SECOND CONFERENCE OF AMERICAN STATES MEMBERS OF THE INTERNATIONAL LABOUR ORGANISATION

HAVANA. — November 1939

Report on the Action Taken to Give Effect to the Resolutions Adopted by the Santiago Conference

Second Item on the Agenda

NATIONAL LABOUR OFFICE
GENEVA, 1939
Early in 1938, the Governing Body of the International Labour Office instructed the Office to prepare a report on the action taken to give effect to the resolutions adopted by the First Labour Conference of American States at Santiago-de-Chile in January 1936.

At its Eighty-fourth Session (May-June 1938), the Governing Body took cognisance of this report. In view of the important results to which the holding of this first regional Conference had led, the Governing Body decided to communicate the report to the International Labour Conference, which was about to open its Twenty-fourth Session (June 1938). The outcome of this action was that a resolution was laid before the Conference inviting the Governing Body of the International Labour Office to examine the possibility of taking the necessary measures to convene in 1939 a second regional Conference of the American States which are Members of the International Labour Organisation.

The resolution was moved by nearly all the delegates of the American countries and by a number of others. It was unanimously adopted by the Conference after the Governing Body, which had been consulted about the financial effects, had intimated that it saw no objection to the resolution from a financial point of view and had considered the measures to be taken for holding a second regional Conference of American States.

Subsequently the Governing Body, having received a generous offer from the Cuban Government, decided that the Second Regional Conference of American States should be held at Havana.

Further, when fixing the agenda of this second Conference, the Governing Body selected as one of the essential items the examination of the effect given to the resolutions of the Santiago Conference (particularly as regards the work of women and children and social insurance). The purpose of the present report is to facilitate such examination by the Havana Conference; it has been drawn up on the basis of the report on the same subject previously
submitted to the Governing Body and communicated to the International Labour Conference.

Since the beginning of 1938 further developments have, of course, taken place, and the various parts of the earlier report have had to be brought up to date. Moreover, certain sections, in particular those dealing with social insurance and the conditions of work of women and children, have been recast in a more appropriate form. The International Labour Office hopes that the report will be found to afford a general view of the results to which the fruitful decision to summon the Santiago Conference has led in many fields.
CONTENTS

PREFACE ........................................ III

INTRODUCTION ................................... 1

PART I

Social Insurance

THE RESOLUTION OF THE SANTIAGO CONFERENCE ............... 7

CHAPTER I: Development of National Legislation since the Santiago Conference ............. 22

§ 1. Industrial Accidents .................................. 22
§ 2. Sickness and Maternity ................................. 30
  Special Schemes for Maternity only ..................... 39
§ 3. Invalidity, Old-Age and Widows’ and Orphans’ Insurance
  General Schemes ........................................ 43
  Special Schemes ........................................ 53
  Utilisation of Funds of Long-Term Insurance Institutions .... 60

CHAPTER II: Some Outstanding Problems ......................... 62

§ 1. Industrial Accidents .................................. 64
  Extension of Compensation to Agricultural Workers ...... 64
  Workers Covered ....................................... 65
  Compulsory Insurance .................................. 68
§ 2. Sickness and Maternity Insurance ....................... 70
  Allocation of Tasks .................................... 70
  Bases for the Organisation of Insurance .................. 72
§ 3. Invalidity, Old-Age and Widows’ and Orphans’ Insurance
  Methods of Covering the Risks ........................... 75
  Scope of Compulsory Insurance and Grouping of Insured Persons .... 77
  Position of the Initial Generation of Insured Workers .... 79
PART II

Conditions of Work of Women and Employment of Children and Young Persons

Chapter I: Women's Work

A. Action taken by the International Labour Organisation to give effect to the Resolutions

B. Action taken by Governments to give effect to the Resolutions

- Maternity Protection
- Night Work
- Industrial Hygiene
- Wage Protection
- Administrative Organisation
- Conclusions

Principles to form a Programme of Action

Chapter II: Employment of Children and Young Persons

A. Action taken by the International Labour Organisation

B. Action taken by the American States

§ 1. Age for Admission to Employment
§ 2. Supervision of Fitness for Employment
§ 3. Special Administrative Services for Child Welfare
§ 4. Regulation of Night Work of Young Persons

Conclusions

Principles to form a Programme of Action

Chapter III: Relations

Periodical Conferences of the American States which are Members of the Organisation

Technical Committees

PART III

Action taken on Resolutions concerning certain Problems of Special Importance to American Countries

Chapter I: Relations
**CONTENTS**

<table>
<thead>
<tr>
<th>Chapter I: Relations (continued)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase in the Number of Members of the Staff of the Office coming from American Countries</td>
<td>135</td>
</tr>
<tr>
<td>Branch Offices and Correspondents in America</td>
<td>136</td>
</tr>
<tr>
<td>Research and Documentary Enquiries</td>
<td>137</td>
</tr>
<tr>
<td>Study of the Law and Practice in American Countries</td>
<td>138</td>
</tr>
<tr>
<td>Development of the Publications of the Office</td>
<td>139</td>
</tr>
<tr>
<td>Missions carried out in the Countries of America by Members of the Staff of the Office</td>
<td>143</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter II: Labour Legislation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ratification of Existing Conventions</td>
<td>146</td>
</tr>
<tr>
<td>Ratifications registered since the Santiago Conference</td>
<td>149</td>
</tr>
<tr>
<td>Ratifications Authorised or Recommended since the Santiago Conference</td>
<td>151</td>
</tr>
<tr>
<td>Application of Ratified Conventions</td>
<td>152</td>
</tr>
<tr>
<td>Effective Application of Labour Legislation</td>
<td>155</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter III: Living and Working Conditions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Living and Working Conditions of Indigenous Populations</td>
<td>159</td>
</tr>
<tr>
<td>Truck System and Connected Practices</td>
<td>161</td>
</tr>
<tr>
<td>Living and Working Conditions of Teachers</td>
<td>162</td>
</tr>
<tr>
<td>Weekly Rest</td>
<td>163</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter IV: Resolutions concerning Economic Questions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Popular Nutrition</td>
<td>165</td>
</tr>
<tr>
<td>Urban and Rural Housing</td>
<td>169</td>
</tr>
<tr>
<td>Cost of Living</td>
<td>170</td>
</tr>
<tr>
<td>Minimum Wage and Family Allowances</td>
<td>172</td>
</tr>
<tr>
<td>Co-ordination of the Economic Policy of States</td>
<td>175</td>
</tr>
<tr>
<td>Private Monopolies</td>
<td>176</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter V: Unemployment, Placing, Public Works and Migration</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unemployment</td>
<td>177</td>
</tr>
<tr>
<td>Employment Agencies</td>
<td>178</td>
</tr>
<tr>
<td>Unemployment Insurance</td>
<td>179</td>
</tr>
<tr>
<td>Public Works</td>
<td>180</td>
</tr>
<tr>
<td>Unemployment in the American Countries</td>
<td>182</td>
</tr>
<tr>
<td>Migration</td>
<td>183</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter VI: Agricultural Questions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Work in America</td>
<td>184</td>
</tr>
<tr>
<td>Agricultural Statistics</td>
<td>186</td>
</tr>
<tr>
<td>Agricultural Co-operative Societies</td>
<td>188</td>
</tr>
</tbody>
</table>
CHAPTER VII: Resolutions concerning the Creation and Working of Various Bodies .......................... 190

Ministries of Labour, Representation of Employers' and Workers' Organisations on the Higher Bodies responsible for Social Administration .......................... 190

Central Bureaux of Social Statistics ........................................ 191

Free Legal Aid Services for Wage Earners .................................. 191

Employers' and Workers' Federations ........................................ 192

Industrial Relations .............................................................. 196

CHAPTER VIII: Various Resolutions ............................................. 198

Vocational Education .............................................................. 198

Calendar Reform ................................................................. 203

Resolution concerning Various Questions .................................... 205

CHAPTER IX: Effect given to the Resolutions adopted by the International Labour Conference since 1936 on the Motion of Delegates from American Countries .......................... 206

CONCLUSIONS ................................................................. 214
INTRODUCTION

It was on American soil that the International Labour Organisation first began its work after its establishment by the Treaties of Peace in 1919. Even before the International Labour Office was set up, the First Session of the International Labour Conference was held at Washington from 29 October to 29 November 1919. During the same period, the Governing Body of the International Labour Office was constituted and began its work.

The selection of an American city as the place of meeting of the First Session of the Conference was probably not without influence on the participation of the countries of America. Although a good many of those countries did not take part in the Peace Conference by which the Organisation was set up, the number of American countries represented at Washington in 1919 was not less than 17. Thus the States of America at the very outset manifested their interest in the Organisation which has been established for the purpose of promoting social justice throughout the world.

Although after the Conference began to hold its meetings at Geneva, the attendance of the American countries was not always as large as it had been at the Washington session, the co-operation of these countries in the work steadily became more intensive and more solidly established. In proportion as social questions assumed increasing importance in the various countries of the American Continent, the relations of the Governments and employers' and workers' organisations of those countries with the various bodies established by the International Labour Organisation developed still further. It became increasingly frequent for the Governments concerned to avail themselves of the services of the International Labour Office, while the latter on its side made every effort to follow the development of social questions in the countries of America as systematically as possible.

Two visits paid by Albert Thomas, the first Director of the International Labour Office, in the course of which he established direct contact with the social administrations and the employers'
and workers' organisations of a certain number of American States, did much to strengthen their ties with the Organisation. The regular participation of the American countries in the work of the Conference, the part played in the Governing Body by the various members from American countries who were included in each successive Governing Body, the establishment of branch offices and the appointment of national correspondents in a certain number of countries of America, enabled those countries to take part to a large extent in the working of the Organisation and helped the Organisation itself to understand the social problems arising on the American Continent.

The need for still closer and more direct contact nevertheless presently made itself felt. When the International Labour Conference in 1922 adopted an amendment to Article 7 of the Constitution of the Organisation enlarging the Governing Body, the intention was that a larger number of American States should be represented in the three groups of the Governing Body and thus take a share in one of the essential parts of the work of the Organisation. This amendment, the good effects of which were anxiously awaited, did not, however, come into force until 1934, in which year the Governing Body was to be re-elected at the International Labour Conference. The coming into force of the amendment made it possible to increase very considerably the number of American Governments represented on the Governing Body and the number of employers' and workers' members who were nationals of American countries. The co-operation which the countries of America were thus able to bring to the work of the Organisation has been of the greatest value.

The Conference had already been attended in 1933 by a delegation of observers from the United States. In 1934 the Conference was officially informed that the Senate and House of Representatives of the United States had adopted a joint resolution under which the President was authorised to accept membership of the International Labour Organisation for the United States of America. Replying to the invitation addressed to him by the Conference as a result of this communication, President Roosevelt declared his acceptance, and the United States became a Member of the Organisation on 20 August 1934. This completed the participation of the American Continent in the work of the Organisation.

During the years 1934 and 1935 several missions were carried out in American countries, both by the Director and by members of the technical staff of the Office. These missions threw light on
the development of labour legislation in the countries in question and the need for systematic contact, more particularly with the technical services of the countries of America, in order to enable the Office to carry out its obligations towards those States and towards the Organisation as a whole.

In his Report to the 1935 Session of the Conference the Director suggested two means of achieving this object: in the first place, more frequent participation of experts from extra-European countries in the work of the technical committees which meet in Geneva, and in the second place, the calling of meetings in oversea countries to discuss either special questions on which those countries are able to provide special information or problems which are of particular interest to them.

