary that the ordinary police authorities and the local authorities which collaborate in the enforcement of these laws should do so under the direction and supervision of the factory inspectorate.

GERMANY

The reply of the German Government is as follows:

A. For reasons of economy and in order to avoid the friction which might arise from the existence side by side of more than one inspection service, it appears desirable that a single service should be established. At the same time, if a special inspectorate is already in existence for dealing with mines, it might continue.

B. The reply is in the negative. (See reply to question A).

C. The reply is in the negative. It is not desirable that

special inspectors should be entrusted with the application of certain provisions of the law which are of a technical character. On the other hand, it is desirable that officials who have had a technical training, particularly industrial medical officers, should be attached if necessary to the inspectorate.

D. The factory inspectorate should be as far as possible independent. The means by which this independence should be ensured depend on the constitution and legislation of the different countries.

(1). The factory inspectorate should be administered by the Ministry of Labour or Social Welfare. It is desirable however that it should as far as possible be independent and directed by an experienced inspector.

(2). In the larger countries intermediate grades would require to be provided between the inspecting staff and the central administration. In this case the distribution of functions between the different grades would depend on the administrative organisation of each particular country. It is none the less important to leave as much independence as possible to local inspectors.

E. In order to reach the higher grades in the German inspectorate, it is necessary to be in possession of a university degree and to have had several years of practical experience. Some of the German States also require a general knowledge of law, a knowledge of administrative law, of industrial hygiene etc., as well as a second university diploma. There are as yet no regulations concerning the appointment and training of medical inspectors (*Gewerbeärzte*).

The German inspectorate includes officials who have risen from the ranks of workers and salaried employees. These persons have generally been nominated by the most representative industrial organisations. There are no definite and general provisions in all the States regarding the appointment and training of these officials. If they possess the requisite capacity, however, it is desirable that they should be enabled to reach the higher grades of the service.

F. The employment of women as factory inspectors is both desirable and useful. They may be employed in the first place in the inspection of undertakings employing women, young persons and children. Generally speaking, they ought to be employed on work in which their special qualifications can be utilised. If they have followed the same courses of study and if they perform the same service as male inspectors they should be placed on an equal footing with them.

G. It is desirable to ensure the co-operation of workers' representatives in the supervision of industrial undertakings. This co-operation is ensured in Germany by Section 66 of the Act of 4 February 1920, which runs as follows :—

"It shall be the duty of the works committee...(8). To take action tending to prevent accidents and injury to health in the undertaking and in connection with the said action to assist industrial inspectors and other officials concerned by means of suggestions, advice and information and to co-operate in the carrying out of the provisions respecting the regulation of industrial conditions and the prevention of accidents."

H. The reply is in the affirmative. If an undue increase in the number of officials in the inspectorate is to be avoided, the collaboration of these authorities is indispensable. The enforcement of certain provisions such as those concerning hours of work cannot be effectively supervised unless factories are inspected several times a year. The collaboration of the authorities in question is also necessary in cases where compulsion has to be applied or for the supervision of routine requirements (posting of notices, drawing up of lists, etc.).

GREAT BRITAIN

The reply of the British Government is as follows:

A. and B. For the reasons given in the reply to the Preliminary Question in this Questionnaire, it would not be practicable in any country like Great Britain to organise a single inspectorate for the supervision of all classes of establishments coming under laws regulating conditions of labour. The only possible course is to organise separate services for the different classes of establishments (factories, mines, agricultural undertakings, commercial establishments, mercantile marine and railways).

As regards State factories, these are subject in Great Britain to the same requirements and are subject to inspection by the Factory Department in the same way as factories in private occupation. This arrangement has worked satisfactorily and, so far as these establishments are concerned, H. M. Government see no need for the organisation of any special independent service.

C. It has been found necessary in this country to provide for the appointment of the following special Inspectors with technical qualifications — (1) Medical Inspectors, (2) Engineering Inspectors, and (3) Electrical Inspectors.

All these Inspectors form an integral part of the Factory Inspection staff.

The Senior Medical Inspector acts under the direction of the Chief Inspector and the other Medical Inspectors under the direction of the Senior Medical Inspector. Their special duties include the supervision of the work of the Factory Surgeons who

certify young persons as fit for employment in factories and conduct periodic medical examinations of workers employed in certain dangerous processes; the general supervision of the working of Regulations directed against industrial diseases; inquiries as to processes dangerous to health; investigation of cases of poisoning; and the conducting or direction of research in connexion with questions of industrial hygiene.

The Engineering Inspectors are similarly organised. Their duties are to advise on engineering and mechanical questions affecting the health or safety of the workers, including the investigation of problems of fencing and ventilation in all branches of industry.

The Electrical inspectors are also similarly organised, their primary duty being the systematic inspection of places and works under the special Regulations governing the generation and transformation of electrical power.

D. (1). H. M. Government are not prepared to express any opinion on this point. They consider it is a matter which must be left to be decided by the Government of each State according to its own needs and circumstances.

(2). It would appear essential in the case of a State with a large number of factories and a large inspecting staff that the administration should be localised and provision made for intermediate grades of Inspectors with duties of supervision and direction. Thus, the British inspection staff is organised as follows: The Chief Inspector with Deputies and other staff, stationed at the Home Office in London; secondly, Divisional Inspectors in charge of large territorial areas; thirdly, District Inspectors in charge of the districts which form part of the divisions; and lastly, certain other subordinate Inspectors who assist in the work under the District Inspectors.

E. In the British service the higher ranks are as a rule filled by the promotion of qualified officers from the ranks below. Vacancies in the lower ranks are filled by a system of selection and examination. First, a Selection Committee reviews the qualifications of the different candidates, taking account of their general and technical qualifications, character and practical experience, and after interviewing the candidates personally makes a selection of those best qualified. Candidates selected sit for competitive examination consisting partly of general and partly of technical subjects. The candidates are appointed after medical examination to fill existing vacancies in the order in which they pass the examination. In the first instance they are appointed on probation for a period of two years. At the end of two years they are required to pass a qualifying examination in the law relating to factories and workshops and in sanitary science as applied to factories and workshops, and, subject to their passing this examination and to their being reported by the

Chief Inspector as suitable for permanent employment, their appointment is confirmed. They receive their training in the work of factory inspection from their superior officers during the period of probation. The question of taking further measures for improving the training of the Inspectors is under consideration.

It would be difficult to lay down any hard and fast rules as to recruitment and training, but it seems clear —

- (1) that if the duties of the Inspectors are as outlined above, and bearing in mind the great complexity and variety and constant development of industrial processes and plant, they must necessarily be men (or women) of high qualifications, technical or other;
- (2) that in view of their relations with employers and workpeople they must be able to command the trust and confidence of both sides;
- (3) that a period of probation in order to test the suitability of the officer is very desirable.

F. The women Inspectors employed in the Factory Department have always exercised the same statutory powers as the men Inspectors. Previously to the summer of 1920 they were organised as a separate branch and their duties and responsibilities were of a very different character. They were not placed in charge of districts, but were distributed among the divisions and were charged with the duties of visiting factories where women were employed, investigating women's complaints and making special reports on women's industries. In 1920, as a result of a Report of a Departmental Committee, this organisation was brought to an end and the principle of amalgamation of staffs of men and women Inspectors was adopted. The women now take charge of the districts in the same way as the men and are eligible for all the posts in the Department.

The considerations which led to this fusion of the two staffs may be roughly stated as follows :

- (1) the overlapping of inspection which took place under the old system was a source of considerable friction between the men and women Inspectors and was also a source of perplexity and annoyance to the occupiers of the factories;
- (2) the effect of the division of the work, while it allowed the women somewhat greater freedom than the men, gave them a position of less responsibility and consequently an inferior status and closed the door against their entry to the higher Departmental posts;
- (3) it was felt that nothing in the nature of the work necessitated such a division, much the greater part of the work of inspection being common to the employment of both men and women. Such matters as ventilation,

temperature, fencing, present the same problems, generally speaking, whether men or women are employed on the work, and the Committee were of opinion that with certain exceptions all such matters could (given the necessary training in the Department) be dealt with as well by women Inspectors as by men and *vice versa*:

- (4) generally it was felt that an organisation which tended to divide the efforts of men and women, be they Inspectors or employees, into water-tight compartments was a system out of harmony with modern ideas.

The system adopted since 1920 has so far worked satisfactorily, and H. M. Government are of opinion that the principles embodied in it will ultimately be recognised as the only possible solution.

The other alternatives are obviously open to serious administrative difficulties and in the opinion of H. M. Government must unduly curtail the range of work of the woman Inspector.

G. The collaboration of the workers in securing the observance of the laws regulating the conditions of labour is extremely important.

In Great Britain every worker and worker's representative or Trade Union leader has free access to the Inspector by letter or by interview, and every communication or complaint as to any defect in the conditions of a factory or failure to carry out the law is promptly attended to. All such communications and complaints are treated as confidential, and, in order to prevent a worker being victimised, the inspectors are told so to conduct their investigations as not to reveal to the employer that a complaint has been made.

Again, the Trade Union leaders can render very great assistance by impressing upon their members the duty of themselves carefully obeying the requirements of the Acts. For example, as is well known, a great many accidents are caused by the workers failing to use the safety appliances provided, or even removing the guards which have been placed on the machinery.

The movement for the establishment of "works committees", on which the workers as well as the management are represented and which have for their object the supervision of the conditions in the works as they affect the safety, health and welfare of the workers, has made considerable strides in Great Britain in recent years, particularly in connexion with questions of safety. Periodical inspections are made by the Committee of the machinery and plant with a view to discovering points of danger; all accidents occurring in the works are investigated by the Committee; and suggestions are considered for the prevention of similar accidents in the future. In this way, the workers not

only take an effective share in the supervision of the conditions of work, but it is found that a much higher standard of carefulness is secured on the part of the workers themselves — and the results are seen in the great reduction in the number of accidents in the works where this system has been put in force. It is becoming generally recognised that success in the prevention of accidents is not to be secured by the unaided efforts of Government Inspectors, but must to a very great extent depend upon the organised co-operation of employers and workers with the Inspectors, and it is the recognition of this fact which has led to the Safety First movement, which in this country, as well as the United States, has now attained considerable proportions.

Lastly, though this point falls outside the sphere of supervision, it is the practice in this country to call the workers (through their Associations) into consultation on any important question affecting a trade or process which may come up for consideration, such as the preparation of new regulations, and to appoint representatives of the workers as well as of the employers on official Committees of Inquiry.

H. In Great Britain the police have practically no duties in connexion with factory inspection. Local authorities, on the other hand, have considerable duties, particularly in relation to the observance of sanitary requirements in "workshops" (1), and these duties necessitate close collaboration with the Factory Inspectors.

HUNGARY

The reply of the Hungarian Government is as follows:

A. In order to render inspection simpler and less costly, a single service might be organised for all classes of establishments. Of course, within this service all establishments (industrial, commercial, mines) should be dealt with according to the particular labour conditions prevailing in them.

It should be observed, however, that the term "establishments" cannot be taken to include agricultural undertakings and subsidiary branches of establishments where different systems of inspection would be required.

B. It does not seem necessary to organise special services for certain classes of establishments, since there is room for specialisation in the system of inspection referred to under A, and manufacturing secrets should always be kept by the inspectorate. On the other hand, for certain classes of establish-

¹ Places where manufacturing processes are carried on *without* mechanical power.

ments, as for example transport, mines, etc., it would be very desirable to organise special services or to retain such services where they already exist.

C. It is necessary that in the inspectorate there should be some persons who are specialists in technical questions. It is especially necessary to have doctors acquainted with the methods of protecting the health of the workers and preventing occupational diseases. The latter need not, of course, be specially organised; they can be included in the organisation referred to under A.

D. The inspection service should be under the central administration (Ministry) which for each branch of activity deals with the laws and regulations affecting the workers. The inspectorate should be directly under the central administration, because intermediate grades would interfere with the uniformity and despatch of the work.

E. Inspectors should be persons familiar with labour legislation, the technical equipment of establishments, work routine, and general hygiene and economic conditions. Before being appointed inspectors candidates should have to pass a period of probation. They should be brought up to the standard of training required by means of theoretical and practical courses of instruction. Their salary should be fixed so as to ensure that they are independent and respected by employers. There should be different grades in the staff.

F. Women may be employed as inspectors, but the special qualifications required of them should be the same as for men. Women inspectors should be chiefly employed for establishments in which the greater proportion of the employees are women.

G. It is not desirable that representatives of the workers should be called upon to take part in the supervision of labour conditions, because, generally speaking, the worker is only familiar with conditions in a single form of employment and even then his knowledge is sometimes inadequate. A worker who has no knowledge of any other form of employment than his own can be of no assistance. There can therefore be no question of employing a representative of the workers as an inspector except in his own form of employment, because his services could not be fully utilised.

H. It seems advisable that the inspectorate should have the collaboration of the police and local authorities, who could even be entrusted with inspection duties where no special knowledge is required.

The Hungarian Government supplements its reply to the Questionnaire by the following observations :

The replies given to the Questionnaire call for some further observations on a number of points.

It may be noted that the Ministry of Agriculture in Hungary has not so far dealt with the question of inspection in agriculture, sylviculture and the subsidiary branches of agricultural undertakings, so that it has not been in a position to reply to the questions. The Ministry intends, however, to examine the questions as soon as possible in agreement with those concerned and to decide on its point of view before the Session of the Conference, in order that its views may be communicated by the Government Delegates. The preceding replies therefore apply only to industrial, commercial and mining establishments.

In view of the complexity of the problems connected with factory inspection, it would be desirable to indicate clearly the forms in which inspection should be applied to the establishments under supervision, that is to say, whether all classes of establishments should be supervised or whether a portion of them should not be supervised. However desirable it may be that inspectors should supervise all establishments within the scope of their duties, this will not be possible for some considerable time in countries where the financial situation does not allow of the necessary increase in the staff of inspectors.

Similarly, it is the unfavourable financial situation of certain countries which is responsible for the fact that the inspection service is obliged to carry out duties which have nothing to do with its proper work.

In Hungary, for example, inspectors are in this position. The laws give them important functions to perform in the development of industry by requiring them to see whether employers fulfil their obligations to the State in return for the advantages which they enjoy. The situation would seem to be somewhat relieved by the fact that these functions are not too extensive and may be carried out along with their chief duties. The only reason why inspectors exercise these functions is that the Government has no other officials available to whom they might be entrusted.

In Hungary inspectors also have certain police duties to perform, but these duties are more closely associated with the proper functions of inspection. Reference is here made to the part taken by inspectors in enquiries made when permits are being given to erect industrial buildings. They can indicate the measures required for the protection of the workers, and their views would always have a considerable influence on the result of the enquiry. Further, provisions for the protection of the public against the dangerous, unhealthy or offensive effects of certain industrial establishments may

sometimes closely affect the protection of the workers, and their supervision may therefore be entrusted to officers of the inspectorate.

Regard must, of course, always be had to the financial situation of a country in considering whether inspectors should supervise all forms of economic activity or whether they should be relieved of all work which is not within the scope of their principal duties.

INDIA

The reply of the Indian Government is as follows:

A. The reply is in the negative. Factory inspection is work which demands high technical qualifications. It is impossible to expect a factory inspector to undertake such work as the inspection of mines, the supervision of safety regulations for shipping or the administration of workmen's compensation. In addition there are in some countries constitutional difficulties in the way. For example, in India the general administration of the Mines Act rests with the Central Government and the Mines Inspectors are subordinate to it. But the general administration of the Factories Act is provincial and the factory inspectors are subordinate to the provincial Governments.