When the Director's Report to the Nineteenth Session of the Conference was being discussed, Mr. Garcia Oldini, Chilean Government Delegate, laid stress on the importance of the second method suggested by the Director, and on behalf of his Government officially invited the Organisation to call a regional Conference of American countries at Santiago, Chile. This invitation received the warmest reception both from the Conference and from the Governing Body, which was called upon to take the necessary action on it. The meeting of the proposed Conference was facilitated by the generous offer of the Chilean Government to bear the greater part of the expense involved. In fixing the agenda of the Conference, the Governing Body endeavoured to give it an opportunity of determining which were the problems of special interest to American States which might be studied by the International Labour Organisation, and also to form an idea of the correlation between the legislative work of the International Labour Conference and the development of social problems in the countries of America. The agenda was as follows:

(a) Examination of the situation of existing international labour Conventions as concerns ratification and application, with special reference to Conventions and Recommendations dealing with social insurance and Conventions and Recommendations dealing with the conditions of work of women and children;

(b) Examination of questions which might form the subject of future discussion at the International Labour Conference.

All the American States which were Members of the Organisation were invited to take part in the proposed regional Conference and
to send tripartite delegations consisting of two Government delegates, one employers’ delegate and one workers’ delegate, assisted by such advisers as the Governments might think necessary.

The Conference met from 2 to 14 January 1936 at the Palace of the National Congress of Santiago, Chile. Of the 21 countries invited, 19 took part in the work of the Conference, 10 of them with complete delegations. The total number of delegates and advisers was 104, including two representatives of each of the groups of the Governing Body. The Director of the International Labour Office acted as Secretary-General of the Conference, and the secretariat included a number of experts from the Office.

The Conference, at its plenary sittings, held full debates which helped to define the state of social problems in the countries of America. The Conference also set up three Committees to discuss the various problems on its agenda. As a result of its discussions it adopted a number of highly important resolutions which were transmitted to the Governing Body, which was responsible for giving effect to them.

The Governing Body thus had an opportunity of seeing the useful results achieved owing to the action of the Chilean Government and the great interest taken by the countries of America in the work of the International Labour Organisation. At its Seventy-fifth Session it instructed the Director to give effect at once to those resolutions adopted by the Santiago Conference which proposed that they should be communicated to the States concerned. It further instructed the Director to bring the other resolutions to the attention of the competent Committees and to take the greatest possible account of them in any proposals which he might put forward concerning the subjects with which the resolutions dealt.

These resolutions have constituted the basis on which relations between the International Labour Organisation and the countries of America have developed during the past three years and more. They have guided the Office in increasing its studies of the development of social problems on the American Continent. In every side of its work the Office has endeavoured to ensure that these resolutions bore their full fruit. In order to obtain an idea of the extent and value of the co-operation which has been established between the States of America and the International Labour Organisation since the Santiago Conference, it is necessary to consider what has been done in connection with each of the resolutions. Nothing could better illustrate the importance of the
part played by the American countries in the Organisation in recent years.

As has been pointed out, the Santiago Conference set up three Committees. The resolutions adopted embody the results of the discussions of those Committees. Thus, after considering the report of its Committee on Social Insurance, the Conference adopted a very important resolution on the fundamental principles of social insurance. As a result of the discussions of its Committee on the work of women and children, it adopted a number of resolutions relating to the conditions of employment of women, the work of children and young persons, and the age of admission to employment. On the report of its Selection Committee, the Conference adopted some twenty resolutions, the main purpose of which was to draw the attention of the International Labour Organisation to certain problems of special interest to the countries of America.

In the following pages the action taken on these three series of resolutions is considered separately. So far as possible, those resolutions of the third series which deal with cognate subjects are grouped together.
In the forefront of the resolution which it adopted on the fundamental principles of social insurance, the Santiago Conference placed a declaration asserting the necessity for, and defining the purpose of, social insurance. It stated that compulsory social insurance was at once the most rational and the most effective means of affording to the workers the social security to which they were entitled. The Conference thus demonstrated its adherence to the principle of compulsory insurance and to the view that any insurance system must fulfil three functions: prevention, restoration and compensation.

The resolution goes on to point out that wage earners obtain the means of livelihood for themselves and their families by the regular exercise of a trade in the service of an employer and that any cessation or interruption in their work destroys the economic basis of the wage-earning family and causes hardship and privation for the worker and his dependants.

It proceeds to state that a system of labour regulations, to be true to the dictates of humanity, must secure the effective protection of the workers against occupational and social risks. Consequently, "the social legislation of every country should provide one or more schemes of compulsory social insurance covering the risks of industrial accident and occupational disease, sickness, maternity, old age, invalidity, premature death, and involuntary unemployment".
The Conference did not restrict itself to emphasising the necessity for social insurance; it also laid down for the assistance of the American States Members of the Organisation the fundamental principles by which they might be guided in establishing equitable and effective systems of social insurance. Taking into consideration the work of international regulation accomplished in this field by the International Labour Organisation, it accepted the proposal of its committee on social insurance and established certain fundamental rules which should govern any legislation concerning workmen's compensation, compulsory sickness insurance, and compulsory invalidity, old-age, and widows' and orphans' insurance.

The resolution adopted by the Santiago Conference defines as follows for the various occupational and social risks to be covered by social insurance the general rules regarding scope, benefits in cash and in kind, insurance institutions and the constitution of the resources of insurance funds:

1. Necessity and Purpose of Social Insurance

1. Wage earners obtain the means of livelihood for themselves and their families by the regular exercise of a trade in the service of an employer, and any cessation or interruption in their work, whether resulting from industrial accident, sickness, old age, invalidity, premature death or involuntary unemployment, destroys the economic basis of the wage-earning family and causes hardship and privation for the worker and his dependants.

2. A system of labour regulations, to be true to the dictates of humanity and to the principle of social justice, must secure the effective protection of the workers against occupational and social risks.

3. The establishment of compulsory social insurance, as fifty years of experience have shown, is at once the most rational and the most effective means of affording to the workers the security to which they are entitled.

4. Consequently the social legislation of every country should provide one or more schemes of compulsory social insurance covering the risks of industrial accident and occupational disease, sickness, maternity, old age, invalidity, premature death and involuntary unemployment.

5. Every social insurance scheme should aim at:

(a) Preventing as far as possible the premature loss of earning capacity;
(b) Curing or alleviating incapacity for work, in order to enable the worker to resume his occupation;
(c) Providing, by the grant of cash benefits, at least partial compensation for the pecuniary loss resulting from the interruption or cessation of gainful activity.
2. Workmen's Compensation for Accidents

I. — Need for Legislation in conformity with the principle of occupational risk

Every country should establish and maintain legislation providing for workmen's compensation for accidents in conformity with the principle of occupational risk.

II. — Scope

Workmen's compensation legislation should apply to all employed persons.

III. — Benefits in kind

An injured workman should be entitled to:

(a) Such medical, surgical and pharmaceutical benefits as are necessary in consequence of the accident;
(b) The supply and normal renewal of such artificial limbs and surgical appliances as are recognised to be necessary in consequence of the accident;
(c) Hospital treatment and rehabilitation in specialised institutions, such as accident and orthopaedic hospitals.

IV. — Cash benefits in case of temporary incapacity

1. Form, and conditions for award, of benefit.

In case of accident resulting in temporary incapacity the injured workman should be entitled to a daily or weekly payment as from the day following that on which the accident occurred.

2. Minimum rate of benefit.

An injured workman should be entitled to a daily or weekly payment at not less than the following rates:

(a) In case of temporary total incapacity: two-thirds of the workman's basic earnings;
(b) In case of temporary partial incapacity: a proportion of the daily or weekly payment payable in case of temporary total incapacity, calculated in reference to the reduction of earning power caused by the injury.

V. — Form of cash benefits in case of permanent incapacity or death

1. In case of accident resulting in permanent incapacity or death the benefit should take the form of an annual pension.

2. Nevertheless, the pension may be commuted in whole or in part for a lump sum if the competent authority is satisfied that it will be properly utilised.

VI. — Minimum rate of benefit in case of permanent incapacity

1. Benefit in case of permanent incapacity should be payable at not less than the following rates:

(a) In case of permanent total incapacity: a pension equivalent to two-thirds of the workman's annual earnings;
(b) In case of permanent partial incapacity: a proportion of the pension payable in case of permanent total incapacity, calculated in reference to the reduction of earning power caused by the injury.

2. Where compensation is paid in the form of a lump sum, the sum should not be less than the capitalised value of the appropriate pension.

3. Where the injury is such that the workman requires the constant help of another person, additional compensation should be paid to the workman, which should not be less than half the amount payable in case of permanent total incapacity.

VII. — Benefits in case of fatal accident

1. Dependants entitled to benefit.

Where death results from the injury, those entitled to be regarded as dependants for the purposes of compensation should include at least the following:

(a) Deceased's widow or invalid widower;

(b) Deceased's children under 18 years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning;

(c) Deceased's ascendants (parents or grandparents) provided that they are without means of subsistence and were dependent on the deceased, or the deceased was under an obligation to contribute towards their maintenance;

(d) Deceased's grandchildren and brothers and sisters, if under 18 years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning, and if they are orphans, or if their parents, though still living, are incapable of providing for them.

2. Minimum rate of benefit for all dependants.

The maximum total of the yearly sum payable to all the dependants should not be less than two-thirds of the deceased's annual earnings.

Where compensation is paid in the form of a lump sum the maximum sum payable to all the dependants should not be less than the capitalised value of a pension equivalent to two-thirds of the deceased's annual earnings.

VIII. — Guarantee of Payment

1. Necessity of guarantee.

The legislation should contain provisions affording to injured workmen and their dependants a guarantee that they will actually receive benefits to which they are entitled.

2. Compulsory accident insurance.

The most effective and rational way of affording this guarantee is to require employers to insure with insurance institutions approved and supervised by the public authorities.


In the absence of compulsory insurance, employers who have not chosen to insure against their liability for industrial accident with an
insurance institution approved and supervised by the public authorities, on behalf of all persons employed by them, should be required to contribute to a guarantee fund which would undertake the payment of benefits in case of the insolvency of any uninsured employer.

IX. — Settlement of Disputes and Judicial Authorities

1. Right of appeal.

The legislation should grant a right of appeal to injured workmen or their dependants in case of dispute concerning such questions as the occupational origin of the accident, right to benefit, and rates of benefit.

2. Special tribunals.

These disputes should preferably be dealt with by special courts or boards of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workmen's representatives appointed to act as adjudicators.

3. Employers' and workmen's experts.

Where the disputes are dealt with by the ordinary courts of law, such courts should be required, on the request of either of the parties concerned, to hear employers' and workmen's representatives as experts in any case where the dispute involves a question of an occupational character, and in particular the question of the degree of incapacity for work.

4. Medical experts.

The courts which deal with disputes concerning workmen's compensation should hear the opinion of a medical committee consisting of medical specialists competent to assess the incapacity caused by the different injuries.

Where a member of the medical committee is appointed by the employer or insurance institution concerned, the injured workman should also have the right to appoint a member of the committee. The third member should be appointed by the other two members in agreement, or, in default, by the State.

X. — Equality of Treatment for National and Foreign Workers

1. Foreign workers and their dependants should, subject to reciprocity, be entitled, under the same conditions as national workers and their dependants, to the benefits of legislation concerning workmen's compensation.

2. This equality of treatment should be guaranteed to foreign workers and their dependants without any condition as to residence.

XI. — Occupational Diseases

1. Compensation for occupational diseases.

Compensation should be payable to workmen incapacitated by occupational diseases or, in case of death from such diseases, to their dependants, in accordance with the general principles of workmen's compensation.

The diseases and poisonings produced by the substances set forth in the schedule included in the Draft Convention concerning workmen's
compensation for occupational diseases (revised 1934) should be deemed to be occupational diseases for the purpose of compensation, when such diseases or poisonings affect workers engaged in the trades, industries or processes placed opposite in the said schedule. Furthermore, every State should provide for the compensation of other occupational diseases which are peculiar to its country.

2. Medical examination.

In the case of employments which are dangerous to health and may cause occupational diseases, only persons whose physique is compatible with the employment should be admitted to it. In any case, where such employments are concerned, the workman should undergo a periodical medical examination, at the cost of the employer or insurer, in order to ascertain whether he can continue his work without injuring his health.

3. Compulsory Sickness Insurance

I. — The Compulsory Principle

Every country should establish and maintain sickness insurance legislation based on the principle of compulsory insurance.

II. — Scope

Compulsory sickness insurance legislation should apply to:

(a) Every person who is engaged in employment by way of occupation;
(b) Persons working on their own account whose income is not such that they may reasonably be expected to make their own provision against sickness.

III. — Medical and Pharmaceutical Benefits

1. Nature of benefit.

An insured person while sick should be entitled free of charge in such measure as his state of health requires to:

(a) Treatment by a duly qualified general practitioner;
(b) The supply of proper and sufficient medicines and appliances;
(c) Necessary surgical operations and the service of specialists;
(d) Dental treatment;
(e) Treatment and care in a hospital, where rendered necessary by the nature of the illness, family circumstances, or the conditions under which he is housed;
(f) Treatment and maintenance in sanatoria and similar establish-

ments.

2. Duration of benefit.

Medical and pharmaceutical benefits and, where the case so requires, surgical and hospital benefits should be granted from the commencement of the illness, and continue as long as the patient's state of health requires and at least until the grant of a pension in respect of invalidity, whether total or partial, temporary or permanent.
3. Medical benefit for the insured person’s family.

Members of the insured person’s family living in his home and dependent upon him, particularly the wife or husband and young children, should likewise be entitled to the medical and pharmaceutical benefits provided by sickness insurance.

IV. — Sickness Cash Benefit

1. Right to benefit.

An insured person who is found to be incapable of work by reason of the abnormal state of his bodily or mental health should be entitled to a cash benefit intended as a substitute for wages lost.

2. Duration of benefit.

The benefit should be paid for at least the first 26 weeks of incapacity as from and including the first day for which benefit is payable; nevertheless, in cases of serious and chronic illness, the period for which benefit is payable should be increased to one year unless the patient is entitled to a cash benefit under compulsory invalidity insurance.

3. Rate of benefit.

The scale of benefit should preferably be fixed in relation to the normal wage which is taken into account for purposes of compulsory insurance; it should not be less than half such wage and should be increased in respect of the family responsibilities of the sick person.

V. — Sickness Prevention

1. Health education.

Sickness insurance should assist in inculcating the practice of the rules of hygiene among insured persons and members of their families.

2. Preventive policy.

In order to protect insured persons from the diseases to which they are exposed, the insurance scheme should organise its medical service in such a way that it makes available to its beneficiaries every means of detecting and treating illnesses in their earliest stages.

3. Campaign against social diseases.

Insurance schemes should participate in the campaign against social diseases. The success of this campaign depends on systematic ascertainment and early diagnosis, which enable diseases to be discovered and treated as soon as the first symptoms appear and threatened individuals to be protected.

The collaboration of insurance schemes with other bodies and institutions concerned in the campaign against social diseases and with the medical profession postulates a common programme of action with a view to the co-ordination of effort and the avoidance of gaps and overlapping.

VI. — Insurance Institutions

1. Principle of autonomy of insurance institutions.

Sickness insurance should be administered by self-governing institutions not carried on for profit, under the administrative and financial supervision of the competent public authority.
2. Participation of insured persons and employers in management.

The managing bodies of insurance institutions should comprise representatives elected separately by insured persons and by employers. The representatives of insured persons, who are most directly interested in the proper working of the insurance scheme, should have an important share in its management.

3. Organisation of institutions on territorial basis.

The organisation of insurance institutions on a territorial basis is to be recommended especially, because it facilitates the efficient provision and utilisation of medical equipment throughout the country in accordance with the needs of the insured population.

VII. — Financial Resources

1. Workers' contributions and employers' contributions.

Insured persons and their employers should share in providing the financial resources of the insurance scheme, the payment of the joint contribution being effected by the employer, who deducts the insured person's share from his wages.

2. Financial assistance by public authorities.

The public authorities should contribute to the financial resources of insurance schemes, especially for the purpose of assisting their curative and preventive action.

VIII. — Disputes Concerning Benefits

1. Insured person's right of appeal.

The insured person should have a right of appeal against the insurance institution in cases where the right to insurance benefits is contested.

2. Competent tribunals.

Disputes between insured persons and insurance institutions concerning benefits should preferably be referred to special tribunals, which should include judges or assessors who are specially cognisant of the purposes of insurance and the occupational and social circumstances of insured persons.

IX. — Special Measures for Sparsely Populated Regions

In regions which are sparsely populated and in which the inadequacy of the means of communication renders it difficult to organise sickness insurance according to the above principles, it is urgently necessary to establish a general sanitary service for the purpose of improving health conditions and affording rapid and effective assistance to sick persons and persons threatened with illness.

X. — Position of Foreign Workers

Workers of foreign nationality should be liable to insurance and to the payment of contributions under the same conditions as nationals; in return they should be entitled under the same conditions as nationals to the benefits of insurance in their entirety.
4. INVALIDITY, OLD-AGE AND WIDOWS' AND ORPHANS' INSURANCE

1. — The Compulsory Principle

Every country should establish and maintain compulsory insurance legislation covering the risks of invalidity, old age and death.

II. — Scope

Legislation providing for compulsory invalidity, old-age and widows' and orphans' insurance should apply to:

(a) Every person who is engaged in employment by way of occupation;
(b) Persons working on their own account whose income is not such that they may reasonably be expected to make their own provision against invalidity, old age and death.

III. — General Conditions for Award of Pensions

1. Qualifying period.

(a) The right to a pension may be made conditional upon the completion of a qualifying period which may involve the payment of a minimum number of contributions since entry into insurance or during a prescribed period immediately preceding the happening of the event insured against.

(b) The duration of the qualifying period should not be longer than is strictly necessary to preclude persons from entering insurance with intent to take undue advantage of it and to ensure some consideration for the benefits afforded. The qualifying period should not exceed:

For invalidity insurance and for widows' and orphans' insurance, 60 contribution months, 250 contribution weeks or 1,500 contribution days;
For old-age insurance, 120 contribution months, 500 contribution weeks or 3,000 contribution days.

(c) Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods of temporary incapacity for work by reason of sickness, periods during which a woman is not available for work by reason of childbirth, and periods of involuntary unemployment, should count towards the qualifying period, even where no contributions are paid for such periods by sickness or maternity insurance or by an unemployment fund.


(a) An insured person who ceases to be liable to insurance without being entitled to a benefit in return for the contributions credited to his account should retain his rights in respect of these contributions.

(b) Insurance schemes which place limitations on the retention of rights in respect of contributions which have been paid should guarantee retention of such rights for a term of at least 18 months reckoned from the last contribution payment.

In schemes in which contributions are graduated according to remuneration the term during which rights are maintained should not be
less than one-third of the total of the term for which contributions have been credited since entry into insurance if the term so calculated would be longer than 18 months.

(c) In reckoning this term no account should be taken of periods during which the insured person was incapable of work by reason of sickness, was not available for work by reason of childbirth, or was involuntarily unemployed.


Sums required to be paid for maintaining the rights in course of acquisition of insured persons who are unemployed for a long time should—in view of the impossibility of putting the expense of such payments solely on the insured persons in employment—be obtained through the financial assistance of the public authorities; and the same principle should apply to payments for the purpose of consolidating and enhancing the rights of such unemployed persons.

IV. — Method of Calculating Pensions

1. The pension may, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension should, unless a minimum rate is guaranteed, include a fixed sum or a fixed portion not dependent on the time spent in insurance.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose should also be taken into account for the purpose of computing the pension.

V. — Old-age Pension

1. Pensionable age.

(a) The insured person should be entitled to an old-age pension at the age of 65 years at latest.

(b) The pensionable age should be reduced as soon as possible to 60 years as a means of relieving the labour market and of ensuring rest for the aged.

(c) Insured persons who have for a certain number of years been engaged in a particularly arduous or unhealthy occupation, or who have been employed in an unhealthy region, should be enabled to claim a pension at a less advanced age than workers in other occupations.

2. Minimum rate of pension.

(a) In order to ensure that workers in their old age shall not suffer privations, the pension should be sufficient to cover essential needs. The pension provided for all pensioners who have completed a certain qualifying period should accordingly be fixed with due regard to the cost of living.

(b) In insurance schemes in which contributions are graduated according to remuneration, insured persons to the account of whom have been credited contributions corresponding to the normal duration of working life should be awarded a pension commensurate with their economic condition during their working life. To this end the pension
provided for insured persons who have completed 30 years of actual contribution should not be less than half the remuneration taken into account for insurance purposes either since entry into insurance or over a prescribed period immediately preceding the award of the pension.

VI. — *Invalidity Pension*

1. Definition of invalidity.
   (a) An insured person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration should be entitled to an invalidity pension.
   (b) An insured person should be deemed to be invalid who by reason of sickness or infirmity is unable to earn by work suited to his strength and ability and his training as much as one-third of the ordinary remuneration of a fit worker of similar training and experience, provided that the said one-third is sufficient to enable the insured person to procure the primary necessities of life.
   (c) Nevertheless, in special insurance schemes set up on behalf of manual or non-manual workers in certain occupations, reduction of capacity for work should be assessed solely with reference to the occupation hitherto followed or to a similar occupation.

2. Minimum rate of pension.
   (a) An insurance scheme should provide for every insured person who becomes invalid after having completed the qualifying period a pension sufficient to cover his essential needs. The minimum pension provided for every pensioner should accordingly be fixed with due regard to the cost of living.
   (b) In insurance schemes in which the minimum pension is fixed in terms of the remuneration taken into account for insurance purposes, the minimum should not be less than 40 per cent. of such remuneration. The same result should be aimed at by schemes in which the pension includes a fixed portion which is the same for every pensioner and a portion varying with the number and amount of the contributions credited to his account.

3. Supplement to pension.
   (a) A supplement should be paid to a pensioner for each dependent child who is of school age or, being under the age of 17, is continuing his general or vocational education or who cannot by reason of invalidity earn his living.
   (b) A pensioner who needs the constant attendance of another person should be awarded a special supplement.

VII. — *Survivors’ Pensions*

A. — *Categories of Survivors entitled to Pensions*

A widows’ and orphans’ insurance scheme should as a minimum confer pension rights on widows who have not remarried and the children of a deceased insured or pensioned person.

B. — *Widow’s (Widower’s) Pension*

1. Conditions for award of pension.
   (a) If a pensioner or insured person dies after completing the qualifying period and leaves a widow, the widow should be entitled to a pension as long as she does not remarry.
If, however, the award of the pension is subject to the fulfilment of other conditions, pensions should nevertheless be awarded to widows unable to earn their living by reason of age or invalidity, and to widows with a dependent child who is of school age or who, being under the age of 17, is continuing his general or vocational education.

(b) A pension should also be awarded to an invalid widower who by reason of his invalidity was dependent on an insured woman who died after completing the qualifying period.

2. Minimum rate of pension.

(a) The pension awarded to a widow (or invalid widower) should represent a substantial contribution towards covering essential needs. Whatever may be the method of computing it, the minimum pension should be fixed with due regard to the cost of living.

(b) In insurance schemes in which contributions are graduated according to the remuneration of the deceased, the widow’s (or invalid widower’s) pension should not be less than half the pension to which the deceased was entitled or would have been entitled if at the date of his death he had been awarded an invalidity or old-age pension.

Nevertheless, where such schemes determine the rights of survivors without regard to the rate of pension to which the deceased was or would have been entitled, the widow’s (or invalid widower’s) pension should not be less than 20 per cent. of the remuneration of the deceased as taken into account for the purposes of his insurance either since entry into insurance or over a prescribed period immediately preceding his death.

C. — Children’s Pensions

1. Conditions for award of pension.

(a) Every child of school age who was dependent on a pensioner or insured person who died after completing the qualifying period should be entitled to a child’s pension.

(b) The pension should continue to be paid until the age of 17 if the child is continuing his general or vocational education, and even beyond this age if the child cannot by reason of invalidity earn his living.

2. Minimum rate of pension.

(a) The minimum pension provided for every child should represent a substantial contribution towards the cost of maintaining and educating him. Such minimum should be higher in the case of an orphan child.