B. See above. Factory inspection should be kept distinct from the other questions mentioned. At the same time, State industrial establishments should be subjected to the same supervision as private industrial establishments wherever possible.

C. There is no objection to work of the type specified being entrusted to special officials, who should be able to invoke the co-operation of the factory inspectors when necessary. It does not seem desirable to lay down any general rules on the relation between such special officials and the general inspection service.

D. (1). No general rules can be laid down. This will depend on the details of the administration in different countries.

(2). The staff of inspectors should be subject to the supervision of an official who is himself a qualified factory inspector, and he should be responsible to the administration for the work of the staff.

E. Here again no general principles can be formulated. It is desirable that factory inspectors should have a certain amount of training in engineering and the principles of industrial hygiene and should be well acquainted with the technical processes employed in the factories which they will have to inspect. They should also have made a special study of

the laws with which they are concerned and their application in the Courts. They should be of a sufficiently high status and education as to ensure the confidence of both employers and workers.

F. It is desirable that women should be employed as factory inspectors to inspect factories which employ women or children in large numbers. The Government of India are inclined to the view that in the present conditions in India women inspectors should be employed as assistants only in the application of the law for the protection of women workers, but their experience of the subject is not such as to justify them in suggesting any general conclusions.

G. The co-operation of both employers and employed in enforcing the operation of factory laws is eminently desirable. Workers should be encouraged to point out any abuses and to suggest any improvements in the matter of health and safety which they may consider desirable, but it is probably undesirable that they should be permitted to take a direct part in the supervision of the enforcement of the law.

H. The reply is in the affirmative. Where the factory inspector has to deal with a large area, local officers can frequently supplement his work with advantage.

ITALY

The reply of the Italian Government is as follows :

A. In principle it would seem that the best system is to organise a single service for all classes of establishments coming within the scope of labour laws in force. Uniformity would thus be secured, and this is an essential condition for the proper working of the service.

B. As is indicated in the preceding paragraph it seems preferable to organise a single inspection service. Different circumstances, however, which generally arise out of the special conditions in certain countries, prevent the complete organisation of inspection in a single service.

It would therefore seem desirable to recommend the Governments to organise inspection in a single service, subject to exceptions required by local conditions in certain countries, these exceptions, however, being restricted as much as possible.

C. Inspection of hygienic conditions of labour is specially important and should be organised as a separate branch of the general inspection service. Hygiene inspectors might be distributed in the districts in the same way as the other inspectors but should be under a central office as far as concerns the technical side of their duties. The work of this office would be

to co-ordinate their work and deal with all questions affecting the hygiene of the workers.

If the industrial development of a country requires the appointment of special officials to deal with other special technical questions, these officials should be regarded as ordinary inspectors and should be stationed throughout the country according to requirements but should remain closely associated with the ordinary inspection service.

D. It would seem difficult for the Conference to indicate any rules for the organisation of the inspectorate which would be susceptible of adaptation to the economic conditions in each country.

(1). The inspectorate must of necessity be under the Ministry responsible for labour and whose duty it is to secure the enforcement of labour legislation.

(2). As to the measure of centralisation to be adopted in the inspection service and the methods of distributing the inspectors over the territories of the different countries, it would seem desirable not to indicate any rule, seeing that the solution of these problem depends directly on local conditions.

In Italy inspectors are grouped in areas called "circles" (at present there are eight) each under a chief inspector who is directly under the central administration.

The inspectors live in the town which is the headquarters of the circle. The chief inspectors of the circles prepare the inspection lists for each of the inspectors under them and indicate the duties that they have to carry out. They also have other duties of their own.

The central administration simply gives general instructions and in some cases gives special orders to the chief inspectors of the circles.

Experience has shown that this system is excellent. The only thing required to improve its working is that the number of circles should be increased and that inspectors should be appointed to operate from centres other than the headquarters of the circle. These inspectors should be included in the staff of the circle and would be under the chief inspector of the circle.

E. In the recruitment of inspectors in Italy, the qualifications of the candidates are examined from two points of view: technical education (engineering diploma, or degree as doctor of medicine or surgeon for health inspectors), practical experience (period of at least two years in establishments covered by the principal labour laws attested by certificates).

In addition, candidates must undergo a probationary period for an adequate length of time at the end of which they are definitely appointed or dismissed. The same methods are followed in the recruitment of the assistant inspectors mentioned below.

It would seem that these principles might be recommended internationally.

F. Women can be employed in Italy as assistant inspectors on the same conditions as men. Their employment in this capacity has so far been satisfactory. It would not seem advisable, however, that the number of women employed in the inspection service should be increased, because it is difficult to employ them on visits of inspection by night or to inspect establishments at considerable distance from the inspectorates' headquarters. As regards the possibility of employing women inspectors to supervise establishments for the greater part employing women workers, this system can only be applied in States which have a very specialised inspection service with a large staff. Even in cases like this it would seem difficult to incorporate women inspectors properly in the staff of the service. The same objections, in a lesser degree perhaps, may be made against detailing women inspectors to supervise the enforcement of certain special laws such as laws for the protection of home workers.

G. It would not seem that the workers or their organisations can usefully collaborate with the inspection service. The supervision of the enforcement of labour legislation, as of other legislation, is a function belonging to the State, and only the State's officials can carry it out with the required impartiality and authority.

Experience in Italy, however, has shown it to be desirable that persons coming from the working classes should be employed in the inspectorate. The assistant inspectors in Italy are workers who have worked for at least five years in industrial establishments coming within the scope of the laws concerning labour and who have received an average education sufficient to ensure that their services can be of value to the inspectorate.

These officials have shown a natural capacity for inspection work. They have rapidly and easily acquired the technical knowledge necessary to enable them to carry out their duties satisfactorily. They have shown themselves independent and impartial and have thus retained the confidence of their former comrades and also won the confidence of the employers, who, it must be said, have not had reason to be dissatisfied with them.

It would therefore seem that this system might be recommended.

H. It would not seem possible to establish general rules for the collaboration of the police or local authorities in factory inspection. This question is generally regulated by the laws in each country.

NETHERLANDS

The reply of the Netherlands Government is as follows:

A. A single inspection service comprising special services for certain branches would be the most economical and most effective.

B. Subject to the exceptions already indicated in reply to the preliminary question, special independent services should be rejected in the interest of securing uniform application of the laws and co-ordinating the supervision of the different forms of activity. The range of special independent services would be very limited, and each such service could not be so well equipped as a single comprehensive service established for the supervision of all forms of work.

C. The supervision of electrical installations, like the supervision of boilers, might preferably be entrusted to special officials. They might carry out their functions independently of the general inspectors.

Supervision of hygiene is an integral part of the factory inspector's work in collaboration with the medical inspector. Hygiene and medical specialists should, accordingly, form part of the general inspectorate. Inspectors for electrical installations can carry out their functions independently.

D. (1). The inspection service will give the best results if it is placed under the Ministry of Social Affairs.

(2). The fewer the grades in the administration the better. District inspectors should have as much power and responsibility as possible. The work of the central authorities should be restricted to ensuring a uniform enforcement of the laws regulating conditions of labour in all districts and to directing the general working of the service and giving advice.

Uniform enforcement of the law can be secured by conferring on the Minister for Social Affairs or on the headquarters of the inspectorate the power of making important concessions and also by guaranteeing the right of appeal. The headquarters of the service will be able to furnish observations and opinions, because it has at its disposal specialists not available in the district inspectorates.

E. Factory inspectors should have had a special technical training. They should have some knowledge of economics and hygiene, which will enable them to carry out special practical studies and to apply their knowledge profitably. A few years' experience in industry is of great importance, but it is not desirable to insist on this requirement, because otherwise the engineer who feels qualified and suitable for the work of factory inspection will not as a rule, after some years of industrial experience see any advantage in changing his profession. Insist-

ence on this requirement might simply result in attracting to the service persons who had failed in industry.

F. Women inspectors should be particularly concerned with the interests of working women and young persons. Outside the factory inspectorate it is very rare to find a woman occupying a responsible position except over other women. Manufacturers, contractors, bankers, shipbuilders are very rarely women. The extensive technical and social-economic knowledge as well as the physical qualifications which persons entrusted with the supervision of factories, shops, buildings and mines must possess, the relations between the inspectors and the technical managers of these undertakings and the authorities, the management of the staff amongst which are engineers and technical experts—all these considerations indicate that it is only a woman of very rare qualifications that could discharge the duties of factory inspector.

For these reasons the replies to the different questions under F are as follows :

- (a). In the negative.
- (b). In the affirmative.
- (c). In the negative.

G. It is probably possible and desirable that representatives of the workers should participate in supervising the enforcement of the laws regulating conditions of labour. The system adopted in the Netherlands inspection service gives satisfactory results. Candidates for posts as male and female supervisors are recruited among workers who have shown their devotion to the interests of the workers and possess their confidence. In comparison with workers' representation pure and simple (the method employed in mines inspection), this system has this advantage that the persons selected are more independent and the employer tends to see in them rather the official than the workers' delegate.

On the other hand, it may be said in favour of the system of supervisors chosen by the workers themselves that these representatives will enjoy greater confidence with the workers and will be urged by their own interests to discharge their task satisfactorily.

II. Such assistance is essential.

NORWAY

Note. See note at head of reply to preliminary question.

The reply is as follows:.

A. The reply is in the affirmative.

B. The reply is in the negative.

C. The reply is in the affirmative, but it is hardly possible to establish fixed rules. It may be expedient to entrust the inspection of special establishments to special inspectors working under the factory inspectorate and relieving the district inspector of the inspection of these establishments; but it may also be expedient for the special inspectors to attend only to certain departments of the establishment, the district inspector continuing the general inspection. There must be a certain elasticity in these matters, as technical and economic conditions may make it advisable to adopt different methods in different cases.

D. (1). The Ministry of Social Affairs.

(2). There ought to be a central authority under the Government Department concerned entrusted with the work of factory inspection and having no other duties; see also reply to question II C. (3).

E. In the factory inspectorate there ought to be officials with special knowledge of various branches. It is therefore considered an advantage that factory inspectors be selected from among people of different training. It is, however, believed that some form of higher technical education is of such great importance that it can only be dispensed with in exceptional cases.

It is desirable to establish a test of the knowledge possessed by applicants, but this may be difficult in small countries where the number of possible applicants is small.

F. The reply to (a) is in the affirmative, if equal with men as regards training and ability. The reply to (b) is in the affirmative; the reply to (c) is in the negative.

G. The reply is in the affirmative. Factory inspectors should when making inspections confer with the workers' committee or representatives chosen by the workers.

H. The reply is in the affirmative. Of course it is necessary to co-operate with the police, but the factory inspector should supervise the due observance of the law with regard to the protection of labour.

In Norway there is a local factory inspection branch in every municipality. The officials of this service are chosen by the municipality.

Local inspection is carried out under the guidance and control of the State factory inspectorate.

In countries where the population is scattered and distances are long it is necessary to have local inspection branches.

POLAND

The reply of the Polish Government is as follows :

A. In accordance with the answer given to the preliminary question inspection should in principle be uniform and under a single central authority.

B. The existence side by side of a number of different inspection services independent of each other for different classes of work or different duties gives rise to divergent conceptions of labour questions and prevents uniformity in the social policy of the State.

The secrecy which is necessary as regards plant and manufacturing processes in establishments connected with national defence might be ensured by a very careful selection of the inspectors for areas in which these establishments exist. These inspectors should be appointed in agreement with the War Ministry.

C. Nevertheless, the general rule should allow certain forms of work or certain classes of provisions of the law which are of a technical character to be excluded from the scope of the ordinary inspectors' work, their supervision being assigned to special inspectors. Such exceptions are :

(a) classes of work which extend beyond the inspectors' districts, for example inland navigation, organisation of the supervision of laws regulating the work of seamen on inland waters, so far as such laws exist, being very complicated;

(b) within the inspection districts, special inspectors might also deal with questions of industrial hygiene, these questions being of a different nature and requiring special qualifications.

As regards their organisation within the inspectorate, all special inspectors should be under the Inspector-General. Those among them who have to supervise a particular class of work throughout the country or over any considerable portion of it should work directly under the Inspector-General. Hygiene inspectors should work under the local inspectors, but should have such independence as their special functions require.

D. (1). The inspection service should undoubtedly be under the Ministry of Labour.

The system previously applied by which the inspectorate was placed under another Government Department, for example the Ministry for Home Affairs or the Ministry of Industry and Commerce, was based on the theory that labour problems are only a sub-division of the police and economic functions of the State, having no distinct character and not requiring different methods of work. The result of this theory in some countries, for example in Russia, has been that the inspector has become a police official incapable of understanding the

real importance of the work of inspection. Recent years have shown that labour problems constitute a separate and complicated division of public life. They require their own administrative machinery with a staff possessing special qualifications and employing methods of work suitable to the objects in view. This has been recognised in Poland since its reconstitution, and the inspectorate has been instituted, and exists, as one of the most important administrations under the Ministry of Labour and Social Affairs.

(2). It would seem that the institution of a number of intermediate grades in the inspectorate is best calculated to facilitate the carrying out of the inspectors' many duties. The superior grades might deal with appeals, and would have to supervise the work of the other grades which directly supervise the enforcement of labour legislation.

The system of Parliamentary responsibility, with the changes in Government and consequently in the Minister of Labour who is the head of the inspectorate which it involves, might adversely affect continuity and uniformity in the administration of the inspectorate, as well as the effective working of its officials. In order to avoid these results it is desirable to centralise inspection under an Inspector-General who would act as intermediary between the inspectorate and the Minister.

In Poland the inspectorate consists of the Inspector-General, divisional inspectors, and district inspectors who are sometimes assisted by sub-inspectors.

The whole territory of the State is divided into 12 areas (divisions), which include 71 districts. The 12 divisions were marked out on the proposal of the Inspector-General by the Minister for Industry and Commerce and the Minister for Agriculture and State Lands.

District inspectors directly supervise the enforcement of laws regulating labour within their districts. They are directly subordinate to the divisional inspectors to whom they submit reports on their work. Divisional inspectors supervise the work of the inspectors within their divisions. They are directly subordinate to the Inspector-General, to whom they submit regular reports on the work of the inspectorate in their divisions. The Inspector-General is the head of all the inspection officials. He supervises and directs their work. He is directly under the Minister of Labour and Social Affairs, to whom he submits an annual report on the work of all the officers under him.

Appeal against the district inspector's decision can be made to the divisional inspector within 14 days from the date on which the decision is communicated to the employer concerned. Where the laws allow an appeal from the divisional

inspector's decision, such appeal must be made within the same period to the Minister of Labour and Social Affairs, whose decision is final.

The divisional inspector is the only intermediary for correspondence and general relations between the inspectors and the secondary administrative authorities.

E. If the service is to work regularly and the Government is to be certain that the laws are justly interpreted and understood by the different classes in the community, the selection of a suitable staff is of the greatest importance. How far the laws regulating labour are understood depends in a large measure on the conscientiousness and ability with which the inspectors apply themselves to their duties and on their tact and moderation in carrying them out.

(a) It is undoubtedly essential that the inspectors should have had a higher education. Higher technical studies in particular ensure that a candidate possesses a knowledge of technical equipment and machinery in general.

(b) Experience shows that purely theoretical education is often inadequate. Besides having a higher technical degree, an inspector should know all the details of manufacturing processes, or, in other words, should have had practical experience. In order to acquire this experience, it is desirable that an inspector should, during his training, work through all the stages of manufacture, so that he may come into close contact with the working classes.