(b) In insurance schemes in which contributions are graduated according to the remuneration of the deceased, a child’s pension should not be less than one-quarter, or in the case of orphans one-half, of the pension to which the deceased was entitled or would have been entitled if at the date of his death he had been awarded an invalidity or old-age pension.

(c) Nevertheless, where such schemes determine the rights of survivors without regard to the rate of the pension to which the deceased was or would have been entitled, a child’s pension should not be less than 10 per cent., or in the case of orphans 20 per cent., of the remuneration of the deceased as taken into account for the purposes of his insurance either since entry into insurance or over a prescribed period immediately preceding his death.
VIII. — Provisions for Suspension or Reduction of Pensions

1. The pension may be suspended in whole or in part while the person concerned

(a) Is maintained at the public expense or by a social insurance institution;
(b) Refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids, or voluntarily and without authorisation removes himself from the supervision of the insurance institution;
(c) Is in employment involving compulsory insurance;
(d) Is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases. In this case the pensioner should be enabled to receive in its entirety whichever of the pensions is the higher and in any case he should be paid that part of the invalidity, old-age or survivor's pension which corresponds to the insured person's own contributions.

2. Where an invalidity or old-age pension is suspended for a reason other than the existence of a concurrent title to another pension, the dependent family of the person whose pension is suspended should be awarded a maintenance allowance equal to the whole or to a part of the pension.

IX. — Lump-Sum Payment at Death

1. Where the economic conditions of States do not allow of the provision of survivors' pensions under their systems of social insurance, such pensions may be replaced by a lump sum payable to the widow, invalid widower or children under the conditions laid down in this Chapter.

2. The lump sum should be sufficient to meet the essential needs of the survivors concerned for a prescribed period.

X. — Financial Resources

1. The insured persons and their employers should contribute to the financial resources of the insurance scheme.

2. As a general rule the contribution of the insured person should not be higher than the contribution of his employer.

3. The employer should be responsible for the whole or the greater part of the joint contribution in respect of workers who are remunerated only in kind, or whose remuneration is very low.

4. Contributions from employers may be dispensed with under national schemes not restricted in scope to employed persons.

5. The public authorities should contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.
XI. — Insurance Institutions

1. The insurance scheme should be administered by institutions founded either by the public authorities or on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

2. Insurance institutions should not be conducted with a view to profit and should be under the administrative and financial supervision of the public authorities.

3. The funds of insurance institutions should be administered separately from public funds.

4. Representatives of the insured persons should participate in the management of insurance institutions under conditions to be determined by national laws, which may likewise decide as to the participation of representatives of employers and of the public authorities.

XII. — Settlement of Disputes

1. The insured person or his legal representatives should have a right of appeal in any dispute concerning benefits.

2. Such disputes should be referred to special tribunals, which should include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons, or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

XIII. — Position of Foreigners

1. Foreign employed persons should be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants should be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants should, subject to reciprocity, be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

By adopting this resolution the American States Members of the International Labour Organisation established a basis of their social insurance schemes which reflects their common will to achieve progress and social security; the resolution marks a step forward in the evolution of social insurance in that Continent. It has helped to bring out the needs and aspirations of the American Continent, and its adoption has hastened on the development of social insurance schemes on a sound basis.
This will be clear from the following analysis of the principal measures taken or proposed in the American States with regard to social insurance during the period from January 1936 to July 1939. A complete account of the progress accomplished and its social and economic consequences would fill an entire volume, and it is therefore necessary in the present report to restrict the survey to a certain number of fundamental measures which are characteristic of the general trend of development in the different types of social insurance schemes.
CHAPTER I

DEVELOPMENT OF NATIONAL LEGISLATION SINCE THE SANTIAGO CONFERENCE

The measures to be considered are classified below according to the risks covered: industrial accidents; sickness and maternity; invalidity, old age, and death. Within each risk or group of risks the progress made is examined country by country.

§ 1. — Industrial Accidents

The most striking advances made as regards the scope of compensation schemes based on the principle of occupational risks are undoubtedly those made in Argentina, where the legislation of two provinces (Córdoba and Mendoza) will in future include agricultural workers among the beneficiaries of compensation for industrial accidents. A proposal for a wide extension of the workmen's compensation scheme is also under consideration by the National Parliament of Argentina, which has had before it in the last few years a number of Bills, one of which, for example, proposes the complete reorganisation of the existing legislation and the inclusion of agricultural workers in the workmen's compensation scheme.

In Ecuador the new social insurance legislation is also intended to include agricultural workers among those who will be granted compensation for accidents, but it would appear that the application of the legislation to such workers has been postponed for the time being.

In Venezuela, workmen's compensation will in future extend to workers in agricultural undertakings which normally employ five or more workers and use power-driven machinery.

Important changes in the system of benefits have been made in Ecuador, where the new legislation makes provision for compensation in the form of a pension as an alternative to a lump sum.
Improvements—often on points of detail but nevertheless quite substantial—have also been made in Canada, the United States, and Uruguay: generally speaking, there have been increases in the rates of benefit payable to injured persons or their survivors, more particularly in Canada and the United States, whereas in Uruguay the most important amendments have referred to the procedure for dealing with accident claims.

It may also be mentioned that proposals for extensive improvements in workmen’s compensation are under consideration in Bolivia, Colombia and Costa Rica.

With regard to the guarantees for the payment of the compensation due to injured persons, reference may be made to the changes recently introduced in the legislations of Chile, Cuba and Honduras.

In Chile, the changes have tended towards the centralisation of the accident insurance scheme in the hands of a special section of the National Savings Bank. In Cuba and Honduras additional guarantees are now required of private insurance companies.

ARGENTINA

The extension of workmen’s compensation to agricultural workers is directly connected with the ratification of the international labour Convention No. 12 concerning workmen’s compensation in agriculture. As Argentina has ratified that Convention in virtue of Act No. 12,232 of 27 September 1935, the competent authorities of the province of Mendoza issued a Decree on 2 August 1938 abolishing the restriction excluding persons employed in transport work or work for which mechanical power is used, which means that in future all agricultural workers will be covered by the workmen’s compensation scheme.

The extension of the compensation scheme to agricultural workers has also been considered by the law courts, more particularly in the province of Córdoba, where the court of appeal decided in favour of including those workers among the beneficiaries of compensation.

The Department of Labour of the last-mentioned province recently incorporated this ruling of the courts in the administrative regulations under its workmen’s compensation legislation by publishing a decision whereby agricultural workers will in future fall within the scope of that legislation.

Apart from these extensions of the scope of the legislation in the provinces of Córdoba and Mendoza, reference should be made
to three more general proposals that have been put forward for including all agricultural workers throughout the country within the scope of workmen’s compensation.

In September 1936 the Socialist Party brought forward a Bill which referred to the ratification of the Convention concerning workmen’s compensation in agriculture, and proposed the inclusion of all agricultural workers under the compensation scheme.

Two other Bills for the same purpose were introduced in the House of Representatives in 1938, and one of them goes so far as to propose a complete reform of the workmen’s compensation scheme.

**BOLIVIA**

The draft Labour Code prepared by the special commission set up for this purpose will reorganise the existing workmen’s compensation scheme.

According to this draft, the compensation scheme would apply only to employees of undertakings with a capital exceeding 20,000 bolivianos. The benefits accorded to injured persons would include medical and pharmaceutical assistance and cash benefit in the form of lump sums amounting, in case of total permanent incapacity, to two years’ wages, but not exceeding 9,000 bolivianos. In case of fatal accident, the surviving relatives would be entitled to compensation equal to the deceased person’s wages for two years and a funeral allowance of at least 200 bolivianos.

**CANADA**

Between 1936 and 1938 the workmen’s compensation laws were consolidated and amended—generally on the lines of the Ontario Act—in Alberta, New Brunswick, and Nova Scotia, and modified in some respects in other provinces. A fund for the equalisation of assessments for different classes of industries was created in Alberta. Industries forming separate classes were combined and the number of classes thus reduced in Nova Scotia.

The standard of benefits was raised in a number of provinces. Alberta, among other measures, abolished the waiting period of three days where incapacity lasts more than thirty days; further, the age limit for dependent children was raised from 16 to 18 years and the compensation for injuries in mine rescue work increased from $66^{2/3}$ per cent. of wages—the ordinary rate—to 100 per cent.
In British Columbia widows' and invalid widowers' pensions were increased from $35 to $40 a month, and the maximum amount for pensions payable to a widow or invalid widower with children was raised from $65 to $70. Funeral benefit, which was $100, is now $125, and the rate of compensation 66\frac{2}{3} per cent. of earnings.

**CHILE**

Two Decrees represent steps in the direction of centralising accident insurance in the hands of the Accident Insurance Section of the National Savings Bank.

Decree No. 614 of 29 September 1937 enumerates the public institutions which are obliged to insure against industrial accidents with the Accident Insurance Section: public works department, State railways, naval and military arsenals, public credit institutions, post office, etc.

Decree No. 177 of 9 January 1939 revokes the authorisation granted by Decree No. 299 of 9 April 1923 to the Chilean Employers' Association to carry on insurance against industrial accidents.

**COLOMBIA**

A Bill was submitted to the Senate in 1937 for the reform of the present system, which applies only to workers whose wages do not exceed 3 pesos daily and who are employed by an undertaking belonging to one of the categories mentioned in the Act of 1915. This Act obliges small undertakings whose capital is less than a thousand pesos to grant victims of industrial accidents medical assistance only, freeing them from the obligation to pay compensation. The proposal is that all undertakings, whatever the amount of their capital, should be compelled to pay compensation; it is provided at the same time that the normal rate of compensation should be reduced by half for undertakings whose capital amounts to less than a thousand pesos.

**COSTA RICA**

Important reforms are under discussion in the field of workmen's compensation. The institutions entrusted with the application of the law with regard to accident compensation have submitted to the Government a scheme for the improvement of the orga-
sation of medical assistance. Moreover, the Chamber of Deputies has before it a proposal for the extension of this law to agricultural workers employed on coffee, banana, cocoa, and sugar cane plantations. These workers are at present covered by the accident compensation scheme only if they are exposed to risks in connection with power-driven machinery.

**CUBA**

The measures taken with regard to workmen's compensation include the reorganisation of the board responsible for fixing the minimum insurance premiums under the Act of 11 November 1936. In accordance with the decisions of this board the minimum rates for the different branches of activity specified in the Workmen's Compensation Act were promulgated, and the premium rates for 1939 were fixed in Decree No. 244 of 24 January 1939.

The Decree of 7 March 1938 amended the general regulations under the workmen's compensation legislation, more especially as regards the assessment of incapacity in the case of specific injuries, the right to medical attendance, doctors' fees, the detection of self-inflicted or simulated injuries, and the prevention of accidents.

Decree No. 554 of 4 February 1936 established an institute for the occupational rehabilitation of injured persons.

**ECUADOR**

The accident compensation scheme set up by the Social Insurance Act of 1935 was brought into force during 1936.

A Decree of 16 April 1936 organised the National Insurance Institute, which is responsible for the application of social insurance, and an Order of 8 June 1936 made it compulsory for all persons covered by the social insurance legislation to be registered with the Institute, thus fixing the scope of the legislation.

The new insurance scheme for accidents, sickness, old age, and death applies to persons of either sex who were over the age of 14 years and under the age of 65 years on 31 December 1936 and are employed for remuneration in industry, commerce, mines, transport, or agriculture. A Decree of 29 January 1937 released foreign workers from the obligation to become insured.

The workmen's compensation scheme is also affected by the Labour Code promulgated on 5 August 1938. The new provisions
of that Code make it compulsory for the employer, at his own expense, to provide medical, surgical, and pharmaceutical assistance until such time as the injured person is able to resume work or is certified as being permanently incapacitated.

In the event of permanent total incapacity the injured person is entitled either to a lump sum equal to three times his annual wage or to a pension equal to 40 per cent. of his wage before the date of the accident. In the event of permanent partial incapacity the injured person is entitled to a fraction of the compensation due for total incapacity, corresponding to the degree of incapacity from which he suffers.

If the accident proves fatal, the survivors are entitled to a funeral allowance of 200 sucres—as compared with 100 sucres formerly—and to an amount equal to three times the annual wage if death occurs within six months of the accident, twice the annual wage if death occurs between the seventh and twelfth month after the accident, and one and a half times that wage if death occurs between the twelfth and the twenty-fourth month after the accident. The heirs have no claim to compensation if the injured person does not die until after two years have elapsed.

Similarly, their right to compensation lapses if the injured person dies after having received compensation. In certain circumstances these lump sum allowances may be replaced by annuities.

**HONDURAS**

A Decree of February 1937 laid down measures for strengthening the guarantees to be provided by the companies engaging in insurance against industrial accidents. These companies must invest a fraction of their funds in real estate in the country. The investments are selected by a board consisting of a representative of the Ministry of Finance, a representative of the insurance companies, and a third person selected jointly by the other two members of the board. The insurance companies have the option, instead of investing in real estate, of depositing an equivalent amount in cash or in Government securities in some bank within the country.

**PANAMA**

A Decree of 3 March 1938 introduced measures to raise the standard of the guarantees which must be provided by employers
who insure themselves. In addition, a Bill to amend the Act of 1916, which is now in force, will be submitted to Parliament in the near future; according to statements made by the Minister of Labour the reform will be based on the legislation of other Latin-American countries and on the decisions of the International Labour Conference.

SALVADOR

The reform of the workmen's accident compensation legislation is under consideration. The committee responsible for the supervision of the enforcement of the Act of 12 May 1911 concerning workmen's compensation found flaws in the Act by which employers could escape their legal obligations, and it proposes to substitute for the compensation scheme an insurance system under the direct control of the State, with funds provided by an additional 1/4 per cent. on the property tax.

The product of this tax may also be used to pay pensions to aged wage earners who have fallen ill or have accomplished a considerable number of years of service.

UNITED STATES

Thirty-eight States have amended their workmen's compensation laws. The maximum weekly payment for incapacity and death has been increased in several States, and in many the minimum payment has been raised, the periods for which compensation is payable have been lengthened, the waiting periods reduced and larger sums allowed for medical aid. In addition, the number of States which provide for higher rates of incapacity compensation in respect of the children of the injured worker has risen. It may also be noted that several States have instituted second-injury funds to finance the higher compensation payable for a second injury which aggravates the incapacity left by the first.

URUGUAY

The measures taken in connection with industrial accidents refer, on the one hand, to accident prevention and on the other to compensation in the narrower sense.

The Act of 17 December 1937 amended the provisions of the Pensions Adjustment Act No. 9196 of 11 January 1934 which had
had a considerable influence on the system of workmen's compensation.

The 1937 legislation provides for the sharing of the cost of compensation between the pensions fund and those responsible for the payment of accident pensions if the injured person suffers a general loss of earning capacity of two-thirds or over; it also lays down the procedure for the settlement of accident claims.

**VENEZUELA**

The Labour Act promulgated on 16 July 1936 regulated workmen's compensation for accidents and laid down the basic principles for a compulsory insurance scheme.

The Act applies to all undertakings and workplaces and to all establishments, irrespective of the number of workers employed; agricultural undertakings not using power-driven machinery and usually employing fewer than five workers are, however, exempt from the compensation scheme. Casual workers, home workers and members of the employer's family are also excluded. Under the earlier scheme workers in all undertakings employing fewer than twenty-five workers a day on the average were excluded from compensation.

The 1936 Act made no change in the rate of cash benefit; compensation is still paid in the form of a lump sum equal to two years' wages, with a maximum of 15,000 bolivars, in the event of death or permanent total incapacity, and compensation equal to six months' wages for temporary total incapacity. The number of relatives entitled to claim compensation in the event of a fatal accident has been extended.

With regard to the future accident insurance legislation, the Act of 1936 merely lays down certain general principles for a social insurance scheme, leaving it to the executive authorities to determine the exact means of applying those principles. Compulsory insurance is intended to cover the risks of accidents and occupational diseases, maternity, invalidity, old age and death. The employers will be responsible for covering occupational risks.

In accordance with these principles a Bill to introduce accident, sickness and maternity insurance and to pave the way for the introduction of invalidity, old-age and survivors' insurance, was submitted during the parliamentary session of 1938 and was adopted by the competent committee of the Senate.

The Bill was amended in 1939 and submitted again to the
Chamber of Representatives, where it passed its first reading on 31 May 1939. The main difference as regards industrial accidents would seem to be that the 1939 Bill extends the scope of compulsory insurance to agricultural workers employed by undertakings normally employing twenty persons or over and using power-driven machinery, whereas the original Bill would have excluded during a certain preliminary period all agricultural workers irrespective of the nature and size of the undertakings by which they were employed.

§ 2. — Sickness and Maternity

New sickness and maternity insurance schemes have been introduced in Canada (British Columbia), Ecuador and Peru. The scheme adopted in British Columbia has so far not been put into force—mainly, it would seem, because of differences of opinion between the medical profession and the authorities responsible for giving effect to the scheme.

In Peru, the resources of the insurance scheme are provided by employers' contributions, State subsidies and special taxes. The provision of benefits and the collection of contributions from the workers will begin as soon as the equipment and health services necessary for the application of insurance have been provided.

There has also been a considerable extension of sickness insurance in Chile, the maximum wage for liability to insurance having been raised from 8,000 to 12,000 pesos per annum.

The Brazilian scheme, which applies to industrial workers who have been shown by medical examination to be in good health, is similar to these general sickness schemes which have been introduced or extended in the countries mentioned. At the outset only cash benefits will be provided, but medical benefits will also be available when the financial situation of the scheme permits. In any case, Brazil is contemplating a much wider extension of sickness insurance, and a special committee has been set up to prepare a draft for a scheme to cover all persons affiliated to pensions funds.

Important Bills are also under consideration in Colombia, Cuba and Venezuela. In the United States a Bill has been introduced, with the support of the Federal Government, providing for an extensive development of health services; this would mean not merely an improvement in the services at present existing for the
provision of medical care, but also the introduction of insurance against loss of wages due to sickness and co-ordination between such insurance and medical assistance. The proposal is that Federal subsidies would be paid to any State which introduced a system of medical services or sickness insurance in accordance with certain criteria laid down in the Federal legislation.

With regard to preventive work and general hygiene, mention may be made of the amendments introduced to the Chilean legislation which have considerably increased the resources available for this purpose. The increased funds will be used by the insurance scheme to finance the building of workers’ dwellings, to develop maternity and child welfare and to introduce a system of preventive examinations for insured persons with a view to the treatment of those who are found to be suffering from tuberculosis, heart affections or venereal disease.

A special scheme for maternity insurance only was introduced in Argentina and the maternity insurance scheme in Cuba was amended on a number of points.

**BRAZIL**

Sickness insurance for industrial workers was introduced in Brazil by an Act of 31 December 1936 and the administrative regulations of 27 August 1937. The scope of the new system extends in principle to all industrial workers, but persons over the age of 50 years when the scheme comes into force will be excluded from its scope and in addition insurance will be compulsory only for wage earners who have been shown by medical examination to be in good health.

The cash benefits, payable for not more than one year in the case of temporary incapacity, are calculated on the basis of the total contributions or the average contributions paid by the insured person.

Medical benefits, maternity allowances and funeral benefit may be granted when the financial situation of the insurance scheme permits.

**Proposals under Consideration**

In April 1938, the Minister of Labour appointed a committee of experts to consider a national scheme of sickness insurance covering all persons affiliated to the existing pensions funds; the latter would collect the contributions and pay the cash benefits, while the benefits in kind would be administered by regional
institutions working under central direction. In October 1938 the Minister of Labour appointed a committee to consider the possibility of organising a campaign against tuberculosis in which all the pensions funds would take part.

**CANADA —**

In the field of compulsory sickness insurance an advance has been made by the adoption by British Columbia in 1936 of legislation, which, however, has not so far been put into force.

The system adopted in British Columbia resembles that of the Province of Alberta, where a compulsory insurance scheme already exists, in that it provides for medical attendance but in no case for cash benefits.

The scope of the scheme would in principle include all wage earners in commerce and industry, but not those in agriculture, provided that their earnings did not exceed $1,800 a year. Various categories of workers, including domestic servants, casual labourers and those employed in specified industries or areas could be excluded.

Benefits would be granted after a qualifying period of four weeks and would include surgical and specialist services, maternity treatment, pharmaceutical supplies, laboratory services and diagnostic aid. Hospital treatment would be granted for a limited period (normally ten weeks), but the other benefits due to insured persons and their dependants would cease only when the insured person ceased to contribute. In principle, free choice of doctor is provided for; doctors may be remunerated according to three alternative methods or a combination of any of these—salary, capitation fee, or payment for services rendered.

Funds would be obtained from contributions of employers and insured persons amounting to 2 per cent. of remuneration for the employee and 1 per cent. for the employer. The provision for a State subsidy proposed in the original draft has been omitted; the Province would contribute only to the initial expenses of organisation.

An independent Commission, appointed by the Lieutenant-Governor in Council, would be in charge of the scheme. No right of representation has been granted to insured persons and employers by the Act. The Commission, which would be assisted by a technical advisory council and officers, would have exclusive jurisdiction under the Act.
The enforcement of this Act, however, had to be postponed because of differences of opinion with the medical profession. The Commission was not able to reach an agreement with the doctors as to their conditions of service and, in addition, the medical profession urged that the wage limit for liability to insurance should be lowered. Difficulties also arose with regard to medical attention for indigent persons. A plebiscite on the question "whether electors were in favour of a comprehensive scheme of health insurance progressively applied" resulted in a favourable vote. It is proposed to amend the Health Insurance Act and possibly first to apply it to selected groups of the population as a tentative measure.

**CHILE**

Three important measures concerning sickness insurance and the development of health services must be mentioned.

1. The limit of wages for liability to insurance was raised from 8,000 to 12,000 pesos a year by the Act of 29 September 1936.

2. The sums available for maternity and child welfare work, for the building of workers' dwellings and for the development of preventive medical measures have been increased.

The Act of 25 August 1938 increased the State contribution to insurance from 1 to 1.5 per cent. of wages. The Government is authorised to pay the additional contribution in the form of bonds bearing interest at 6 per cent. per annum; the resources thus available must be employed solely for the development of maternity and child welfare work.

An Act of 22 February 1938 raised the employer's rate of contribution from 3 to 4 per cent. of wages. The funds made available by this increase will be used to finance the building of workers' dwellings by means of loans to a special central body. Once the houses have been built, they will be the property of the insurance fund, which may sell them to insured persons by instalments, payable in the form of rent.

3. A scheme of preventive medicine was introduced by the Act of 31 January 1938, which requires the compulsory insurance fund and the occupational provident funds to organise annual medical examinations for all their members, to provide treatment for those who are suffering from tuberculosis, heart affections or syphilis, and to pay their full wage to persons requiring rest for a certain period as a preventive measure. In order to meet
the cost of these examinations and the preventive treatment, each institution is required to devote 2.5 per cent. of its income to this purpose; the payment of wages during periods of rest will be financed by an increase of 1 per cent. in the employer's contribution.

**COLOMBIA**

At the end of 1936, Parliament decided to suspend enforcement of the compulsory savings scheme introduced by Act No. 66 of 31 March 1936 and to set up a committee of both Houses to examine the Social Insurance Bill which the Government had submitted to it. In the autumn of 1938 the Senate, after introducing certain amendments, completed its examination of the Bill. The Chamber of Deputies then passed the Bill, but the President of the Republic refused his approval owing to the amendments introduced by the Senate into the Government draft. The subject is now under further study and there is reason to hope that compulsory social insurance will be established in the near future.

The Liberal Party, which has a majority in Parliament, declared in a manifesto to the nation that it adheres to the principle of social insurance as "a just and equitable solution of the most burning social problems".

**CUBA**

Measures for covering the sickness risk were considered by the Inter-Departmental Committee set up by the Act of 28 September 1937 to study, in collaboration with competent persons not connected with the authorities, the reform of the existing social insurance scheme.