In countries where, as in Poland, a uniform inspection service exists for all classes of wage-earners, but where for certain reasons it is impossible to have in each district inspectors who are specialists for industry, commerce, agriculture, etc., the question of the qualifications to be demanded of candidates is particularly difficult to solve. In view of the limited number of inspectors in Poland, the following system is at present applied in the distribution of inspectors: inspectors who have studied at an agricultural college are appointed to posts in agricultural districts, and engineers are appointed to industrialised districts.

(c) In addition to his professional education, an inspector needs some knowledge of law and social science. He must, in the first place, have a knowledge of the social legislation in force in his country. He must understand contemporary political movements, the trade union movement as a whole, and he must, above all, know the organisations of workers and employers in his own country. Unfortunately these subjects are not taken into consideration in technical schools, even in the higher technical schools, where the instruction given in these subjects is not adequate for the training of inspectors.

It is necessary, therefore, to fill this gap in the theoretical training of inspectors.

In Poland candidates for posts as inspectors have to pass tests before a Commission composed of representatives of the polytechnic school at Warsaw, of the Ministry of Industry and Commerce, the Ministry of Agriculture and State Lands, and examiners in the preparatory courses organised for the purpose. These courses include social legislation, factory law, industrial and occupational hygiene, safety, administrative law, organisation of inspection, social insurance, trade union movement, labour statistics, organisation of agriculture, industry and commerce in Poland.

(d) Finally, in selecting a staff for the inspection service, it would be of the greatest importance to give special consideration to the moral qualities and character of the candidates. Integrity and loyalty to the State are qualities generally demanded of all State officials. The inspector who regulates the relations between two large social classes on whom the normal course of economic life depends should possess these qualities more than any other official. Moreover, he should know the needs of the working class and its importance as a social force.

F. (a). Seeing that there is a general tendency towards equality in political and social rights between men and women, it would be only right to admit women to the inspectorate on an equality with men, if they fulfil the same conditions as men.

(b). Women who do not possess the required technical training cannot inspect large factories as is done by male engineering inspectors. They may, however, render useful service in supervising the enforcement of provisions relating to hygiene and other provisions dealing with the work of women and young persons of both sexes in establishments employing such persons. Thus, the collaboration of women inspectors can be of great value in the textile industry where women constitute the half and sometimes the majority of the workers employed, in the clothing and food industries, in commercial establishments and banking houses.

(c). It would therefore be desirable that each inspection division in which a considerable number of women are employed should have one or more women inspectors authorised to give their assistance in all questions concerning the work of women and young persons.

Women inspectors should be subordinate to the higher authorities in accordance with the general rules for the administration of the service. They should be selected on the conditions indicated in the reply to question E, special consideration being given to their moral and intellectual qualities.

G. At a certain political, social and intellectual level of

the working classes, it would be desirable to call upon representatives of the workers, particularly those whom a long period of work in the same industry has made familiar with the conditions in that industry, to collaborate with the inspection service. The Inspector-General should have the power to appoint and dismiss workers' assistants. Candidates should be nominated by the trade unions, because this would ensure that the persons among whom they would have to work would have complete confidence in them. The essential condition is that the trade unions concerned should be important and well organised.

The duties of workers' assistants would be to ascertain the inadequacy of protective measures in establishments and to inform the inspectors.

It would be desirable to have women workers' assistants in the same way.

H. If inspectors are to carry out their work they must have adequate assistance from the police authorities. Such assistance should not be given only in purely formal and technical matters, for example in transmitting invitations or orders, intervening in serious disputes between employers and workers, etc. In addition to such functions, the police authorities, which are responsible for maintaining public order and ensuring the safety of the general public, often ascertain breaches of the provisions of the laws concerning conditions of labour and should be required to report such cases officially to the inspectors.

The assistance which the police authorities can give to inspectors depends in a large measure on the individual value of the police staff and on the effectiveness of its organisation. It would be desirable to restrict their assistance to strictly formal work when the police authorities are not able to carry out the functions indicated above satisfactorily, seeing that the work of the inspection service might be interfered with and its prestige in the eyes of the parties concerned damaged by incompetent intervention in questions as complicated as those concerning labour.

It is impossible to indicate in this reply the different ways in which the inspection service might collaborate with the other administrative and local authorities. Such collaboration presents different aspects in different countries according to the character of their administrative organisation and their local authorities.

Nevertheless, the independence of the inspection service on which emphasis has been repeatedly laid in the present reply to the Questionnaire should not be interpreted as meaning its isolation from other public work. On the contrary, inspectors in carrying out their duties should remember that they

are only a part of the machinery of the State, inseparably bound up with all the other parts, which can only work effectively if all are completely co-ordinated and in harmony.

SERBS, CROATS AND SLOVENES

The reply of the Government of the Kingdom of the Serbs, Croats and Slovenes is as follows:

A. It would be desirable to organise a single inspection service for all classes of establishments coming within the scope of the laws regulating conditions of labour and for the enforcement of all these laws. This method would simplify the inspection service, particularly from the financial point of view.

B. It is not desirable to organise special independent services for certain classes of establishments. It would be sufficient to employ special officers for the industries in question under the local branches of the inspectorate in districts where any of these industries is specially developed (mining, agriculture, etc.). These officers should work under the supervision and direction of the branch of the inspectorate to which they are attached.

Special inspection services might be organised only for very special classes of work, such as the mercantile marine and railways, but they should be placed under the central factory inspectorate and should work upon the same principles as the general inspectorate. Provision for special inspection services of this nature has been made by recent legislation in this country, (1) for maritime and inland navigation, (2) for railways owned by private companies, and (3) for home work and the protection of workers under 18 years of age. At present only the special service for maritime and inland navigation has been established.

C. The enforcement of certain provisions of the law which are of a technical character (e. g. hygiene, electrical installations, etc.) should be entrusted to special officers working under the central inspectorate; their functions would be to advise the local branches of the inspectorate.

D. The number of sub-divisions of the inspection service should be in proportion to the number of administrative areas and to the size of the undertakings subject to inspection, taking into consideration the railway communications available, upon which the success of the factory inspector's work depends.

(1). The inspection service should be under the Ministry of Social Affairs or some similar Ministry (Ministry of Social Welfare, Ministry of Labour, etc.), or, where there is no special Department for industrial and labour questions, the Ministry of Commerce and Industry.

(2). The staff of inspectors should be placed directly under a central administration under one of the above-named Ministries; this would render administrative procedure more uniform.

E. Inspectors should be recruited from persons with technical qualifications who have passed at least three or four years in a Government service dealing with questions within the scope of the inspection service.

For the classes of establishments referred to under B inspectors should be recruited entirely from persons with special knowledge of labour conditions in the establishment or industry in question.

F. (a), (b) and (c). Women might be employed in the inspectorate mainly in administrative posts; they might also be employed upon the inspecting staff, i. e. as women inspectors, to supervise conditions of labour in establishments where the majority of the workers are women.

G. Representatives of the workers may be called upon to take part in the supervision of the enforcement of the laws regulating conditions of labour. They might collaborate with the inspectors by communicating to them any matters requiring their attention as well as information as to defects in working conditions or as to technical irregularities which need remedying.

H. The inspection service must be afforded the assistance of the ordinary police authorities, especially when the employer obstructs the inspector in the carrying out of his duties, and also when requests to appear before the inspector are not complied with and fines are not paid, etc. The assistance of the police authorities in cases like these would contribute to enhance the authority of the inspection service.

SOUTH AFRICA

The reply of the South African Government is as follows :

A. For the reasons already given, it is not considered desirable to organise a single inspectorate for the supervision of all classes of establishments coming within the scope of the laws regulating conditions of labour and for the enforcement of all these laws.

B. The conditions of work in the classes of establishments enumerated under this heading and the legal enactments governing their supervision vary to such an extent that it would be difficult to include them under one supervisory service.

The training required, though common in some particulars, differs so largely that an interchange of inspectors would be practically impossible.

It is considered that separate services are required for the following establishments :—

- (1) Industrial, including State industrial establishments and commercial establishments.
- (2) Mines.
- (3) Agricultural.
- (4) Mercantile Marine.
- (5) Railways, but the repair shops etc. should fall under (1).
- (6) Establishments connected with national defence.

C. The factory system now established in all industrial countries has resulted in specialisation. In addition to this it may be said that factory inspection has become a science requiring specialists in many of its branches: ventilation, industrial fatigue, electricity, disease, etc.—all have special problems to be solved, and it is considered, therefore, desirable and necessary that there should be special inspectors to deal with particular subjects and industries.

The co-ordination of information, the prevention of overlapping and the ready interchange of experience and knowledge are of such importance that it appears highly desirable that the officials engaged in special inspection should form part of the general supervision and be grouped together under one central authority.

D. (1). The grouping of affairs under State Departments varies to a very great extent in different countries, but it would appear desirable that the supervision of inspection of factory and labour laws should be grouped together under a Government Department dealing with Home Affairs. The tendency for Government Departments to work in water-tight compartments may be overcome to a large extent if the administration of inspection work is gathered under one central authority which creates and is responsible for the Government's policy.

(2). The most convenient form of administration would appear to be the one contemplating intermediate grades, permitting of promotion as experience increases from one to another, with a central authority to direct and co-ordinate. The territorial system of distribution appears to be the most commendable, with inspectors and assistant inspectors allotted to certain areas under a superintending inspector. By this means it is possible for inspectors to become thoroughly acquainted with industries under their control, the employers and operatives, and to curtail travelling expense. In large countries with scattered areas much valuable time is lost and expense incurred unless a territorial system for ordinary inspection is adopted. It is likely that special inspectors may be required to work on a basis of industries with unlimited areas, but these should be the exception.

E. This may be considered to be one of the most important

questions as it is upon these two matters that successful supervision depends.

Factory inspection should be looked upon and treated as a profession. Its course of training should be rigid and searching, and a high standard of personal qualities, in addition to educational qualifications, should be demanded. There should be a vocational test, as the duties require enthusiasm, confidence and self-reliance, with a disposition which can command the trust and confidence of all grades of persons with whom the inspector is brought in contact.

The result of a demand for high character and attainments must be the regard and respect of employers and operatives. Both parties will appreciate that inspectors are well-trained and understand conditions, and will be the more ready to accept their decisions and advice with respect and attention.

It is considered that, in the first place, candidates should be required to pass a strict personal test, and, second, that their training should be conducted on scientific lines embracing subjects such as administration, economics, sanitation, hygiene, the principles of mechanics, etc.

F. The great war opened practically all fields of labour to women, and they are found in all departments of labour, skilled and unskilled. It has been found that women inspectors are capable and enthusiastic, and, provided they receive the same training, possess the same attributes, it is considered that no distinctions should be shown.

With a limited staff, it is most convenient to use men and women to carry out inspection of all classes of factories indiscriminately, but the question of seniority is one which may cause complications in the higher ranks. This, however, is not considered to be an insurmountable difficulty.

G. The co-operation of trade unions or other trade organisations with factory inspectors is of great importance, as unless this is forthcoming the work can only be partially effective. It is not considered desirable that these organisations should take any active part in the actual supervision for reasons which are obvious. One of the methods adopted in South Africa to obtain co-operation has been the appointment of Advisory Committees from the different trades unions to work with the district inspector. Complaints are referred to these committees, advice obtained from them, and workers are encouraged to use them for obtaining redress or enquiry into grievances. The system has led to better understanding and appreciation of points of view, it has acted as a buffer between individuals and inspectors, it has given a feeling of security from victimisation and has imposed a sense of responsibility on the unions which was not met with before. All regulations before being promulgated are submitted to the unions concerned for comments and

advice, and much valuable information and assistance has been obtained.

H. It is considered desirable that there should be complete understanding between all these authorities. In the case of the Police, so that the bulk of the detection of infringements may be carried out by them, thus relieving the inspection staff from this invidious duty and affording them more time for the higher functions of their office. In the case of the local authorities it is highly essential that there should be the closest co-operation and collaboration in order that the work of each shall dovetail in with the other. Questions of sanitation, hygiene, fire protection, etc. are of great importance to local authorities as well as to factory inspectors and unless these authorities are in close and constant touch, overlapping, with the consequent irritation, is bound to occur. The practice in South Africa is to leave domestic questions of sanitation, fire escapes, etc. to the municipal authorities, where municipal bye-laws exist, and to act in conjunction with the local authorities in all other cases.

SWEDEN

The reply of the Swedish Government is as follows:

A. The answer is in the affirmative. Inspection should be carried out under a single organisation uniformly administered. Within this organisation, however, the individual branches of the inspectorate could vary among themselves according to the local requirements.

B. The answer is in the negative. As has already been indicated under A, the different branches of the inspectorate should be under a single administration. Seeing, however, that it may be found very useful in some instances to employ the services of highly qualified specialists and that it is desired to make the best possible use of the experience and knowledge of the staff, it would appear advisable to distribute the different establishments referred to in the question among the various branches of the inspectorate available, all these branches of course being under the general administration. It may be added that experience in Sweden in this matter shows that State industrial establishments, including those connected with national defence, can be supervised by the general inspectorate without any difficulty.

C. In principle it seems preferable not to employ special inspectors for the supervision of the enforcement of the provisions of the law referred to in the question, seeing that otherwise a single establishment will be under the supervision of several

inspectors, and this might inconvenience the employer and lead to disputes between the inspectors.

As to the question whether special inspectors should be entrusted with the supervision of certain provisions of the law relating to hygiene, it should not be forgotten that the assistance of a doctor is sometimes necessary in these matters. On the other hand, in view of the doctors' inadequate knowledge of technical matters, it appears inadvisable that they should have independent charge of hygiene supervision. It is considered that their part should simply be to investigate hygienic conditions and to furnish suggestions and advice to the ordinary inspection services when required.

If special inspectors already exist, whose services may perhaps be justified in some instances by special technical or administrative considerations, they should always be included in the general organisation, which should itself be under a single administration. These special inspectors and the ordinary inspectors should both be kept informed through suitable channels of any measures taken by either branch affecting establishments which both have to supervise. Differences between individual inspectors should be referred to the higher authority to which they are both subordinate.

D. (1). The factory inspectorate should be under the Ministry responsible for dealing with social affairs.

(2). As has already been indicated, it is sometimes desirable, in order to make the best use possible of the qualifications of the staff, to assign the supervision of certain work places of lesser importance or which are relatively easy to supervise to officials possessing simply ordinary qualifications. Such officials might with advantage be placed under the supervision or direction of more experienced officers. Apart from this particular instance, it is not considered necessary, from the special standpoint of the protection of the workers, to have intermediate grades. It is felt that the existence of close relations between the different branches of the inspectorate and the central administration to which they are subordinate is of a nature to encourage these branches to take a greater interest in their work and at the same time to furnish the central administration with the best information concerning the inspecting staff, its work, and the general situation throughout the country as regards the protection of the workers. On the other hand, if the question is considered simply from the administrative point of view, it is obviously possible that in some States possessing a large staff of inspectors the institution of one or more intermediate grades between the central administration and the inspectors properly so called might be perfectly justified.

E. It is considered that particular importance should be attached to the practical competence and experience of candi-

dates. Applicants for a post as factory inspector should therefore have to show that they had spent a considerable period of training in some branch of activity more or less closely associated with factory inspection work. Moreover, special courses should be organised for training in the technical side of the inspectorate's functions and in other special subjects in which future inspectors might have to work. Every candidate for a post as factory inspector should have to pass certain tests. At the same time, where several candidates are competing, it would not seem that the results of these tests should in themselves be decisive. A real importance should also be attached not only to the certificates given to the candidates in the positions which they previously filled but also to their personal qualities.