The Committee expressed itself as being in favour of a sickness insurance scheme covering the whole wage-earning population, and stated that a Bill for this purpose would be produced shortly.

**ECUADOR**

As was mentioned in connection with workmen's compensation, the sickness insurance branch of the general social insurance scheme established by the Act of 1935 came into operation during 1937.

The insurance fund grants preventive and curative treatment. Curative treatment includes medical, surgical and dental treatment in the fund's dispensaries, and hospital treatment.
The right to benefit is acquired only after at least six months' membership of the fund. Medical benefits for one and the same illness are payable during a maximum period of three months. Medical treatment is granted free of charge to insured persons whose annual remuneration does not exceed 3,000 sucrés. Persons earning between 3,000 and 6,000 sucrés a year may claim treatment at a reduced fee corresponding to its actual cost. Those whose annual earnings exceed 6,000 sucrés are required to pay a higher fee.

If the fund is unable to provide benefits in kind, insured persons earning less than 2,400 sucrés a year may claim cash benefits, the rate of which is fixed each year by the managing board of the fund and may not exceed 50 per cent. of the monthly wage. This benefit, like benefit in kind, is payable during a maximum period of three months.

Members of an insured person's family may obtain medical benefit by paying a special contribution.

The preventive work of the insurance scheme includes the establishment and development of a health service with a centre for the collection and analysis of data concerning the insured population. Dispensaries for preventive work will also be established.

It would appear that the application of insurance to agricultural workers has been postponed.

PERU

The Social Insurance Act passed by Congress was approved by the President of the Republic on 12 August 1936. This Act was amended on several points by a new text of 23 February 1937, which was promulgated before the original provisions came into force.

The scheme makes provision for sickness, maternity, invalidity, old-age and survivors' insurance. It applies to workers under 60 years of age whose annual earnings do not exceed 3,000 gold soles, and to persons working for their own account whose annual income does not exceed the same amount. Home workers and independent workers will, however, not be compulsory insured for the time being.

In the event of sickness, insured persons who have paid four weekly contributions in the course of the 120 days preceding sickness are entitled to medical and pharmaceutical aid, hospital treatment and cash benefit equal to 50 per cent. of wages during the first four weeks of incapacity, and 40 per cent. of wages thereafter. Maternity benefit includes medical and obstetrical aid;
daily cash benefit equal to 50 per cent. of wages for 36 days before and 36 days after confinement, and a nursing allowance equal to 25 per cent. of wages.

Sickness benefit is normally payable for not more than 26 weeks as from the first day of benefit, but the maximum period may in certain cases be extended to 52 weeks.

Benefits will begin to be granted as soon as the necessary equipment and health services have been established.

UNITED STATES

In July 1938, a National Health Conference was held in Washington, at which a vast programme for the development of the various health services was put forward for examination by representatives of labour, farmers, the medical profession, and other interested groups. On 28 February 1939, Senator Wagner introduced in the United States Senate a Bill (S.1620), having the support of the Administration, to give legislative effect to this programme.

The Bill provides for the grant of Federal subsidies, under six heads, to each State, in order to encourage it: to establish or extend (1) schemes of maternal and infant welfare, (2) services for crippled children, and (3) general public health services (prevention and control of social diseases); (4) to build and equip hospitals; (5) to extend and improve medical care for necessitous persons; (6) to institute schemes of temporary disability compensation.

The first three chapters of the Bill are simply amended editions of corresponding chapters of the Social Security Act. The main lines of the amendments are as follows: (1) a substantial increase in the amount of the Federal grants; (2) consideration of the financial resources of each State for the purpose of calculating the subsidy; (3) stipulation that the staff of the State services shall be appointed on the basis of merit; and (4) provision for State advisory councils to be set up to assist in the administration of the respective services. The competent Federal Departments are authorised to establish advisory councils for their own guidance.

The remaining three chapters add entirely new features to the Social Security Act, and are briefly analysed below.

Hospital Services

Federal subsidies are granted to enable States to construct and improve necessary hospitals and diagnostic centres, especially in rural areas and in areas suffering from severe economic distress; States are also assisted to maintain the new hospitals for a period
of three years. The amount of the subsidy to each State is a fraction of the total expenditure under the State scheme depending on its hospital needs and its financial resources. The United States Public Health Service, assisted by an advisory council, is responsible for the allotment of subsidies and the supervision of State schemes. The hospital schemes must be administered by State agencies according to methods approved by the United States Public Health Service, and must be staffed on a merit basis; one or more advisory councils of hospital and medical representatives and other interested parties must be set up in the State and must be consulted in the administration, and co-operation must be established with "public agencies concerned with welfare, assistance, social insurance, workmen's compensation, labour, industrial hygiene or medical care".

*Medical Care Services*

Federal subsidies are granted "for the purpose of enabling each State, as far as practicable under the conditions in such State, especially in rural areas and among individuals suffering from severe economic distress, to extend and improve medical care (including all services and supplies necessary for the prevention, diagnosis and treatment of illness and disability)". The amount of the subsidy to each State is a fraction of the total expenditure under the State scheme depending on its population, the number of persons needing the services in question, the special health problems of the State, and the State's financial resources. No subsidy is payable in respect of any expenditure in excess of $20 a year per individual eligible for medical care. The Social Security Board, assisted by an advisory council, is responsible for the allotment of subsidies and the supervision of State schemes. State schemes of medical care must be brought into operation throughout the State by 30 June 1945 at latest. They must be administered by State agencies according to methods approved by the Social Security Board, and must be staffed on a merit basis; one or more advisory councils of interested parties and experts must be set up in the State and must be consulted in the administration, and co-operation must be established with the public agencies concerned with welfare, etc.

*Temporary Disability Compensation*

Federal subsidies are granted "for the purpose of assisting the States in the development, maintenance and administration of plans for temporary disability compensation".
"Disability" is defined as inability to work or unfitness for work by reason of injury or illness.

"Temporary disability compensation" is defined as cash benefits payable to individuals for not more than 52 weeks and with respect to their disability not arising out of or in the course of employment.

The amount of the subsidy to each State is equal to one-third of the total expenditure on benefits and administration under the State scheme.

The Social Security Board is responsible for the allotment of subsidies and the supervision of State schemes.

In order to be eligible for a subsidy a State scheme must, in particular: (1) be administered by a single State agency (unless several agencies would be more efficient); (2) be administered according to methods approved by the Board, and be staffed on a merit basis; (3) provide a fair hearing before an impartial tribunal for persons whose claims for compensation have been denied; (4) provide for co-operation and working agreements with State agencies administering unemployment compensation, workmen's compensation, industrial hygiene, or the prevention of disease or the treatment, care, compensation or vocational rehabilitation of sick or disabled persons.

No scheme can be approved, however, unless reasonably adequate medical services, including preventive services, are made available for the persons covered by it.

**Appropriations for Subsidies**

The Bill provides for the appropriation, from Federal revenue, of the following amounts for financing the subsidies to the various types of scheme instituted by the States:

<table>
<thead>
<tr>
<th>Type of scheme</th>
<th>Fiscal year ending 30 June</th>
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<td></td>
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<td>Maternal and infant welfare</td>
<td>8</td>
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<tr>
<td>Crippled children</td>
<td>13</td>
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<tr>
<td>Public health</td>
<td>15</td>
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<td>Hospitals</td>
<td>8</td>
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<tr>
<td>Medical care</td>
<td>35</td>
</tr>
<tr>
<td>Disability compensation</td>
<td>10</td>
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</table>
VENEZUELA

As was mentioned in connection with industrial accidents, provision was made for the introduction of sickness insurance by the Act of 16 July 1936, which left it to the executive authorities to determine the measures for giving effect to the general principles laid down in the Act.

During 1939, the provisions concerning sickness insurance included in the Bill adopted by the competent Committee of the Senate in 1938 were reconsidered and considerably amended as regards the conditions for the payment of cash benefits (daily sickness benefit).

On 31 May 1939, the House of Representatives gave the first reading to a Compulsory Social Insurance Bill which differed fundamentally from the original text in that it introduced for sickness insurance an extremely severe qualifying period before insured persons could claim cash benefits. According to section 9 (b) of the new Bill, sickness benefit would be payable only to insured persons who had contributed for not less than 20 weeks during the six months preceding the materialisation of the risk.

The qualifying period for the maternity risk would be 12 contribution weeks during the year preceding confinement.

As a result of the fixing of this qualifying period in the 1939 draft, it is proposed that the contributions should be reduced from 5 to 3.5 per cent. of wages.

In addition to this contribution, half of which would be paid by the employers and half by the insured persons, there would be a State subsidy equal to 2 per cent. of the wages of insured persons for all the risks covered (accidents, sickness, maternity, invalidity and old age). A quarter of this subsidy (0.5 per cent. of wages) would be used for the construction and purchase of medical equipment, 45 per cent. (0.9 per cent. of wages) to cover administrative expenses, and the remainder (0.6 per cent. of wages) would be available for covering the actual risks.

SPECIAL SCHEMES FOR MATERNITY ONLY

ARGENTINA

The Decree of 15 April 1936 contained measures for the enforcement of the Compulsory Maternity Insurance Act and thus brought it into operation. The scheme thus introduced is compulsory
for all women between 15 and 45 years of age, whether married or single, who are employed as workers or salaried employees in industrial or commercial undertakings or branches thereof, of whatsoever kind. The scheme is administered by a Maternity Fund, which is a section of the National Pension Fund. The contributions of insured women vary according to wage classes (of which there are six) between 1.20 and 3.20 pesos a quarter-year; the contributions of the employer and the State are each equal to the insured woman's contribution. The right to benefit is acquired on condition that the insured woman was actually employed in an industrial or commercial undertaking nine months before her confinement and has paid contributions for that period, or that she has paid contributions for eight periods of three months in the course of the three years immediately preceding that date. Apart from a cash allowance, which varies between 75 and 200 pesos according to the wage class, benefit includes free treatment by a doctor or midwife. The new scheme is estimated to cover about 100,000 women.

**CUBA**

The Act of 15 December 1937 dealing with health and maternity insurance amends the former legislation concerning rest periods and allowances for women before and after childbirth. These amendments mainly affect the right to obstetrical aid, the fixing of the daily allowance at 1.25 pesos, and the fixing of the qualifying period at five contribution months during the two years preceding confinement.

§ 3. — Invalidity, Old-Age and Widows' and Orphans' Insurance

Invalidity, old-age and widows' and orphans' insurance has developed along two lines: there have been several fresh inter-occupational schemes (Brazil, Ecuador and Peru) and also a marked increase in the number of occupational schemes for special categories of workers (journalists in the Argentine Province of Córdoba, in Bolivia and in Cuba; transport workers in Brazil; mercantile marine officers in Chile; bank employees in Cuba). At the moment it is scarcely possible to say that the one form predominates over the other.
Among the notable features of the new inter-occupational schemes introduced or proposed since 1936, mention may be made of the fact that in Brazil the legislation concerning insurance for industrial workers is essentially an Act laying down general principles; the benefits to be guaranteed to insured persons will be fixed in accordance with the available resources of the insurance fund, which may vary considerably because the total amount of the contribution may be anywhere between 9 and 24 per cent. of the wages of insured persons, the actual percentage to be paid by insured persons, their employers and the public authorities being fixed by regulation every five years.

As regards special schemes, the one introduced in Brazil for the benefit of transport workers is also largely an Act establishing general principles, the rate of contributions being fixed by regulation and liable to periodical revision so as to ensure the financial stability of the institution.

The desire to secure the fullest possible balance between the guaranteed benefits and the anticipated resources is also reflected in the Bills submitted to the Parliament of Argentina for insurance schemes for journalists and seamen. The Bill concerning seamen, for example, states that detailed provisions concerning the rates of benefit should be drawn up by the insurance fund itself and submitted to the Government, which will have them approved by Parliament.

The reforms introduced to improve the working of existing insurance schemes concern, as did the new schemes, general inter-occupational insurance and special occupational insurance schemes.

In Chile, the income earned on that fraction of the additional resources—equal to one per cent. of the insured wages—used for the building of workers' dwellings, should normally increase the available funds of the insurance scheme and enable it to raise the level of benefits guaranteed to insured persons.

In Uruguay, the changes made in the compulsory invalidity, old-age and widows' and orphans' insurance scheme concern mainly the extension of the maximum period for the granting of dismissal benefit; there have also been a certain number of amendments on points of detail, the most important of which refer to the conditions under which service before the insurance scheme came into force can be counted for pension purposes. In addition, pensioners under the general scheme are permitted, like Government pensioners, to assign a fraction of their pensions as security for the payment of the rent of dwellings occupied personally by them.
Among the legislative changes affecting occupational schemes, special mention should be made of the introduction in Chile of an insurance scheme for mercantile marine officers in place of the compulsory savings scheme that previously existed. In Cuba, the seamen's insurance fund was reorganised in such a way that the additional resources available, combined with greater strictness in recognising as pensionable service any service before the introduction of the compulsory insurance scheme, will enable the fund to avoid in future the financial difficulties from which it has suffered in recent years.

The extent of the advances made either in the introduction of new schemes or in the improvement of existing ones differs little as between occupational and inter-occupational schemes, but the legislation under consideration in Colombia, Cuba, the United States and Venezuela would seem to give preference to general inter-occupational schemes.

In the United States, for instance, the Act passed in August 1939 to amend the Social Security Act will include in the general scheme about 1,100,000 additional beneficiaries (seamen, bank employees, etc.); on the other hand, the definition of agricultural workers—who remain outside the insurance scheme—and that of persons engaging in wage-paid activity only as an accessory or subsidiary occupation are to be tightened up in such a way as to exclude completely from the scheme 300,000 wage earners who at present are, or in certain circumstances might be, covered.

The reforms introduced in the management of insurance schemes and the employment of funds involve no very extensive changes in the existing situation. The measures taken in Brazil and Chile, however, show a tendency to use insurance funds for social and economic purposes. In Brazil, general regulations were introduced concerning the granting of loans, with or without mortgage, to insured persons; the general principle is that up to 50 per cent. of the available funds of pension insurance institutions may be used for loans on house property or loans for building for the benefit of insured persons.

The only fact to be recorded with regard to non-contributory pensions concerns Canada, where the earlier legislation was amended in 1937 so as to include blind persons among those entitled to benefits.

In Uruguay, the Government announced that legislation would be promulgated at an early date to overcome the present difficulties of the non-contributory pensions scheme.
As was mentioned in connection with sickness insurance, invalidity and survivors' insurance is now extended to all industrial wage earners who were not over the age of 50 years when the scheme came into force and who are shown by medical examination to be in good health (Act of 31 December 1936 and Administrative Regulations of 27 August 1937).

Invalidity pensions are payable: (1) in cases of total incapacity for employment because of the loss or weakening of essential organs or functions; (2) in cases of a reduction of the normal working capacity of two-thirds or over. In both those cases the estimated duration of incapacity must exceed one year. In order to be entitled to a pension an insured person must have completed a qualifying period of 18 contribution months.

Pensions are payable to survivors in the event of the death (1) of an insured person having completed a qualifying period of 18 contribution months, or (2) of an invalidity pensioner. Survivors' pensions are payable (a) to a widow or invalid widower and children who are under age or disabled; (b) to disabled parents; (c) to brothers or sisters who are under age or disabled; (d) to some person not related to the deceased but designated by him in the absence of any other claimant.

Regulations may also be issued providing for the payment of a lump sum to survivors and an allowance for funeral expenses; the granting of these benefits may be made subject to the payment of a supplementary contribution.

The resources of the insurance fund are provided by contributions from the insured persons, their employers and the Federal Government and the interest on accumulated capital.

The insured person's contribution may be fixed at from 3 to 8 per cent. of his wage, no account being taken of that fraction of his monthly wage which exceeds 2,000 milreis; a contribution calculated in the same way must be paid by persons in receipt of invalidity pension or sickness benefit on the amount of that pension or benefit. The contribution is payable monthly and is deducted directly from the wages, pension or benefit in question. The actual rate is fixed by regulation every five years; it is at present 3 per cent.
The amount of the employers' contribution is equal to the total monthly contributions of his employees and must be paid at the same time.

The Federal Government also undertakes to pay to the fund the same amount as the insured persons. Act No. 159 of 30 December 1935 made provision for a special customs duty, the product of which would enable the Government to fulfil its financial obligations to the social insurance funds; this duty was fixed at 2 per cent. ad valorem on all imported commodities with the exception of coal and wheat. The Government contribution to the insurance fund for industrial workers will be paid out of the balance of the product of this duty after deducting the sums due to other insurance funds. If this residue is insufficient, the necessary appropriation will be included in the budget of the Federal Government.

The capital of the fund must be invested in house property or on the security of house property or in Federal bonds or loans to insured persons, more particularly for the purchase of houses. The amount invested must be distributed over the different parts of the United States of Brazil in proportion to the contributions paid in each district (see below, pp. 60-61: utilisation of insurance funds).

**CANADA**

The changes that have taken place in the old-age and widows' and orphans' pension schemes were introduced, on the one hand, by an Act of 31 March 1937 to amend the 1927 legislation concerning non-contributory pensions and, on the other hand, by the corresponding amendments to the provincial laws. The Canadian scheme provides for the payment of a subsidy by the Dominion Government equal to 75 per cent. of the expenditure of all provincial non-contributory pensions schemes which satisfy certain conditions prescribed by the Dominion legislation.

At present, the maximum pension is $240 a year, but this amount is reduced by any income in excess of $200 for an unmarried pensioner or a widow or widower without a child or children, and $400 for a married pensioner or widow or widower with children.

A scheme of allowances for mothers with dependent children has now been established in Quebec, while the existing mothers' allowance scheme in British Columbia has been improved.

Blind as well as aged persons will in future be entitled to non-contributory pensions in all the Provinces, as the amended and
consolidated provincial laws have all included blind persons among the beneficiaries, in accordance with the Dominion Act of 1937. A proposal to lower the pensionable age, which is at present 70 years, was again rejected.

**CHILE**

The resources of the general social insurance scheme, which covers invalidity and old age as well as sickness, have been increased by an amount equal to $2\frac{1}{2}$ per cent. of wages. This increase is intended, on the one hand, to cover the cost of preventive medical measures and the cost of maternity and child welfare work and, on the other hand, to finance a programme of workers' housing, the main points of which were outlined above in connection with sickness insurance.

**COLOMBIA**

The fate of the proposed legislation to introduce a general social insurance scheme covering invalidity, old age and death in place of the compulsory savings scheme established by the Act of 31 March 1936 was mentioned above in connection with sickness insurance; it will suffice to recall that the Bill was passed by Parliament but was not approved by the President on account of the changes introduced in the original text during the Parliamentary debates.

**CUBA**

The Committee on Social Insurance set up by the Act of 28 September 1937, the terms of reference of which were mentioned in connection with the sickness risk, has intimated that it intends in the near future to submit a Bill dealing with sickness, old-age and widows' and orphans' insurance.

**ECUADOR**

Compulsory invalidity, old-age and widows' and orphans' insurance is part of the general scheme, the main features of which were mentioned in connection with sickness insurance.

The benefits guaranteed in the event of invalidity, old age or death comprise pensions for insured persons themselves who satisfy
the necessary conditions as regards contributions and lump sums payable to their survivors in the event of death.

In case of permanent total incapacity, insured persons who have paid contributions for at least 10 years may claim a pension equal to 60 per cent. of their average remuneration during the five years preceding the materialisation of the risk, but not exceeding 9,000 sucres a year. The qualifying period of 10 years is not required if invalidity is due to an industrial accident or occupational disease.

At 55 years or after 20 years' membership of the fund, insured persons may claim a monthly pension equal to 60 per cent. of their last insurable remuneration. If they leave the fund before the pensionable age or before completing the qualifying period they are entitled to a refund of their contributions.

Survivors are entitled to a refund of the deceased person's contributions. Beneficiaries include all legal heirs, as defined in the Civil Code. If the deceased person was a member of the fund for less than six months, his dependants receive a lump sum equal to two months' wages but not exceeding 500 sucres.

The insurance system is financed by contributions payable by insured persons and their employers and by a State subsidy. The contribution, which is divided equally between the insured persons and their employers, is fixed at 10 per cent. of wages.

The State subsidy consists of the proceeds from a 30 per cent. surtax on certain taxes and the revenue from the sale of a special postage stamp. In 1937 the total amount of the subsidy was fixed at 350,000 sucres. During the same year the fund also received 959,775 sucres from estates left by persons dying intestate.

**PERU**

The main outlines of the social insurance legislation of 1936 and 1937 were given above in connection with sickness insurance.

The benefits provided to cover the risks of invalidity, old age and death include personal pensions for the insured persons and lump sums payable to survivors. The rate of invalidity pension varies between 40 and 60 per cent. of the average wage, according to the time spent in insurance. The qualifying period is 200 contribution weeks; 100 of these contributions must have been paid during the four years preceding the claim. The old-age pension is calculated in the same way as the invalidity pension and is payable to insured persons of over 60 years of age who have paid
1,040 weekly contributions. In case of death, surviving dependants are entitled to a funeral allowance and to a lump sum equal to one-third of the average yearly wages of the deceased.

The expenditure of the insurance scheme is met by a contribution paid jointly by insured persons, employers and the State. Normally the insured person will pay 1.5 per cent., the employer 3.5 per cent. and the State 1 per cent. of the wage as calculated for insurance purposes. During a transitional period and pending the completion of the organisation of medical assistance, the share of the insured person is not payable and that of the employer is reduced to 2 per cent. of the wage as calculated for insurance purposes.

The insurance scheme also receives the proceeds of certain taxes, more particularly those on alcohol, alcoholic liquors, tobacco, etc.

**UNITED STATES**

An Act to amend the Social Security Act and for other purposes (H.R. 6635), was passed by Congress in August 1939, and amends most of the Titles of the Social Security Act. In particular, it alters the mode of calculation of old-age pensions and introduces benefits for aged wives, for widows, children and aged dependent parents. It advances the date of the payment of the first pensions by two years to 1 January 1940. The effect of the modification of the old-age pension is to increase the rate of pension payable to persons who have been insured only a short time. Over a million additional persons, especially seamen, are brought within the scope of old-age insurance.

The amending Act also modifies the rates of the Federal subsidies payable to the States on account of their schemes of assistance (non-contributory pensions) for the aged and the blind and for dependent children. Henceforth the Federal Government will reimburse the States for half of their assistance payments to an aged or blind person in so far as these payments do not exceed $40, instead of $30, a month. Again, the Federal subsidy in respect of assistance to dependent children is increased from one-third to half the payment granted.

The titles of the Act which concern Federal old-age benefits are summarised below.
Old-Age Benefit Scheme Transformed

The Federal old-age benefit scheme emerges as a "Federal old-age and survivor insurance" scheme. The Bill introduces forms and terminology appropriate to social insurance and institutes, for the dependants of insured individuals, a series of benefits which are computed in terms of the old-age benefit, henceforth called the "primary insurance benefit". The date at which benefits begin to be paid under the scheme is advanced by two years to 1 January 1940.

Scope

By the inclusion of seamen, bank employees and employed persons aged 65 and over, about 1,100,000 additional persons are brought within the scope of the Federal old-age and survivor insurance scheme.

On the other hand, agricultural labour remains excluded and its definition has been tightened up so that about 300,000 persons engaged in certain classes of employment closely connected with agriculture are henceforth excluded, like farm workers generally under the principal Act. Furthermore, certain employments of a subsidiary nature are also excluded.

Primary Insurance Benefit

Qualifying conditions. — The qualifying condition for the primary insurance benefit (old-age pension) payable at age 65 is that the claimant should be a "fully insured individual".