F. It should be pointed out at once that wherever women come up to the qualifying standard established for admission to the inspectorate they should be put on a footing of absolute equality with men so far as concerns the posts in which they may be employed and the privileges associated with them. On the other hand, the posts referred to under (b) and (c) have been created more especially for the supervision of women workers and should, it would seem, be exclusively reserved for women. Women inspectors should, in particular, be detailed to supervise establishments employing any considerable number of women workers, without, it is considered, any minimum number being fixed. It is not considered necessary to restrict the employment of women inspectors to dealing with certain special classes of establishments.

G. In the light of experience in Sweden it is considered that it may be affirmed that representatives of the workers may very well collaborate with the factory inspectorate in the way indicated. As to the methods to be followed, it seems preferable that the workers' representatives should be specially appointed for the purpose, so that their functions as representatives of the workers are not subsidiary to some other responsible work. Moreover, it appears advisable not to restrict unduly the term of office of such representatives, in order that they may be given time to become familiar with the problems of the protection of the workers. Each workplace and, in specially important establishments, each section forming a separate unit might, it would seem, have two representatives. On their visits to workplaces inspectors should give these representatives the opportunity to notify any complaints they have to make regarding conditions of work. It would also seem desirable that inspectors should maintain touch with the workers' representatives even during the intervals between their visits. In countries where works committees or similar bodies normally exist, the position, of course, is somewhat different.

H. The answer is in the affirmative. Probably the police and other authorities referred to should not take part in actual visits of inspection, not but what it would seem that their help should be available if necessary to assist the inspectors in carrying out their work. Thus, for example, enquiries into any particular abuse might, it is considered, be entrusted to the police authorities. Similarly, the police authorities and probably other authorities might, if necessary, notify the inspectors of certain abuses affecting the protection of the workers which come to their notice in carrying out their own duties. In this connection it would appear that State medical officers could furnish useful indications as to the existence of occupational disease. In the same way the educational authorities might inform the inspectors as to the employment of young persons.

SWITZERLAND

The reply of the Swiss Governments is as follows:

A. As is indicated in the reply to the preliminary question the Federal factory inspectors are not of opinion that common principles should be recommended for the supervision of the enforcement of the laws concerning conditions of labour. They do not accordingly consider it desirable to organise a single inspection service for all the classes of undertakings included in the scope of these laws. In particular, they see no advantage in entrusting the same official with the inspection of all classes of undertakings.

The Swiss Federation of Trade Unions points out, on the other hand, that the spread of the use of machinery to the different branches of industrial activity has led to considerable similarity in the risks encountered and consequently in the means of prevention. The Federation therefore recommends the centralisation of the whole of the work of inspection in a single service.

B. The inspector should have a thorough knowledge of the establishments which he is required to inspect, and it would appear that this knowledge cannot be better secured than by the decentralisation of the inspection service. It will perhaps be desirable to have special inspectors for each branch of economic activity affected by the laws for the protection of the workers (e. g. factories, railways, navigation, mines, commerce, home work, etc.).

The Swiss Federation of Trade Unions points out that it cannot express an opinion in favour of this system on account of the expense which it would entail.

C. Except for reasons of an administrative nature to the contrary it may be advisable to entrust to special inspectors the application of certain provisions of the law which are of a technical character. This is done in Switzerland in the case of steam boilers, electrical installations, acetylene, etc. Hygiene, on the other hand, is included in Switzerland among the usual functions of the Federal factory inspectors.

D. It is desirable that the various inspection services should be in constant touch with each other. The question whether they should be brought directly under the central administration or whether intermediate grades should be instituted must be decided according to the conditions obtaining in each particular country. What is suitable for one country may not be suitable for another. *It would therefore appear preferable not to attempt to introduce uniformity in these questions of detail.*

E. Here again it is difficult to lay down rules for general application. Good general education, practical knowledge, and perhaps a period spent in industrial work, will constitute sufficient preparation.

It will also be useful to employ experienced ex-officials to give new inspectors a preliminary training in their duties. Lastly, it is clear that in special branches of factory inspection technical knowledge is essential.

F. The Swiss Government has no objection on principle to the employment of women as factory inspectors.

The extent to which they should be employed as well as the methods to be followed are questions which depend on the functions assigned by law to the factory inspectorate.

There is no reason for placing women in a different position from that occupied by male inspectors with regard to salaries, holidays, pensions, etc.

G. The answer is in the affirmative. The workers themselves may take part with advantage in the supervision of the enforcement of the law, e. g. by bringing to the notice of inspectors or other authorities defects in their application which they ascertain. The same observation applies to secretaries of workers' organisations. Moreover, works committees in industrial establishments may lend considerable assistance in securing the observance of legal provisions for the protection of the workers. Lastly, qualified persons may be found among the workers who are capable of rendering valuable service as officials of the factory inspectorate.

H. The co-operation of local authorities appears indispensable. It does not appear possible to organise factory inspection in such a way that it can exercise effective, permanent and simultaneous supervision in every district in the country.

CHAPTER II

GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS

Preliminary Question.

The Questionnaire communicated to the Governments gave (see pages 11-12) some indication of the considerations which led to the insertion of a preliminary question. The French and English wordings adopted by the Governing Body for the subject on the Agenda of the Conference do not exactly coincide. *Inspection du Travail* covers inspection in all branches of activity, whereas "factory inspection" only refers to industry, or perhaps, in the strice sense of the expression, only to manufacturing industry.

As a matter of fact, although the Governing Body spontaneously and in good faith unanimously adopted two wordings which were not strictly equivalent, there is little doubt but that both the French-speaking and the English-speaking members had in mind rather the essential principles of inspection in general than the special conditions of supervision for the different forms of economic activity. It is none the less clear, however, that a serious difficulty arose as soon as the question was approached, and that, unless steps are taken to deal with it, this difficulty may prejudice the discussion at the Conference.

In the Questionnaire an endeavour was made to remove this difficulty by approaching it simply from the standpoint of fact. The real problem is whether it is pos-

sible to indicate general principles which hold good for all forms of activity or whether there are differences of such a nature that it would be necessary to examine the question of inspection in industry separately before dealing with inspection in commerce, mines, railways, etc.

The preliminary question was intended to elicit the opinions of the Governments on this question.

An examination of the replies of the different Governments may perhaps help to show whether the difficulty referred to above has been solved.

Of the 23 Governments which have replied to the Questionnaire 21, i. e. excluding the provincial Governments of Nova Scotia and Saskatchewan, have replied to the preliminary question. 16 of these Governments indicate that it seems to them possible and desirable to indicate common principles for the supervision of the enforcement of laws for the protection of the workers in all branches of economic activity—Austria, Belgium, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, Hungary, Italy, the Netherlands, Norway, Poland, Kingdom of the Serbs, Croats and Slovenes, Sweden and Switzerland.

On the other hand, 4 Governments, i. e. the Governments of Brazil, Great Britain, India and South Africa, as well as the provincial Government of Manitoba, have replied in the opposite sense.

If, therefore, the question could be dealt with by a simple rule of majority, i. e. by the number of affirmative as against negative replies, it would be settled. A closer examination of the replies, however, shows that these ayes and noes have different shades of meaning. It may perhaps be possible to dissipate any misunderstandings and secure agreement by considering a certain number of points in the replies.

Of the Governments which are in favour of the adoption of common principles for inspection in all forms of ac-

tivity only four, i. e. Belgium, Poland, Kingdom of the Serbs, Croats and Slovenes and Sweden, have not accompanied their reply by any further comments.

The other Governments have pointed out that in their opinion the establishment of common principles could not preclude the application of certain special rules or detailed measures to meet the requirements of certain forms of industry or certain classes of establishments. The replies of Czechoslovakia, Esthonia, Finland and Hungary, for example, are in this sense. The German Government considers that, if necessary, it would be possible by means of special regulations to take account of the particular conditions in the mining industry, and the Netherlands Government replies that supervision of the hours of work of the staff employed on the running of railways and tramways connecting one district with another and supervision of underground work in mines should be excluded from the application of the common rules. The Italian Government, while agreeing that it is desirable to indicate common general principles, considers that these indications should be restricted to certain general principles and that no special rules should be formulated. The reply of the Norwegian Government contains the statement that "it is necessary to draw up special rules for controlling the various forms of activity but these rules must be based on and be in due accordance with the general principles." Similarly, the Austrian and Danish Governments express the opinion that the general principles would have to be adapted to the different forms of activity.

Conversely, the British and Brazilian Governments, although considering that the general principles which it is desired to indicate for inspection in all forms of activity would be far too vague or would be of no practical utility, nevertheless recognise that such common general principles exist.

The replies to the other questions contained in the

Questionnaire show, generally speaking, that all the Governments have some apprehensions and pre-occupations in common in their attitude to the preliminary question. The fact of the matter is that in all countries inspection was first instituted for industry. It is the general conditions of manufacturing industry which have led to the establishment and definition of the first principles of inspection. When inspection is spoken of in a general sense it is the system of inspection in industry which first comes to mind. In instituting an inspection system for any other form of activity no State has considered it desirable to model the new system on lines specifically at variance with the standard adopted for inspection in industry. The preliminary question would therefore seem to have been almost useless if it had not contributed to remove the initial difficulty which unfortunately subsists.

But, if inspection in industry is taken as a model in all countries, why not indicate that the Conference will only deal with this question ? This would seem to be what the British Government wishes to propose. This solution, which would seem to have the advantage of clearly defining the subject, may, however, be open to the objection that it might be difficult to decide how far the process of definition should be carried.

The French Government has pointed out that supervision of the laws regulating labour in maritime navigation, inland navigation and railways could not be governed by common principles applicable to the supervision of other establishments and has also stated as regards agriculture that the experience available would appear to be too short and too scanty to allow of indicating at the present stage any general principles for inspection in this form of activity. The French Government further expressly indicates that its replies to the Questionnaire should be considered as applying only to inspection in industry and commerce. Nevertheless, it is to be noted that the French Govern-

ment has included industry and commerce under one heading.

Similarly, in Great Britain, if the strict meaning of the word "factory" is kept in mind, it cannot but be recognised that differences may exist between manufacturing industry and the building industry or work at the docks, all of which spheres of activity, however, are dealt with by "factory inspection".

Moreover, a number of States, in contradistinction to Great Britain, give their inspection services a sphere of action which covers considerably more than industrial undertakings only. The general application of principles established by the Conference only for inspection of factories to the inspection services in these States would probably tend to create some confusion.

To repeat, it is clear that no difficulty has been raised in replying to the substantial questions contained in the three parts of the Questionnaire which follow the preliminary question. In dealing with these questions the Governments have not been disturbed by the preliminary question. It is therefore considered that there might be objections to endeavouring to restrict the scope of the question before the Conference by a preliminary vote of the Delegates at the beginning of the Session. The Conference might, however, in deference to the reasons of expediency which the British Government has indicated, decide before going any further that it would not deal with any of the special problems raised by inspection in mines, railways, mercantile marine, etc. but that it will simply define the general principles of inspection. It will probably consider that it is inspection in industry which is the origin and basis of the general principles so laid down. It is, however, considered that such principles, whether they affect the inspectors' right of entry, their administrative or judicial powers or their recruitment and training, can be defined in such a manner that, though based on the experience

of inspection of industrial undertakings, they may be useful for other kinds of inspection. In any case, if it appeared impossible to secure unanimity on this point and if the question were raised of expressly restricting the discussions of the Conference to inspection of factories (and this would perhaps have required different preparation and a different Questionnaire), the Office would venture to suggest to the Conference that in view of the short duration of its Session it should restrict its discussion of this preliminary question.

In any case, the Office ventures to propose that the Conference should solve the preliminary question by unanimously accepting the formula which has been inserted in the draft text of a Recommendation which is submitted for its consideration.

I. SPHERE OF INSPECTION.

In endeavouring to determine what should be the work of inspection, i. e. to define clearly its sphere of action as regards the nature of the work which should be entrusted to it and the character of the provisions of the law whose enforcement it should supervise, a number of questions arise which spring from three guiding ideas.

(a). What should be the principal work of the inspectorate ?

(b) Should the inspectorate have to carry out other additional work ?

(c). If so, what work?

The first part of the Questionnaire was drawn up on these lines and it is proposed to analyse the replies of the Governments in this order.

{a). *Principal work of the inspectorate.*

As was indicated in the Questionnaire, there are, to begin with, a number of provisions the supervision of which constitutes the normal work of inspection in all countries and the determination of which cannot give rise to any controversy. These are the provisions of the laws or regulations which aim at protecting the workers while carrying on their work, i. e. provisions concerning the regulation of work (hours of work and rest, nightwork, prohibition of the employment of certain persons on dangerous, unhealthy or physically unsuitable work) and provisions relating to the hygiene and safety of the workers.

The replies of the Governments confirm the suggestions made in the Questionnaire in this connection and, on the whole, are very homogeneous in character. All the Governments without exception include these provisions among those which it is the primary work of inspection to supervise.

Should the primary work of inspection, however, be restricted to this class of provisions for the protection of the workers, or should it be extended so as to include the supervision of certain provisions which aim at protecting the worker outside his work? Under this heading the Questionnaire referred to laws concerning the fulfilment of the terms of engagement of workers which involve penalties (notice before dismissal, payment of wages, etc.) and also to social insurance laws, which it is the practice in some countries to include in the work of the inspection service.

Although there is some variety in the opinions of the Governments on this question, the conclusion may be drawn from the replies that, on the whole, the Governments would appear to be in favour of restricting the work of inspectors to the supervision of provisions for

the protection of the worker at his work. The replies of the Danish, Finnish, British and Indian Governments are expressly in this sense, and the same observation would seem to apply to the reply of the Polish Government. The French and Swiss Governments reply that inspection should deal with the enforcement of laws for the protection of the workers, but give no further explanations.

At the same time, a number of Governments have also included certain forms of intervention in social questions among the principal duties of inspectors. The Belgian Government and the provincial Government of Saskatchewan, for instance, refer to the intervention of inspectors in industrial disputes, and the Swedish Government to the part they may take in questions concerning workers' dwellings. The Netherlands Government suggests that on account their knowledge of labour in general and of the influence of certain occupations on health inspectors should be called upon to assist in vocational guidance. The Czechoslovak Government considers that inspectors should also have to deal with the occupational education of young persons and that, as a general rule, they should also have to pay attention to the economic conditions of the workers, for example their housing conditions, as well as to their intellectual life.

It is clear, however, that these are simply individual suggestions which it would be difficult to take into account in the text of a Recommendation. Generally speaking, the Governments appear to be rather in favour of including intervention in social questions among the additional functions of inspectors.

It may perhaps be desirable, on the other hand, to take account in the draft Recommendation of some suggestions made by a number of Governments to the effect that it should be a function of inspectors to supervise certain

provisions which, while they could not be considered as protecting the worker at his work, are intended to ensure his protection in other matters affecting his work. In the first place, there is the supervision of provisions relating to methods of payment of wages, which is included among the principal functions of inspectors by the Governments of Austria, Esthonia, Hungary and Norway (the Austrian, Esthonian and Hungarian Governments, moreover, refer generally to all provisions relating to the engagement of the worker). There is also the supervision of provisions relating to the wages of men and women home-workers, to which the Governments of the Netherlands and Norway refer. Lastly, there is the supervision of social insurance laws, which is mentioned by Esthonia and the Kingdom of the Serbs, Croats and Slovenes.

The Conference will, however, perhaps consider that there is a distinction to be drawn between provisions concerning the protection of the wages of the workers (methods of payment of wages, minimum wages for home-work) and social insurance laws. The methods of paying wages is, in fact, as the Norwegian Government has indicated, one of the conditions of labour and as such should, it would appear, be under the supervision of the inspectorate. On the other hand, except perhaps as regards accidents, the idea underlying social insurance is something different from the protection of the workers in the strict sense of the word. Moreover, in countries which have a fully organized system of social insurance it has never been considered that the supervision of social insurance laws should be entrusted to the inspectorate. This work is in itself sufficiently exacting to justify the creation of special supervising officials. At the same time, there is no reason why the additional duties entrusted to inspectors should not include collaboration with social insurance authorities, and, as will be seen later, a number

of Governments would seem to be in favour of a solution in this sense.

(b). *Additional duties of the inspectorate.*

No Government is in principle against assigning certain additional duties to inspectors, although a number of Governments (Great Britain, India, the Netherlands, Norway, Sweden) have expressly formulated reservations as to the possibility or advantages of requiring inspectors to carry out supplementary duties. The British Government, for example, while recognising that this question must be solved in each case by the individual States in the light of the special conditions obtaining in their countries, nevertheless considers that in countries with advanced industrial development any additional duties which are assigned to inspectors can only render the carrying out of their most important work very difficult, if not impossible. In any case, the British Government, together with the French Government, explains that the additional duties should by their object be closely related to the inspector's principal work and adds that they should be such as could be carried out during the inspector's visits of inspection.

Generally speaking, all the Governments, including those which are expressly in favour of employing the services of inspectors on additional work, are of opinion that such work should not interfere with the carrying out of their principal duties by taking up too much of the time at their disposal for attending to these duties or by damaging their prestige with employers or workers.

(c). *Nature of additional duties.*

The Questionnaire divided the additional duties entrusted to the inspectorate in the different countries into two comprehensive classes : functions of technical

supervision or industrial police, and intervention in social questions.

(1). Technical supervision and functions of industrial police.—On the whole the Governments are not very much in favour of assigning functions of this nature to the inspectorate. Czechoslovakia, Esthonia, Great Britain, Hungary, India, the Netherlands, Poland and South Africa consider that such functions should be in the hands of special authorities.

The protection of the public against the dangerous or offensive effects of industrial establishments, for instance, is regarded as foreign to the functions of the inspector. At the most, the Hungarian, Indian and Netherlands Governments consider that the inspectorate might be called upon to give its advice if required. The French and German Governments, however, would appear to be of opinion that these duties might be assigned to the inspectorate. The French Government, for example, points out that, although there is no question here of the protection of the workers but only of the protection of the neighbourhood, there may be advantages in assigning the supervision of dangerous or unhealthy establishments to the general inspectorate, (1) because the technical knowledge required for the inspection of these establishments is of the same nature as the knowledge required for the supervision of provisions concerning the hygiene and safety of the workers, and (2) because employers are visited by one official only for the purpose of having their establishments inspected from two different standpoints—a result which is of a nature to facilitate the enforcement of both classes of provisions and to avoid the possibility of disputes between two different services.

A number of Governments (Austria, Brazil, Denmark, Germany, Italy, Norway and the Kingdom of the Serbs, Croats and Slovenes) also consider that the inspection and testing of steam boilers should be part of the work of the

general inspectors, because this is really a function which closely affects the protection of the workers. The Finnish Government is also of this opinion, but considers that the inspectors might be assisted by competent supervisors under their orders. On the other hand, all the other Governments consider that this form of supervision requires special technical knowledge which the inspectors do not necessarily possess, and that it would take up too much of their time, to the detriment of their principal work.

(2). Intervention in social questions. — The replies of the Governments in this connection reveal a very considerable diversity of opinion. The Government of South Africa is the only Government which formally states that, in order not to damage the prestige of the inspectors with employers and workers or the confidence placed in them by both parties, it is desirable to exclude duties of this nature from the work of the inspectorate. Some Governments, without expressly opposing the inclusion of intervention in social questions in the work of inspectors, simply state that they have no objection in principle against inspectors intervening in some of these questions (Denmark, Finland, France, Germany, Great Britain, Hungary, India, Italy, the Netherlands, Sweden, Switzerland). Other Governments are in favour of giving the inspectors at least some, if not all, of the duties mentioned as examples in the Questionnaire. There are, however, considerable differences of opinion as to the character of these duties which inspectors might carry out. In order to give a better idea of the difficulty of deciding on the desirability or undesirability of encouraging the collaboration of inspectors in social work and experiments, it is considered useful to give below under the heading of each of the additional duties mentioned in the Questionnaire a list of the

countries which are in favour of or against including these duties in the scope of the work of the inspectorate.

*Conciliation
in industrial
disputes*

For: Belgium, Czechoslovakia, Esthonia, Kingdom of Serbs, Croats and Slovenes (an important function); Hungary, Italy and the Netherlands (as little as possible); Germany (no objection in principle); Nova Scotia and Poland (necessary in the absence of arbitration institutions but not very desirable); Manitoba.

Against: Austria, Denmark, Finland, Great Britain, India, Norway, South Africa, Sweden and Switzerland.

*Collaboration
with public
employment
exchanges*

For: Manitoba, Norway, Poland—Esthonia, Germany, Great Britain (no objection in principle).

Against: Austria, Finland, Hungary, India, Italy, South Africa; the Netherlands (except for giving advice on questions affecting vocational guidance); Switzerland.

*Collaboration
with social
insurance
institutions*

For: Germany, Great Britain (no objection); Austria, Hungary (optional); Esthonia, Italy, Norway, Poland, Kingdom of Serbs, Croats and Slovenes, Manitoba.

Against: Denmark, South Africa—Czechoslovakia, Finland (except in case of accident insurance); the Netherlands, Sweden.

*Collaboration
in workers'
welfare work.*

For : Germany, Finland (function carried out by the women inspectors); Great Britain (no objection); Hungary (optional); India, the Netherlands, Norway, Kingdom of the Serbs, Croats and Slovenes, Sweden, Switzerland, Manitoba.

Against : Nil.

As may be noted, the Governments are specially in favour of the collaboration of the inspectors in workers' welfare work. Ten Governments have replied in favour of such collaboration or consider it desirable, and no Government has expressed any opinion against it. South Africa, which is against the inspectors taking any part in social work, has however, included collaboration in welfare work among their principal duties. This consensus of opinion is partly based on the consideration that in co-operating in such work inspectors would not appear to have to play the part of arbitrator and thus escape the danger, to which most of the Governments have drawn attention, of seeing their impartiality suspected or their prestige damaged in the eyes of employers or workers, and partly on the fact that the duties of the inspectors in this connection may be easily carried out during their visits of inspection (inspection of dwellings, baths, nurseries, hospitals, etc. adjoining establishments).

It is the fear of damaging the prestige of the inspectors which is the reason given for the opinions expressly formulated by a large number of Governments against any intervention by the inspectors in industrial disputes and against their collaboration with public employment exchanges.

Co-operation with social insurance authorities has not met with opposition to the same extent, but, on

the other hand, it has not been warmly recommended by a very large number of Governments.

Apart from the instances of intervention in social questions mentioned in the Questionnaire, the Polish Government indicates a number of duties which are at present carried out by the inspectors in Poland :—collaboration with commissions instructed to study fluctuations in the cost of living, registration of trade unions, supervision of provisions concerning the general and vocational education of young persons, presiding over commissions which fix minimum wages for home workers.

In short, it would appear that the Governments are on the whole not in favour of requiring the inspectors to carry out additional work of any nature whatsoever. The tendency would seem rather to be to allow the inspectors, if they choose, to undertake certain additional and clearly defined forms of work in so far as such work is compatible with the carrying out of their principal duties.

II. FUNCTIONS AND POWERS OF INSPECTORS.

The extent of the rights and powers with which inspectors should be invested in order to carry out their duties effectively depends on the administrative and judicial systems in the different countries and on the rules of common law regarding penal proceedings. The inspectorate as a public authority responsible for ensuring the observance of the law in a particular sphere of activity clearly could not have powers to investigate and take proceedings for breaches of the law wider than those assigned to other public authorities responsible for ensuring the observance of the law in other spheres of activity. There could be no question of giving the inspectorate prerogatives which would interfere with the principle of the separation of powers.

If, however, it is simply desired to define general principles without entering into the detailed measures which may be required by the particular circumstances in each State, it would appear that international rules might easily be established. In any case, this would seem to be the conclusion to be drawn from the replies to the questions included in the second part of the Questionnaire.

(a). *Right of entry.*

All the Governments without exception are agreed that the right of inspectors to free entry at any reasonable hour of the day or night into establishments under their supervision should be formally laid down by law. Practically the same formula is used in every country. The employer can have no right to claim that his factory shall be inviolable, and a number of Governments consider that the inspectors' right of entry should be sanctioned by penalties against employers who obstruct its exercise.

It would appear that no restrictions should be placed on the right of entry by night. Nevertheless, mention may be made in this connection of the formula adopted in Section 119 of the British Factory and Workshop Act of 1901. This Section, while giving a broad interpretation of the inspector's right to enter the establishments covered by the Act, qualifies this right as regards entry by night and endeavours to reconcile the necessities of the service with the right of the public to the inviolability of their homes during the night. It provides that the inspector shall have power "to enter, inspect and examine at all reasonable times by day and night" the establishments covered by the Act "when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop". The inspector can therefore enter an

establishment by day *even if no work is being carried on* at the time, provided that he has reasonable cause to believe that it is an establishment under his supervision. On the other hand, he cannot enter an establishment by night unless he has reasonable cause to believe *that work is being carried on* at the time. The same formula is suggested by the South African Government.

The only question which arises is whether the right of entry should apply to places which adjoin an establishment but are not workplaces. The Italian factory inspection regulations provide in Section 9 that inspectors must not enter places adjoining workshops, such as dormitories, refreshment rooms, etc. "unless they suspect that these places are used to violate the law or to conceal violations". On the other hand, Polish law accords a right of entry into all places for the use of the workers and belonging to the undertaking (workers' dwellings, hospitals, rest rooms, day nurseries, schools, baths, etc.), the only qualification being that the inspector can only enter workers' dwellings with the permission of the workers resident in them.

It is further agreed by the Governments that, as a corollary to the right of entry, inspectors should have the right to question the staff and other persons belonging to the establishment without witnesses and to be shown any registers, documents or books which the laws regulating labour require to be kept.

Similarly, all the Governments are of opinion that, as a counterpart to the right of entry, it is desirable to affirm the principle that inspectors must not disclose manufacturing secrets and working processes which may come to their knowledge in the course of their work. Most of the Governments, however, consider that a provision of the law *prohibiting the inspectors* under pain of disciplinary measures to disclose information which they secure during their visits of inspection may be regarded as adequate,

without there being any need to put the inspectors on oath.

Naturally the form which the obligation to maintain secrecy should take depends on the administrative and judicial practice in each State and even on the customs of the different peoples, and it may be sufficient to indicate in the Recommendation that the inspectors should be bound not to disclose manufacturing secrets or working processes.

(b). *Judicial powers.*

The question here is, properly speaking, not what are the judicial powers of inspectors for the repression of infringements of the law which they ascertain (juridical character of their complaints or reports, appearance of the inspector before the Courts as witness or expert, right of the Court to examine the facts, etc.), seeing that all these matters are dependent on the general organisation of the administrative and judicial institutions in each country and could not be defined in the Recommendation without perhaps disregarding the customs and traditions in a large number of countries. It is simply a question of indicating whether inspectors should have the right to bring directly before the Courts having jurisdiction breaches of the law which they ascertain with a view to having proceedings taken against offenders, or whether they should simply communicate their findings to other authorities (for example the police) whose duty it is to examine whether it is desirable or otherwise to bring the matter before the Courts. This is a general question on which it is not perhaps impossible to adopt a common principle, whatever may be the judicial organisation in the individual countries.

The opinions of the Governments are very much divided. A number of Governments (Finland, Norway, South Africa, Switzerland) consider that the inspector should simply be authorised to submit a statement of fact to another authority competent to decide whether pro-

ceedings should be taken or not. The Norwegian and South African Governments indicate that this authority should be the police. The Polish Government considers that inspectors should have the power to institute penal proceedings before the Courts, but that, in order to avoid putting too much work on the inspectorate, this power might be assigned to the police, who would take proceedings on the request of the inspector.

The majority of the Governments, however, including Brazil, Czechoslovakia, Esthonia, Germany, Great Britain, Hungary, India, Italy and the Kingdom of the Serbs, Croat and Slovenes, prefer to empower the inspectors themselves to institute penal proceedings before the Courts by bringing the matter directly before the Public Prosecutor.

Generally speaking, the Governments which are in favour of this system consider that inspectors are so familiar with the provisions of the laws and the technical aspect of the cases which arise that they have no difficulty in taking proceedings (Great Britain) and that this method is the simplest and most rapid (Italy).

This system, moreover, does not exclude the possibility of organising within the inspectorate a system of reference to superior officers prior to prosecution. The Brazilian Government, for example, suggests that the right to institute proceedings should only belong to inspectors in a certain grade. In France departmental inspectors send a copy of their report to the divisional inspector before communicating it to the *Parquet*. Similarly, in Great Britain the power of the factory inspector to undertake prosecutions is subject to the approval of his superior officers. In Italy reports are sent to the judicial authority by the district inspector to whom the local inspector reporting the breach of the law is subordinate. It may even be considered, as the Danish Government and the provincial Government of Manitoba sug-

gest, that it should be the inspectorate's headquarters itself which should take the decision for prosecution. These are, however, detailed measures which each State is free to prescribe itself.

Some Governments, including Belgium and France, it would seem, have not perhaps clearly understood the scope of the question concerned. These Governments indicate that the inspectors cannot set judicial action in motion because the *Parquet* alone can decide whether there should be any prosecution. It may be explained that it is not a question of deciding whether the inspectors can set judicial action in motion but whether they can themselves cause judicial action to be taken by reporting their findings to the *Parquet*—as is done in Belgium and France—in judicial form (report, *procès-verbal*), or whether, on the other hand, they must submit their findings to another administrative authority (for example, *préfets* or governors of provinces) or to a police authority which is to decide whether the case is to go to Court or not. As was indicated in the Questionnaire, the judicial powers of the inspector must depend on the organisation and administration of justice in each country, and the fact that inspectors can approach the Courts directly does not necessarily imply that the Courts are bound to prosecute if the judicial system leaves the Public Prosecutor free to examine whether the case should go forward or not.

(c). *Administrative powers.*

Independently of his power to bring to notice offences against the laws and regulations when it is clear that one of their provisions has been violated, the inspector in most countries is empowered, on the basis of the fundamental provisions of the laws and regulations, to order preventive measures to be taken with a view to removing any defects which he finds in the equipment, arrangement or working

of establishments. The questions contained in the Questionnaire in this connection dealt with the scope of this power and the juridical character of the orders which the inspectors may be called upon to issue.

All the Governments, except Belgium and Switzerland, which have made some reservations, are of opinion that it is desirable to lay down the principle that inspectors should be authorised to issue orders of this kind whenever the measures to be taken for the protection of the workers against accident or disease cannot be prescribed in the general provisions of the laws and regulations but must be indicated in detail according to the circumstances.

The opinions of the Governments are divided, however, on the question whether orders which are not disputed by the employer or which are confirmed by higher administrative authority should have the force of law, or whether, on the other hand, they should simply be considered as interpretations of the law, the Courts deciding in the last resort whether they must be obeyed.

The majority of the Governments are in favour of the first system. The Governments of Belgium, Brazil, Czechoslovakia, Denmark, Esthonia, Finland, Germany, Hungary, India, the Netherlands, Norway, Poland, South Africa, Sweden and the provincial Government of Manitoba are of opinion that the orders issued by the inspectors should take the form of injunctions, non-compliance with which within a given time should be considered *de plano* as an infringement of the laws and regulations in virtue of which the injunction is issued. Under this system there would be no occasion for any further examination of the facts by the Court, which would, as a general rule, simply have to verify the orders from the point of view of form.

At the same time, the Governments which are in favour of this method indicate that, in order to protect employers against any arbitrary or misjudged action, all injunctions

should be subject to appeal to the authority responsible for the uniform application of the law by the inspectors (Ministry, inspectorate's headquarters). Appeal would constitute a stay of execution and the measures prescribed would only have to be carried out if the injunction is confirmed by the appellate authority.

It is generally pointed out that this system would safeguard the principle of the separation of powers (Belgium), that the Courts are not sufficiently competent from a technical standpoint to decide whether any particular measure is indispensable for ensuring the health and safety of the workers, that in most cases the measures which have to be taken are such as must be applied as early as possible in order to avoid accidents, and that it would considerably delay their execution if an appeal could always be made to the Courts.

On the other hand, some Governments (Great Britain, Italy) are of opinion that the employer should have the right to appeal to the Court and that the Court alone should be empowered to examine the case. If the inspector finds that his orders have not been complied with, he can institute proceedings in the ordinary way, but the employer cannot be punished or required to carry out the measures ordered unless the Court finds that a breach of the law has really been committed.

The Finnish Government proposes a system which might in some measure reconcile the two methods under consideration. The inspector would first issue a warning which would be entered in a register kept for the purpose, but it would not be absolutely compulsory to comply with the order and there would be no right of appeal against it. The inspector would then issue an injunction in writing, which would be subject to appeal to a higher administrative authority, but which would have the force of law without having been previously referred to the Court for examination. This double procedure, however, has the

disadvantage of considerably delaying the execution of the measures ordered, a result which may involve some danger in urgent cases.

In short, it will depend on the administrative and judicial organisation in each country which of the two systems is selected, and the Conference may perhaps consider, accordingly, that it is not advisable to formulate any rigid principle. It will, however, probably wish to indicate in the Recommendation that, while it is desirable to protect employers against arbitrary action, steps should be taken to ensure that no delay is caused in securing the carrying out of measures which are often aimed at preventing immediate danger.

There is another administrative power of the inspectors which would appear to give rise to some controversy, i. e. the power to grant in certain given cases dealt with in the laws temporary exemptions from certain provisions regulating labour. The British Government, which considers that in order to ensure uniform enforcement of the laws throughout the whole country it is necessary that every employer should feel that he is being treated on the same footing as his competitors, is of opinion that to give each individual inspector the power to grant exemptions in particular cases would render impartial and uniform enforcement of the laws more difficult. The British Government, accordingly, suggests that the power to grant exemptions should only be in the hands of the central authority.

Perhaps the British Government, as well as the South African Government, which would also seem to consider that reference was made to a discretionary power, of the inspector, have not noted that the question is not to decide whether inspectors should be empowered arbitrarily to grant exemptions from the laws regulating labour—the exercise of such an arbitrary power would, it is clear, seriously prejudice uniformity in the enforcement of

the laws throughout the whole country—but to decide whether it is in the interest of a proper organisation of the supervision of the laws regulating labour that inspectors should be authorised to grant exemptions from the laws regulating labour, if these laws make provision for such exemptions. In other words, is it preferable that it should be the inspectors or other administrative authorities (*préfets*, police) who should have to reply to requests for exemptions made by employers ?

The Belgian and Swiss Governments consider that the power to grant exemptions should only be in the hands of the higher authority, which could, however, consult the inspectors before taking a decision. The South African Government is of opinion that, if inspectors are occasionally called upon to grant exemptions, their decisions should be confirmed by higher authority. Other Governments, which consider that the right to grant exemptions should in principle belong to the central authority, agree that the inspectors might be authorised by a delegation of power to accord exemptions in certain urgent circumstances (Hungary) or in certain cases of secondary importance (India, Norway).

With reference to the opinions expressed by these different Governments, mention should be made of the reply of the Government of the Kingdom of the Serbs, Croats and Slovenes, which considers that inspectors "should always be authorised to grant exceptions for which provision is made in the laws regulating conditions of labour, since no other representative of public authority is so well qualified as the inspector to decide with full knowledge in all cases and circumstances whether the exception permitted by the law is justified in the instance in question". In the opinion of this Government the power of the inspector to grant exemptions should only be restricted by an obligation on him to inform the higher authority of any action taken by him in this sense.

Similarly, the Italian Government considers that it is not only desirable but necessary that inspectors, who are *par excellence* technical officials and as such better qualified than anyone else to decide whether exemptions should be granted, should be empowered to exempt employers from the provisions of the laws regulating labour in given cases. The Italian Government, like the Polish Government, is of opinion that only very important exemptions, such as those which affect the application of certain substantial and fundamental provisions of the law, should be granted by the higher authority.

All the other Governments, while not indicating their reasons so explicitly, are also of opinion that inspectors should be permitted to grant temporary exemptions in cases strictly provided for and clearly defined in the laws. The replies from Brazil, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, and the Netherlands, for example, are in this sense.

It may therefore be concluded that, on the whole, the Governments are agreed on the principle that the power to grant partial and temporary exemptions from the laws and regulations regulating conditions of labour for which provision is made in these laws and regulations should in preference be in the hands of the inspectors.

(d). *Moral and social aspect of inspectors' duties.*

All the Governments, except Denmark and Switzerland, are of opinion that it is desirable to insert in the text of the Recommendation some indications as to the general conception of the inspector's duties.

Although one of the principal duties of inspection is to ascertain infringements of the laws regulating labour, the Governments in recent years have come to adopt a more positive conception of the work of supervising the laws for the protection of the workers and lay special

importance on the prevention of accidents and occupational diseases. The inspector is more and more regarded as a technical expert in hygiene and safety, and the tendency to have recourse to his advice is becoming increasingly marked.

All the Governments, with the exception of the Swiss Government, emphasise the duties of the inspector in enquiries into industrial accidents. They consider that it is a very important part of his work to determine the causes of accidents and to suggest the necessary measures in order to avoid their recurrence, and that these suggestions may have regard not only to the detailed measures to be taken in practice but even to the improvement of the laws and regulations.

The Swiss Government observes that enquiries into industrial accidents and the prevention of accidents are not necessarily part of the inspector's functions, and that where there exists, as there exists in Switzerland, a special accident insurance authority it may be considered preferable that this authority should deal with the prevention of accidents. This observation applies to a situation which, as far as is known to the Office, exists only in Switzerland, and it may accordingly be easily reconciled with the general conclusion formulated by the majority of the Governments. Even where there exists a special accident insurance authority employing its own officials for the prevention of accidents there would appear to be nothing to prevent the suggestion being made that these officials should be guided by the principles indicated above.

A number of Governments (Brazil, Great Britain, the Netherlands, Poland) have dwelt at length on the part which the inspectors should take in preventing accidents. Without going so far as to recommend any special methods of work, they have drawn attention to the valuable services which inspectors may render if they endeavour,

by co-operating with all concerned, to make a practical success of the laws for the protection and safety of the workers—by giving practical advice to employers in the installation of hygiene and safety devices, by conducting propaganda with a view to promoting the “safety first” spirit among workers and employers, and by studying the practical working of the laws on hygiene and safety, examining their effectiveness impartially and at first hand, discovering any gaps, and suggesting to the central authority any modifications which they consider should be made.

It would therefore seem that, if the Conference inserted in the text of the Recommendation a paragraph dealing with the general conception of the duties of the inspectorate, especially with its preventive and educative action in protection and safety matters, it would be following the wishes which the Governments have almost unanimously expressed.

(c). *Annual reports.*

All the Governments are of opinion that the results of the work of inspection should be submitted in annual reports. In practice these reports are submitted in different forms. In some countries (for example in Great Britain) the chief factory inspector submits an annual report on the work of his staff which is laid before Parliament and published. In other countries (for example in France) the district inspectors submit annual reports on the work of the officials employed in their district to the Minister responsible for the supervision of the laws regulating labour. These reports are published in a volume which contains in an introductory or supplementary section a general report on

the enforcement of the laws for the protection of the workers throughout the whole country.

It would clearly be of the greatest interest to obtain a certain degree of uniformity in the drawing up of these reports which would render them comparable internationally at least in some particulars, and all the Governments express the opinion that an endeavour should be made in this direction. The majority of the Governments, however, while considering that it is desirable that reports should be comparable, have not made any definite suggestions as to the means to this end. At the same time, a number of Governments, while making some reservations as to the possibility of arriving at any degree of uniformity which would allow of comparing all the information in these reports, which are necessarily planned from a purely national point of view, have indicated the particular points on which uniformity might be secured in the presentation of the information contained in the reports. The British, Esthonian, Hungarian, Indian and Polish Governments specially insist on the possibility and the advantages of inserting in each report statistics drawn up in a comparable form on a number of given points, such as the strength of the inspection staff, the number of undertakings subject to inspection, the number of inspections made, the number and nature of the breaches of the law reported and of the orders issued by the inspectors, statistics of industrial accidents and occupational diseases in the different classes of establishments, etc. in a word, as the Polish Government replies, any information which brings out the real development and the degree of enforcement of legislation for the protection of the workers.

Some Governments have not merely suggested that certain information at present contained in the annual reports should be co-ordinated. They consider that the value of these reports would be considerably enhanced if

they were made a source of international documentation on different questions affecting the protection and safety of the workers. They might, for example, contain information which might serve as material for the improvement of the national laws and the establishment of international labour legislation. It is in this sense that the British, Esthonian and German Governments suggest that, in addition to the subjects on which they ordinarily give information, the reports should each year deal with a special hygiene or safety question. The Esthonian Government suggests that this special question might be selected in advance by the Conference or the Governing Body of the International Labour Office.

These suggestions merit special attention. If they were carried out in practice, and if the Governments in their reports published each year technical studies on one or more given subjects, very fruitful material of unquestionable practical value would be obtained in the course of time. It would be possible to compare the measures taken and the methods employed in the different countries with a view to safeguarding the health and safety of the workers against any given danger in any particular form of industry, and the result would be to ensure the maximum protection.

Finally, some Governments (Czechoslovakia, Esthonia) suggest that the reports should contain an international section dealing with the enforcement of Conventions ratified by the Governments. The information contained in this section would to some extent complete the annual report which each State which is a party to a Convention undertakes to furnish to the International Labour Office under Article 408 of the Treaty of Versailles.

III. ORGANISATION OF INSPECTION

(a). *One or more inspection services.*

It is clear that the replies of the Governments to this question depend to some extent on the replies they have given to the preliminary question. Indeed, the question of instituting a single inspection service does not arise for those Governments which consider that the different forms of activity require particular principles for the supervision of the laws regulating labour. The opinions of the Governments on this question are, accordingly, divided in practically the same way as on the preliminary question.

On the whole, the Governments which consider that general principles may be indicated for the supervision of the enforcement of laws and regulations concerning conditions of labour in the different forms of activity are in favour, either of a single inspection service, or as much centralisation as possible of inspection services for all classes of establishments under a single authority. Thus, the replies of the Governments of Esthonia, Norway, Poland, the Kingdom of the Serbs, Croats and Slovenes, Sweden and the provincial Government of Saskatchewan are unreservedly in favour of a single inspection service. The Italian Government considers that in principle a single service for all establishments is the most desirable system. Similarly, the Governments of Belgium, Czechoslovakia, Finland, Hungary and the Netherlands, while not going so far as to recommend the institution of a single service, consider that, in order to ensure uniform supervision of the laws for the protection of the workers, it is important to centralise all the inspection services as far as possible under a single authority.

On the other hand, the Governments of Austria, Brazil, Denmark, Great Britain, India, South Africa and Switzerland are opposed to the system of a general inspection service and consider it necessary to organise special services for the different forms of activity.

A number of the Governments which are in principle in favour of the institution of a general inspection service consider that some classes of establishments necessitate the institution of special independent services. The German Government indicates that, if a special service for mines already exists, it might be excluded from the general service. Similarly, the Italian Government considers that special services may be required by local conditions in some countries, but that the number of such services should be reduced to a minimum. The Finnish and Hungarian Governments are of opinion that special services might be required for railways and mines, and the Hungarian Government also considers that a special service should be instituted for agriculture. The Netherlands Government indicates that special services are only considered necessary in certain forms of work on railways or tramways connecting one commune with another and in mines. The Belgian Government replies that some special services should work independently of or in collaboration with the general service and points out that in Belgium mines, quarries and iron and steel works are dealt with by the mines administration, which, however, is under the same Ministry as the general inspectorate.

As regards State industrial establishments, the Governments would seem to be agreed that no special independent service is required for these establishments.

The same observation would apply as regards establishments connected with national defence, except that *South Africa* considers a special service desirable for these establishments and the *Esthonian* Government indicates that they should not be supervised by the general

inspectorate but should be under the Department concerned as regards the enforcement of labour legislation. The Czechoslovak Government indicates that the methods of organising supervision of all these establishments should be settled separately by each State.

In short, it would appear from the replies to the first two questions that, broadly speaking, there are at present three systems applied in practice for the organisation of inspection services. The first system consists in organising under a central authority a single service in which each inspector is responsible for the inspection of all classes of establishments within a given area. The second system also consists in organising a single service under a central authority, but it makes provision for special services incorporated in the general service or working in close collaboration with it for the supervision of certain forms of activity (mines, transport, agriculture) or certain classes of establishments (establishments connected with national defence). Under the third system, on the other hand, special services are organised independently of each other for the different forms of activity.

In favour of the first system it is urged by a number of Governments that it is the simplest and most economical and best calculated to ensure uniform enforcement of labour legislation, besides avoiding the friction which might arise from the existence side by side of separate independent services.

In the opinion of the Esthonian Government this system is most suitable for the smaller States, which are in a majority in the Organisation, because it reduces the area over which each *inspector has to work* and thus enables him to become familiar with all the establishments in his area.

The second system only differs from the first in that it comprises special inspectors who are incorporated in

the general service for the supervision of certain classes of establishments. In practice the need for such specialisation would seem to depend on the importance of the particular form of activity concerned. In a country, for example, where the mines are of secondary importance, it may be considered adequate to entrust the general inspectorate with their supervision, but where mines are numerous and worked on a large scale the creation of a special body of inspectors may be necessary.

In favour of the third system it is urged that the conditions of certain classes of establishments are so special that they require specialisation in the service which supervises them. There are even some classes of establishments for which the institution of special inspection services is not disputed by any Government; such is the case, for example, with maritime navigation.

Generally speaking, the diversity of conditions in each country has given rise to considerable differences in the organisation of inspection, and it would seem difficult to insert in the Recommendation a provision definitely indicating the classes of establishments for which a special service may be required. On the other hand, it would seem possible, in the light of the replies, to indicate the general rule that in any case, whatever may be the special methods required by the conditions in the different classes of establishments in the individual countries, steps should be taken to ensure *uniform* enforcement of the laws in these establishments throughout the territory of each country.

These laws, as the Government of the Kingdom of the Serbs, Croats and Slovenes points out, though applied to different forms of activity, have the same objects in view and are largely based on the same broad *general principles*, and it is therefore desirable that they should be enforced in the same spirit. As a number of Governments have indicated, the ideal perhaps would

be to centralise inspection as far as possible in one service comprising of course such special branches as may be necessary and placed under a single authority.

In any case, where special conditions necessitate the institution of special independent services, it is necessary to ensure co-operation between these different services in order that they may adopt uniform lines of policy and methods of work and keep each other informed of the results of inspection in the other forms of activity.

(b). Supervision of special technical provisions.

The question here is whether one and the same inspector should ensure the enforcement of all provisions for the protection of the workers in all establishments under the supervision of the inspectorate in his district, or whether it is desirable to detail special inspectors to supervise certain provisions or certain establishments which are of a technical nature (medical inspection, inspection of electrical installations).

The general opinion of the Governments as indicated in their replies is in favour of the second system. The Belgian Government, however, considers that special inspectors are only required for the application of provisions relating to hygiene. The replies of the Czechoslovak and the Finnish Governments only expressly refer to special hygiene and special electrical inspectors respectively.

The Governments of Denmark, Germany and Sweden, on the other hand, are in principle opposed to the appointment of special technical inspectors. They agree, however, that exceptions to the principle may be justified in some cases. The German Government, for example, considers it preferable that officials who have had a special technical training should be attached, if necessary, to the general inspectorate.

If it is considered desirable to detail special inspectors

for the supervision of provisions which are of a technical nature, what should be the relations between the general inspection service and the special technical inspectors ? The Governments are agreed that as close collaboration as possible should exist between them and the general service. The majority of the Governments consider that this can best be secured by administratively including the special inspectors in the general service, and a number of replies indicate detailed methods which might be followed in this connection. The French, Indian and Norwegian Governments are of opinion that it is difficult to indicate any general rules. The Belgian Government, however, considers that hygiene inspection should be organised in a separate independent service. Similarly, the Netherlands Government replies that special inspectors for electrical installations should work separately and independently of the general service. The Brazilian reply also indicates that hygiene inspection is carried out by the general Public Health Office.

In all these questions of organisation it is difficult to lay down any hard and fast rules; it is possible that the discussions at the Conference may serve to indicate solutions which perhaps the replies included in the present Report do not suggest. The Governments would seem, however, with two or three exceptions, to be agreed that the special inspectors should not be detached from the general service, and it is therefore considered that the suggestion may be made in the draft Recommendation which is submitted to the Conference that special inspectors should be under the general inspectorate or, at least, where they constitute an independent service, should maintain close relations with the general service.

(c). *Administrative organisation.*

The two questions concerning the administrative or-

ganisation of inspection referred, first, to the Government Department under which the inspection service should be administered and, secondly, to the institution of intermediate grades between the local inspectors and the central administration.

As regards the first question, all the Governments which are of opinion that, subject to the necessity of creating certain special services for certain classes of establishments, there should be a general inspection service responsible for the supervision of labour legislation in the different forms of activity consider that it is logical that this general service should be under the Ministry which deals with labour questions (Ministry of Labour or Social Affairs). Some Governments (Finland, Germany) indicate that the inspectorate should be directed by an experienced inspector (Inspector-General or Chief Inspector). On the other hand, the British Government states that it cannot express any opinion on this question. It considers that this is a matter which must be left to be decided by the Government of each State according to its own needs and circumstances. The reply of the Indian Government is in the same sense.

As regards the question of instituting one or more intermediate grades between the inspecting staff and the central administration or putting the staff directly under a central authority, it would appear difficult to formulate any general principle. Generally speaking, countries which are territorially extensive are in favour of the creation of intermediate grades, divisional inspectors responsible for the direction and supervision of local inspectors and acting as connecting links with the central administration. On the other hand, in countries which are territorially smaller (Belgium, Hungary, the Netherlands) or in countries whose industry is comparatively little developed (India) and where the inspecting staff is small, the second system is considered preferable.

While taking account of the very different situations in the individual countries, it would appear possible, as a number of replies suggest, to indicate the principle that the inspectorate should be independently organised and administered by a technical rather than a political Department of Government. However, in countries where the importance of the inspection system so requires it would seem to be advantageous to put the local inspectors under the direction or supervision of district inspectors acting as intermediaries between the higher authority and the local inspectors.

(d). Recruitment and training of inspectors.

The replies, often very detailed, on this subject indicate clearly the great importance which is attached by the Governments to the question of the recruitment and training of inspectors for the work which they have to carry out.

For obvious reasons it is difficult to lay down any hard and fast rules on these matters, but there would seem to be one or two broad general principles on which the Governments are agreed, and which it may be useful to indicate briefly in the text of the Recommendation.

In the first place, it appears necessary, on account of the increasing complexity of processes and machinery employed in industry, that inspection officials should be required to possess technical and general knowledge of an increasingly higher standard.

In the second place, it is important that inspectors should be persons of high moral qualities, able to carry out their duties independently and absolutely impartially and to command the confidence and respect of employers and workers.

Lastly, it is indispensable that these intellectual and moral qualities should be tested by a period of probation.

(e). *Participation of women in inspection.*

As was pointed out in the Questionnaire, Article 427 of the Treaty of Peace expressly recommends that women should take part in the work of inspection, and the first general conclusion to be drawn from the replies to this question is that the Governments unanimously accept this principle.

Most of the Governments agree in general that, if women have the same qualifications as men and are recruited on the same system, there is no reason why they should not be employed in the inspectorate on the same conditions as men.

Nevertheless, there would appear to be few Governments which put women on a footing of equality with men as regards admission to all posts in the service.

A number of Governments point out, in fact, that at the present time there are very few women possessing all the technical or other qualifications necessary for satisfactorily filling all posts available in the inspectorate, but that, on the other hand, there are other kinds of work in inspection which may with advantage be carried out by women by reason of certain qualities which they often possess in a higher degree than men.

The majority of Governments are agreed, for example, that women might be usefully employed as inspectors or assistant inspectors for the supervision of establishments mostly employing women and children. Similarly, a number of Governments consider that women might take part in the supervision of home work. The Finnish and Polish Governments are of opinion that they might also undertake some inspection work in commercial establishments, hotels, restaurants and banks.

On the other hand, the Governments of Great Britain and South Africa are strongly in favour of admitting women to all posts in the inspectorate on the same conditions as men.

In order to take account of the principle included in Article 427 of the Treaty of Peace and of the opinions expressed by the Governments, the Conference might, it would appear, first recommend as a general principle that the inspectorate should include women. Recognising that women inspectors may carry out very useful work in the enforcement of measures relating to the protection of women and children and in the promotion of workers' welfare, the Conference might then recommend that women inspectors should be employed on exactly the same conditions as men, that they should have the same functions, the same responsibilities and the same opportunities of being promoted to the higher posts, on condition, of course, that they possess the same qualifications.

(f.) Collaboration of the workers in inspection.

As a general principle, the Governments are practically unanimously agreed that the workers should be given opportunities to collaborate in the work of inspection and that such collaboration is of a nature to facilitate the proper supervision of the enforcement, and improvement, of the laws for the protection of the workers.

Many Governments consider the association of the workers with the inspectorate of very great importance from this point of view, and the replies indicate different methods by which their collaboration may be secured. An examination of the replies, however, seems to show that nowhere is it considered that representatives of the workers should, as such, take a direct part in the work of supervision as regular inspectors.

The Swiss Government expresses the opinion that persons may be found among the workers who would be well qualified to act as regular inspectors, but their employment in such a capacity would depend essentially on the fact of their possessing the required general qualifications and not on their being representatives of the workers.

At the same time, a number of Governments consider that supervisors or assistants drawn from the ranks of the workers might be employed under the regular inspectors to carry out certain forms of inspection work. The Belgian, Czechoslovak, Italian, Netherlands, and Polish Governments, for example, are in favour of this system, which, the Italian Government indicates, has worked most satisfactorily in that country.

There is, however, some difference of opinion as to the methods of appointment of these assistant inspectors, i. e. whether they should be appointed on the nomination of the trade unions or independently of these organisations and according to regular rules for their recruitment.

This question of the employment of workers as inspectors or assistant inspectors is only a part of the problem. The majority of the Governments have considered another question, the question of the collaboration of the workers with the inspectorate from the point of view of the assistance which they and their organisations can render by acquainting inspectors with defects and irregularities in conditions of work of which they are aware and suggesting possible improvements, particularly as regards questions of hygiene and safety. Most Governments, for example, are of opinion that the workers and their trade union representatives should have free access to the inspector for this purpose, and in its reply the British Government indicates that all such communications should be treated as confidential, in order to avoid any harmful consequences to the persons concerned.

The Finnish Government suggests the institution of delegates selected by the staff in individual establishments and responsible for informing the inspector during his visits of inspection of the wishes of the workers and any complaints of abuses they may have to make.

The Austrian, British, Estonian and German Governments draw attention to the value of collaboration

between the inspectorate and works committees consisting of representatives of the management and the workers which have for their object the supervision of conditions in the works as they affect the health, safety and welfare of the workers. These committees give the workers an active part in the supervision of the conditions of work, and the results of their activities, particularly in connection with safety questions, show that they are of great value not only in securing the observance of the laws and regulations, but in suggesting improvements and in raising the standard of carefulness among the workers.

It is being increasingly recognised that success in the enforcement of labour legislation, especially as regards safety, is not to be secured by the unaided efforts of the inspectors, but must very largely depend on the organised co-operation of employers and workers with the inspectors.

The replies of the Governments indicate other methods of securing the collaboration of the workers with the inspectorate. Particular mention may be made, for example, of the Labour Council under the Danish Department of Social Affairs, the composition of which includes representatives of employers and workers and which can on its own initiative discuss questions affecting the protection of the workers, and of the advisory committees of trade union representatives in South Africa which collaborate with the district inspector in settling matters affecting conditions of work brought to their notice by the workers.

In view of the general agreement of the Governments on this subject, the Conference can hardly do otherwise than indicate in its Recommendation the desirability of securing the co-operation of the workers in the work of inspection. While indicating that in some countries or for some classes of establishments the institution of assis-

tant inspectors, supervisors or delegates drawn from the ranks of the workers is of great assistance, the Conference might recommend that every facility should be afforded to workers chosen by their fellow-workers or to official representatives of workers' organisations for free access to the inspectors for the purpose of informing them confidentially of any defect or abuse and suggesting to them any remedy or improvement desirable. The Conference might further recommend that, in countries where they have been instituted, work-shop representatives or works committees should, in this connection, make every use of the functions legally assigned to them.

(g.) Co-operation of the police and local authorities.

The general conclusion to be drawn from the replies on this subject is that practically all the Governments are agreed that the ordinary police authorities and local authorities should, as far as may be necessary, co-operate with the inspection services with a view to facilitating the effective carrying out of the work of inspection.

It is clear that the extent to which such co-operation is required largely depends on a number of considerations which vary from country to country, e. g. the interior administrative organisation of the country, the strength of the inspecting staff in relation to the amount of work which it has to undertake and the area of the country, etc.

The methods of securing this co-operation also, which are dealt with in detail in a number of replies, differ for similar reasons in the various countries. Some countries, for example Germany, Hungary, India, South Africa, and Sweden, consider that the police and local authorities should relieve the inspectorate of some of its more elementary duties. Other countries, Belgium, Brazil, Denmark, and Great Britain, for instance, are of opinion that the intervention of the police authorities in the work

of inspection should be restricted. The French Government indicates that as far as the ordinary police and local authorities collaborate with the inspection services they should do so under the direction and supervision of these services.

In the light of the replies of the Governments, it might be possible for the Conference to recommend as a general principle that there should be constant co-operation between the inspectorate and the local authorities in order to ensure strict enforcement of the laws and regulations dealing with the regulation of the conditions of work and the protection of the workers.

CHAPTER III.

CONCLUSIONS AND TEXT OF DRAFT RECOMMENDATION.

The general survey of the question in the light of the replies of the Governments contained in the previous chapter will have clearly shown the complexity of the problem with which the Conference will have to deal, and it may accordingly not be necessary here to dwell at length on the difficulties which have been encountered in the establishment of a draft Recommendation.

On a large number of questions there is considerable unanimity in the opinions expressed by the Governments, and it has appeared possible to draw some general principles from the different replies. On the other hand, the variety in administrative practice, judicial procedure, industrial development and even customs in the different countries seemed to make it difficult to deal with some questions in the rigid form of a definite proposal.

Nevertheless, in conformity with paragraph 4 of Article 6 of the Standing Orders of the Conference and in accordance with a practice which has proved useful for previous Sessions of the Conference, an endeavour has been made to draw up a draft Recommendation which the Conference may, if it so wishes, take as a basis for its discussion.

As a matter of fact, it had been suggested that a proposal should be made to the Conference to adopt its conclusions in a different form. In Anglo-Saxon countries it is a regular practice for some conferences or congresses to adopt at the close of their discussion a carefully studied report whose terms are well weighed but which by its methods of dealing with the subject allows of expression

being given to meanings and ideas for which there is no room in a Draft Convention or even a Recommendation. This method, it was thought, might more clearly bring out the results of the discussion of the Conference and indicate their value more effectively to the Governments who might wish to make use of them in the organisation or re-organisation of their inspection systems.

It must be admitted that this method is very attractive. After due consideration, however, it appears preferable to follow the traditional practice.

In the first place, in the short time during which the Governing Body proposes that the Conference should sit it would be difficult to draw up such a report as carefully as would be desirable. Its wording would have to be well weighed, and it would be difficult, after the Conference had closed, to entrust a Drafting Committee or a similar body with the task of working out a drafting which would in some way have the support of all the countries represented.

In the second place, the advantage of a Recommendation is that it induces the Governments to indicate how far they consider it possible to apply its provisions and how far they depart from them, in short, to define their attitude towards the principles contained in the text. In this way some useful work can be accomplished and some improvements can be carried out.

Lastly, it is considered that the form itself of a Recommendation requires greater clearness and that the discussion of the Conference could accordingly be confined within more definite limits.

It remains to indicate what is the general arrangement of the draft Recommendation which is proposed.

The Recommendation begins with some general introductory clauses. These clauses help to bring out

the importance of a Recommendation on inspection for the general development of international labour legislation and to define the limits of the Recommendation, in order to meet certain objections which had been outlined during the discussion in the Governing Body.

The Office ventures to think that the preamble of the draft Recommendation will not be considered useless by the Conference. It concludes with a resolution which should, it would seem, if it is accepted, save a long preliminary discussion which it is apprehended might be raised by the different significance of the terms "factory inspection" and *inspection du travail*.

In the light of the considerations to which attention has been drawn in the second chapter of the present Report, the proposal is made to the Conference that it decide to reserve completely all discussion on the forms of inspection appropriate to each sphere of activity, in particular, for mines, railways, maritime navigation and agriculture, and that in order to arrive at the general principles of inspection it take as a basis the long experience already gained in factory inspection. It has already been indicated how it is hoped to avoid the difficulties to which attention has been drawn by the adoption of this paragraph.

The draft Recommendation consists of four Parts :

- (1) Sphere of inspection;
- (2) Nature of the functions and powers of inspectors;
- (3) Organisation of inspection;
- (4) Inspectors' reports.

The first three Parts correspond exactly with the three sections of the Questionnaire, and an endeavour has been made to follow as faithfully as possible the subdivisions of each section. The establishment of the fourth Part of the draft Recommendation has necessitated the transference of subdivision E from the second section

of the Questionnaire, i. e. the subdivision which dealt with inspectors' reports and the possibility of giving these reports a form which would render them easily comparable internationally.

It is hardly necessary to explain the reasons why it has been considered useful to propose to the Conference detailed practical recommendations in this connection. It is considered that the Conference presents a unique opportunity for taking the first steps with a view to making inspection reports more easily comparable. It is also considered that the technical experts who may be appointed this year to attend the Conference would be able immediately to give some first indications as to the material which each report should contain, and that any suggestions which they might make in the light of their own experience and knowledge might be more likely to receive a hearing and to be followed if they were drawn up in the form of a Recommendation of the Conference.

It should be indicated that this Part of the Recommendation contains a final paragraph which deals with the possibility of treating each year in the reports a subject of hygiene or safety selected in advance by the Governing Body of the International Labour Office. It may be recalled that the representative of the German Government on the Governing Body made a suggestion in this sense some time ago which was considered with great interest. If this paragraph is accepted, an enquiry, or at least a preliminary enquiry, might be instituted each year without too much expense and in a very effective way on some subject affecting the safety or hygiene of the workers.

It would hardly seem useful to indicate for each Part of the draft Recommendation the reasons for which the adoption of any particular principle is suggested. The reader who follows the replies of the Governments and the general survey of the question which has already been given will probably comprehend the reasons for the

selection which the Office has made. The principles selected are nearly always based on the opinions of the majority of the Governments.

Where it has been possible to find a formula which seemed to reconcile the different opinions expressed, this formula has been used, at least in so far as it did not seem likely to lose all value by becoming too general. In most cases it has been considered preferable to propose the adoption of some particular method rather than to diminish the value of the draft Recommendation. In the opinion of the Office, this procedure may lead to a more fruitful discussion at the Conference.

In some cases the Office has indicated the relative and limited value of an alternative method which it is suggested should not be adopted, but an endeavour has been made to show fully the value of the method which would seem to be preferable in itself or most in conformity with the interests of the inspectorate and its work.

In any case, even when it has been considered desirable to mention different methods, some indication has been given of the common result towards which they ought to lead.

Finally, without entering into any long theoretical or general considerations, an endeavour has been made to indicate briefly the spirit which it is considered in the light of the experience of the most industrialised countries should be a guide to the work of inspection — abandonment of the police and repressive spirit, confidence of employers in inspectors who keep pace with the times, and a growing understanding on the part of the persons directly concerned of the real utility of the work of protection.

In a brief concluding paragraph, which is based on the final paragraph of Article 427 of the Treaty an endeavour is made to show the utility of the different Parts of the Recommendations for the effective protection of the workers.

It is for the Conference to decide whether it considers that it can take this text as a basis for discussion and, if so, what amendments it may desire to make to it.

In concluding the present Report, the Office ventures to suggest a procedure which may enable the Delegates to the Conference, before the opening of the Session, to decide how the business of the Conference may be arranged and conducted during the short space of time for which the Conference is to sit.

A general discussion might be opened, to begin with, which might be limited to, say, a full day or two sittings, and which might settle the preliminary question, perhaps by the adoption of the text which the Office proposes. It might also be possible by means of this discussion to decide by vote whether the draft Recommendation is to be adopted or not as a basis of discussion, and, what is most important, to define the general form which the Recommendation is to take, before the work of the Commissions begins, and to distribute and co-ordinate the work of the Commissions to the best advantage.

Immediately after this general discussion, four Commissions might perhaps be appointed to deal with the four groups of questions :

- (1) Sphere of inspection;
- (2) Nature of the functions and powers of inspectors;
- (3) Organisation of inspection;
- (4) Inspectors' reports.

According to the usual custom the general discussion might be opened again at a plenary sitting of the Conference as soon as a Commission finishes its work, or it might be decided that a complete text should be presented to the Conference for a first vote.

The Drafting Committee would follow up the different Parts of the Recommendation as they are adopted and a final vote on the complete text might be taken on the last day of the Conference.

The draft Recommendation which the International Labour Office submits for the consideration of the Conference is as follows:

DRAFT RECOMMENDATION

The General Conference of the International Labour Organisation,

Considering that the Treaty of Versailles and the other Treaties of Peace include among the methods and principles of special and urgent importance for the physical, moral and intellectual welfare of the workers the principle that 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;

Considering that the resolutions adopted at the First Session of the International Labour Conference concerning certain special countries imply that these countries should create, if they do not yet possess, an inspection system;

Considering that the necessity of organising a system of inspection may become specially urgent when Conventions adopted at previous Sessions of the Conference are ratified by Members of the Organisation and put into force;

Considering that, while the institution of an inspection system is undoubtedly to be recommended as one of the most effective means of ensuring the enforcement of Conventions, each Member is solely responsible for the execution of Conventions to which it is a party in the territory within its jurisdiction and must accordingly itself determine in accordance with local conditions what measures of supervision may enable it to assume such a responsibility;

Considering that, in order to put the experience already gained at the disposal of the Members with a view

to assisting them in the institution or re-organisation of their inspection system, it is desirable to indicate the general principles which practice shows to be the best calculated to ensure uniform, thorough and effective enforcement of Conventions and more generally of all measures for the protection of the workers; and

Having decided to reserve completely all discussion on the methods of inspection appropriate to the various spheres of activity, notably for mines, railways, maritime navigation and agriculture; and

Taking as a guide the long experience already acquired in factory inspection;

Recommends that each Member of the International Labour Organisation take the following principles and rules into consideration in the organisation of its inspection system:

I. Sphere of Inspection

The General Conference recommends:

1. That it should be the principal duty of the special inspectorate which should be instituted by each Member to secure the enforcement of the laws and regulations dealing with the regulation of conditions of work and the protection of the workers while engaged in their work (hours of work and rest; night work; prohibition of the employment of certain persons on dangerous, unhealthy or physically unsuitable work; provisions relating to hygiene and safety; legal provisions concerning the fulfilment of the terms of engagement of workers which involve penalties);

2. That, in so far as it may be considered possible and desirable, either for reasons of convenience in the matter of supervision or by reason of the experience which they gain in carrying out their principal duties,

to assign to inspectors other duties of a secondary character which may vary according to the conceptions, traditions and customs prevailing in the different countries (e. g. approval of plans for building or altering establishments; inspection of steam boilers; supervision of dangerous and unhealthy establishments; co-operation with social insurance authorities; intervention in labour disputes; co-operation with institutions for promoting the welfare of the workers), these duties should nevertheless be so allocated and defined,

(a) That they may not in any way interfere with the inspectors' principal duties and may be readily carried out during their visits of inspection;

(b) That in themselves they are closely related to the primary object of ensuring the protection and safety of the workers;

(c) That so far from prejudicing in any way the authority which is necessary to inspectors in their relations with employers and workers they should rather be calculated to increase that authority.

II. *Nature of the functions and powers of inspectors*

The General Conference recommends:

1. That inspectors should be empowered by law,

(a) To visit and inspect at any hour of the day or night places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any place which they may have reasonable cause to believe to be an establishment subject to their supervision, and

(b) To question without witnesses the staff and any other person belonging to the establishment, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept;

2. That inspectors should be bound by oath, or by

any method which conforms with the administrative practice or customs in each country, not to disclose manufacturing secrets and working processes in general which may come to their knowledge in the course of their duties;

3. That, regard being had to the judicial systems of each country and subject to such reference to superior authority as may be considered necessary, inspectors should be empowered to bring breaches of the laws which they ascertain directly before the competent judicial authorities;

4. That inspectors should be empowered to order to be carried out within a fixed time such alterations in the installation or arrangement of workplaces or plant as they consider necessary for effectively enforcing the laws and regulations concerning the hygiene and safety of the workers;

That such orders should have executive force subject to appeal to higher administrative authority or, in accordance with the practice in some countries, to the Courts of Law;

That in no circumstances should provisions intended to protect employers against arbitrary action and to ensure uniform enforcement of the law prejudice the taking of measures calculated to prevent imminent danger;

5. That, in preference to other administrative authorities, the inspectorate should be empowered to grant the temporary exemptions for which provision is made in the laws and regulations dealing with the regulation of work and the protection of the workers, each country being free to determine according to its own customs or the laws concerned the particular officer or officers to whom this power is to be assigned.

Considering, however, that, while it is essential that the inspectorate should be invested with all the legal

powers necessary for the performance of its duties, it is equally important, in order that inspection may gradually become more effective, that, in accordance with the tendency manifested in the oldest and most experienced industrial countries, inspection should progressively discard its police and repressive character and should be increasingly directed towards securing the adoption of the most suitable methods for preventing accidents and industrial diseases with a view to rendering work less dangerous, more healthy and even less exhausting, by promoting an instructed understanding among the employers and by educating the workers concerned,

The General Conference recommends the following methods as calculated to promote this development in all countries:

6. That inspectors should make enquiries in case of accidents with a view to determining their causes and preventing their recurrence;

7. That inspectors should be encouraged to give employers practical advice on the introduction of hygiene and safety devices and, above all, so to win their confidence that employers may come to rely on the inspectors to give them active co-operation and assistance;

8. That inspectors should be encouraged, especially during their visits of inspection, to promote among employers and workers the spirit of vigilance and caution, without which the best laws for the protection of the workers must always remain partially ineffective (Safety-First movement);

9. That inspectors should as far as possible be constantly associated with endeavours to improve the laws for the protection of the workers, by making a regular study of the technical methods of equipping undertakings, by making special investigations into problems of hygiene and safety, or by any other means.

In countries where it is considered preferable to have a special organisation for accident insurance and prevention completely independent of the inspectorate, the Conference recommends that the special officers belonging to such organisations should be guided by the foregoing principles.

III. *Organisation of Inspection*

The General Conference,

Having in mind its decision referred to in the preamble to the present Recommendation not to take into consideration the special nature of the inspection services appropriate to the various spheres of economic activity, and

Not wishing to take any decision on the question whether inspection should be organised in a single comprehensive service or in separate services for each sphere, as the solution of this question may depend on the size of each country or on the degree of its industrial development, and

In order better to ensure uniformity in the enforcement of the laws and regulations dealing with the regulation of work and the protection of the workers,

Recommends the following general principles for the organisation of inspection:

1. That, whatever differences there may be in administrative practice in this matter, all inspection services should mutually assist each other by an interchange of the results of their experience and should regulate their methods and procedure according to such common principles as may be considered the most effective;

2. That, if special services exist for supervising the enforcement of certain special technical provisions of the

laws (medical inspectors, electrical engineering inspectors), these services should be administratively incorporated with the central inspectorate;

3. That, if the enforcement of the laws regulating conditions of work in certain establishments or certain classes of undertakings (mines, mercantile marine, railways, etc.) is carried out by the officers responsible for the general supervision of these establishments or undertakings, these officers should, so far as is compatible with administrative practice, be in touch with the central authority administering the general inspectorate;

4. That, wherever it is compatible with administrative practice, the services responsible for supervising the laws and regulations dealing with the regulation of work and the protection of the workers in the different classes of establishments or undertakings should be under the orders of a single central authority.

5. The General Conference,

Being of opinion that the inspectorate should be completely independent and should be beyond the reach of any outside influences, political or otherwise, which may be an obstacle to it in the carrying out of its duties,

Recommends :

(a) That the inspectorate should be attached to a ministerial Department which has no political functions;

(b) That the local inspecting staff should be under the direction or supervision of district inspectors acting as direct intermediaries between the higher authority and the local inspectors and should be independent of the local administrative authorities.

6. Without entering into the detailed measures to be adopted for the recruitment and training of inspectors, the Conference recommends :

(a) That, before any other consideration, and on

account of the increasing complexity of industrial processes and machinery, technical and general qualifications of a progressively higher standard should be required of candidates for posts in the inspectorate;

(b) That, on account of their relations with employers as well as with the employed, selected candidates should be capable of acquiring the confidence of both parties and that their character should be such as to give them the necessary standing;

(c) That selected candidates should have to undergo a period of probation for the purpose of testing their qualifications and training them in their duties.

7. In conformity with the principle contained in Article 427 of the Treaty of Peace, the Conference recommends that the inspectorate should include women. While it recognises, however, that women inspectors may pay special attention to the protection of women and children or to the promotion of workers' welfare, the Conference recommends, for practical reasons as well as in order to ensure a progressively higher standard in the inspectorate, that women inspectors should be employed in exactly the same conditions as men inspectors, having the same functions and the same responsibilities in the different grades, and that they should have equal opportunities of promotion to the higher grades, if they deserve such promotion.

8. Convinced that only by the co-operation of all concerned can real success be obtained for measures for the protection of the workers, and that it is desirable accordingly to facilitate the participation of the workers in the work of inspection, and

Considering that in some countries or for some classes of establishments the appointment of workers as assistant inspectors, supervisors or delegates has given satisfactory results,

The Conference recommends:

(a) That workers chosen by their fellow-workers or official representatives of workers' organisations should be afforded every facility for freely communicating with the inspectors for the purpose of informing them confidentially of any defect or abuse and suggesting any remedy or improvement desirable;

(b) That in countries where they have been instituted, work-shop representatives or works committees should in this connection make every use of the functions legally assigned to them.

9. The Conference recommends that there should be constant co-operation between the inspectorate and the local authorities for the enforcement of the laws and regulations dealing with the regulation of work and the protection of the workers.

IV. *Inspectors' Reports.*

In view of the action taken in most States, and in order to meet certain clear and defined needs in international relations,

The General Conference recommends :

1. That inspectors should regularly submit to their central authority reports framed on uniform lines dealing with their work and its results, and that the said authority should publish an annual report within six months after the end of the year with which it deals, containing a general survey of the information furnished by the inspectors;

That the calendar year should be uniformly adopted for all these reports;

2. That the annual general report should contain a list of the laws and regulations regulating conditions of work promulgated during the year which it covers;

3. That this annual report should also give statistical tables indicating :—

- (a) The strength and organisation of the staff of the inspectorate;
- (b) The number of establishments covered by the laws and regulations, classified by groups of industries and indicating the number of workers employed (men, women, young persons from 16 to 18 years of age, children below 14 and from 14 to 16 years of age);
- (c) The number of days devoted to visits of inspection;
- (d) The number of visits of inspection made for each class of establishment with an indication of the number of workers (men, women, young persons and children) employed in the establishments inspected and the number of establishments inspected more than once during the year;
- (e) The number and nature of the orders issued by inspectors and executed with a view to preventing accidents or safeguarding the health of the workers;
- (f) The number and nature of breaches of the laws and regulations brought before the Courts having jurisdiction and the number and nature of the convictions made by the Courts;
- (g) The number and nature of accidents and occupational diseases notified, tabulated according to class of establishment.

4. The Conference further recommends that inspectors in all countries should each year investigate a subject affecting the hygiene or safety of the workers, selected in advance by the Governing Body of the International Labour Office, and that on the conclusion of these investigations this subject should be studied in the annual inspection reports.

The Conference is of opinion that, if the general principles indicated in the present Recommendation are applied by the States Members in the organisation of their inspection system, the Members will be mutually assured of a more thorough and effective execution of the provisions of Conventions of the International Labour Organisation, and that their workers will have the benefit of the protection laid down for them.

DRAFT RESOLUTION

It is clear that in order to give proper effect to paragraphs 1 to 4 of the fourth Part of the draft Recommendation the action which the Governments are asked to take in these paragraphs should be completed by the necessary complementary action on the part of the International Labour Office. This, of course, cannot be dealt with in the Recommendation, which by its very nature can only be addressed to the Governments. It is considered, therefore, that the Conference might be guided by the method followed by it at previous Sessions in similar circumstances and adopt a resolution drafted on the following lines.

The Conference invites the International Labour Office to publish each year on the basis of the annual inspection reports issued in the different countries a general report summarising the results obtained in the different States and to endeavour to secure the largest measure of uniformity possible in the presentation of the reports of the different countries and especially in the compilation of statistical tables, in order to allow of more exact comparison.