A person is considered to be fully insured if he has to his credit half as many "quarters of coverage" as there were quarters elapsing after 1936 (or his twenty-first birthday if later) and before he attained age 65. A "quarter of coverage" is defined as a calendar quarter in which a person received in insurable employment, at least $50 in wages. In addition it is provided that a person who is credited with as many as 40 quarters of coverage shall retain indefinitely the status of a fully insured individual.

Basic wage. — The maximum wage taken into account for the purpose of fixing the primary insurance benefit remains fixed at $3,000 a year. The benefit is now, however, computed as a fraction of the average monthly wage instead of as a fraction of accumu-
lated wages. The average monthly wage is calculated over the whole period of insurable employment.

*Rate of benefit.* — The primary insurance benefit is an old-age pension payable monthly for life and consists of:

(i) a basic amount equal to 40 per cent. of the average monthly wage up to $50, plus 10 per cent. of such wage in excess; and

(ii) one per cent. of the basic amount for each year in which at least $200 was earned.

*Benefits for Pensioner's Dependents*

*Wife's benefit.* — The wife aged 65 or over of a man receiving a primary benefit is entitled to a monthly benefit equal to half her husband's primary benefit.

*Child's benefit.* — Each child under age 16 (18, if at school) is entitled to a monthly benefit equal to half the primary benefit of his father or, if he is dependent on her, of his mother.

*Benefits for Survivors*

Provision is made for monthly benefits to the widow and children or parents of a person who at the date of his death fulfils certain qualifying conditions. Where no relative entitled to a monthly benefit is left, a lump sum benefit is awarded.

*Widow's and parent's old-age benefits.* — The widow or, in the absence of a widow or child, a wholly dependent parent of a fully insured individual is entitled, on attaining age 65, to a monthly benefit equal to half the primary benefit which the deceased was receiving at the date of his death or to which, but for his not having attained age 65, he would have been entitled.

*Benefits payable where children are left.* — Monthly benefits are payable to a widow under age 65 if she has the care of children under age 16 (18, if at school), and to children, within the same age limit, of a person who at the date of his death was a fully insured individual or, if not fully insured, was at least a "currently insured individual", that is, an individual who has earned $50 in each of six out of the 12 calendar quarters preceding that in which he died.

The widow, as long as she does not remarry and has the care of at least one child, is entitled to a monthly benefit equal to three-
quarters of the primary benefit computed on the basis of the deceased's average monthly wage, whether he was fully insured or currently insured.

Each child is entitled to a monthly benefit equal to half the primary benefit on the death of his father or on that of his mother if he was dependent on her.

Lump-sum benefit. — Where no widow, child or parent entitled to a monthly benefit is left by a fully or currently insured person, a lump sum equal to six months' instalments of the primary benefit is distributed among close relatives of the deceased. In the absence of close relatives, only the funeral expenses of the deceased are paid.

Limitation of Benefits

The total benefit payable in respect of the insurance of an individual cannot exceed either $85 a month, or twice the rate of his primary benefit, or 80 per cent. of his average monthly wage, whichever is least. The total benefit can never be less than $10 a month.

Benefit is not due for any month in which the beneficiary earns as much as $15.

Financial Resources

Contributions. — The Act provides that the taxes, henceforth termed "Federal insurance contributions", payable by employers and workers under title VIII of the principal Act, shall remain fixed at one per cent. of wages from each party for the period 1940-42, instead of being raised to 1 1/2 per cent. of wages. After 1942 the rates are increased gradually up to 3 per cent. as provided for by the principal Act.

Insurance Trust Fund. — The entire proceeds of the Federal insurance contributions are paid into a new fund, "The Federal Old-Age and Survivor Insurance Fund", placed under the management of a board of trustees consisting of the Secretaries of the Treasury and Labor and the Chairman of the Social Security Board. All benefits granted under the Federal insurance scheme are payable out of the Fund.

URUGUAY

The amendments made since 15 January 1936 to Act No. 9,196 of 11 January 1934 concerning the pensions scheme for workers in commerce, industry and public utility undertakings are concerned
mainly with the dismissal and unemployment benefits granted to insured persons under the age of 40 years who lose their employment and are unable to find work suited to their physical condition and occupational training.

Whereas dismissal benefits are paid for an unlimited period—that is, so long as unemployment persists—to insured persons over the age of 40 years, the reform introduced in 1934 limited to two years the maximum period for which they could be granted to persons under the age of 40 years. This maximum period was extended provisionally on several occasions.

The rules for the enforcement of the 1934 legislation were also amended on certain points of detail, the most important being the recognition for pension purposes of service before the compulsory insurance scheme came into force and the deduction at source of the insurance contributions payable by contractors when they are paid for work executed for the municipal authorities or other public bodies.

A Decree of 30 November 1938 included all pensioners among the beneficiaries of Act No. 9,624 of 15 December 1936 concerning guaranteed rents. That Act provided that all officials having not less than three years’ service to their credit and all pensioners might apply to have the rent of their personal dwellings guaranteed by the Treasury. The guarantee may not exceed 40 per cent., or in exceptional circumstances 60 per cent., of the salary or pension of the applicant. The rents thus guaranteed are paid directly by the Treasury, which withholds them from the salaries or pensions of the persons concerned.

Among the subjects at present under consideration, special mention may be made of a proposed general reform of the social insurance scheme announced in a Ministerial statement made in February 1939. An extract from that statement concerning the non-contributory pensions scheme and invalidity, old-age and widows’ and orphans’ insurance for workers in commerce, industry and public utility services is reproduced here.

"The Assembly is informed that a Decree of the executive authorities set up committees of experts to consider and propose amendments to the pensions system; the work of those committees is now well advanced and the conclusions they reach will be embodied in a Bill which in due course will be submitted to the legislative authorities for consideration and approval. If approved by them it will become the law governing pensions.

"Because of the serious financial situation, I have thought it necessary to introduce a Bill requesting the suspension for one more year of the payment of pensions in industry, commerce and public utility services
which should, under the existing provisions, be paid as from 1 February of the present year. The sole purpose of this Bill is to establish on a reasonable and financially sound basis the system of employers' pensions, because these are optional, and the only employers who have become affiliated to the scheme are those who would soon be entitled to pensions on account of their age or physical disabilities.

"With regard to old-age pensions (non-contributory pensions), a Bill is being prepared which I consider of importance; it would introduce amendments to the existing scheme with a view to ensuring its smooth working and the complete fulfilment of the social purpose for which it was introduced." ¹

The Bill for the suspension of the payment of pensions to employers affiliated to the pensions fund for industry and commerce was passed by the Senate on 30 January 1939. The suspension is for one year.

VENEZUELA

The new Social Insurance Bill, to which reference was made above in connection with workmen's compensation and sickness insurance, was given a first reading by the House of Representatives during its 1939 Session. It proposes that the insurance scheme should cover the risks of invalidity and old age, whereas the 1938 Bill proposed the postponement of this scheme until sufficient experience had been gathered of the working of the sickness and maternity scheme.

With regard to invalidity, the new Bill grants the right to a pension to persons suffering from a loss of two-thirds of general earning capacity.

The qualifying period is fixed at 200 contribution weeks; 100 of those contributions must have been paid during the four years preceding the beginning of invalidity.

The amount of the pension is equal to 40 per cent. of the average wage for the two years preceding the materialisation of the risk and this percentage is increased by 2 per cent. up to a maximum of 60 per cent. for every 100 contributions in excess of the 200 required for the qualifying period.

The contribution required to cover the proposed benefits has been estimated at 1.1 per cent. of wages.

The old-age scheme provides for the payment at the age of 60 years of a pension to every insured person who has contributed

for not less than 1,040 weeks and is not in receipt of an invalidity pension.

The basic pension is fixed at 40 per cent. of the average wage for the last five years, rising by 2 per cent. up to a maximum of 60 per cent. for every 100 contributions paid in excess of the 1,040 required for the qualifying period.

Insured persons who are over the age of 40 years when the scheme comes into force and therefore cannot pay the 1,040 contributions required for the normal pension will be entitled to a pension proportionate to the actual contribution period.

Insured persons who reach the age of 60 years without having paid at least 200 weekly contributions will be entitled to a refund of their own contributions at compound interest.

The Bill proposes a contribution of 2 per cent. of wages to meet the cost of these benefits.

In addition to these contributions, that fraction (0.6 per cent. of wages) of the State subsidy (2.0 per cent. of wages) not required for administrative expenses (0.9 per cent. of wages) or medical equipment (0.5 per cent. of wages) would be available to meet the cost of the various pensions (cf. above, Sickness Insurance).

It seems scarcely probable that contributions at the rates of 1.1 and 2 per cent. of wages would suffice to pay the benefits promised for invalidity and old age, and it therefore seems likely that the resources of the scheme will have to be adjusted to meet the cost of the benefits provided for to insured persons.

Special Schemes

ARGENTINA

Seamen

Several Bills to introduce an invalidity, old-age and widows' and orphans' insurance scheme for seamen were submitted to the Chamber of Deputies during 1937 and 1938.

At the end of 1938 the Committee on Labour Legislation of the Chamber of Deputies approved a Bill to establish a scheme of this kind for seamen and assimilated persons (dockers, etc.).

The insured person's contributions are fixed at 6 per cent. of all wages up to 1,000 pesos a month. Persons who are liable to insurance when the scheme comes into force will be required in addition to pay a contribution equal to one month’s wages in 25 monthly instalments if their length of service is less than
15 years and equal to two months' wages in 50 instalments if their length of service is more than 15 years. Any insured person who receives an increase in wages will be required to pay a sum equal to one month's increment.

The employer's contributions are fixed at 4 per cent. of all wages up to 1,000 pesos a month.

The scheme will provide old-age, invalidity and survivors' pensions. Detailed provisions with regard to the benefits will be drawn up by the fund responsible for managing seamen's insurance and will be submitted to the Government, which will lay them before Parliament within eighteen months of the passing of the Act establishing seamen's insurance.

**Journalists**

Act No. 12581 of 30 June 1939 makes invalidity, old-age and widows' and orphans' insurance compulsory throughout the country for all persons employed on the staffs of newspapers and other periodicals.

The Act contains only general provisions as regards benefits. It lays down that the Executive Committee shall draw up, on the basis of a census and of actuarial estimates, a benefits scheme, which it will submit to the Government for approval by Congress within one year of the issue of the Act. The scheme must be based on the following principles. Insured persons who have paid less than 60 monthly contributions will not be entitled to benefit. Periods spent under other insurance schemes before the coming into force of the journalists' scheme will only be taken into account 60 months after the enforcement of the Act. Three kinds of benefit will be payable: (1) old-age pension; (2) invalidity pension after not less than ten years' service; and (3) survivors' pension when the insured person dies after not less than ten years' service. Moreover, the Executive Committee may—but not earlier than ten years from the date on which the Act came into force—grant mortgage loans for the purchase or construction of a dwelling to insured persons who have completed more than ten years' service.

The resources of the insurance scheme will be derived from contributions payable by the insured persons and their employers, a State subsidy, and the proceeds of a special tax.

The insured persons will pay a contribution equal to 7 per cent. of their salary not exceeding 1,000 pesos a month. They will also pay, in twenty-four monthly instalments, an entrance fee equal to the amount of their first month's salary. If an insured person's
salary is increased, he must pay, in thirty-six monthly instalments, an additional fee equal to one monthly increment.

The employers will pay the Fund a contribution equal to 3.5 per cent. of the salaries paid by them which do not exceed 1,000 pesos a month.

The State subsidy will be equal to 5 per cent. of the total salaries on which a contribution is payable.

The Fund will also receive the proceeds of a 10 per cent. tax on the charges made for the insertion of advertisements and official announcements in the periodicals for whose staff insurance is compulsory.

The Fund's resources will be credited to a special account at the National Bank.

By an Act of 2 September 1938 the Province of Córdoba had already provided journalists with an invalidity, old-age and widows' and orphans' insurance scheme; this is administered by an autonomous fund which obtains its resources from contributions made by the insured persons (rising with earnings from 5 to 8 per cent. thereof), employers' contributions equal to one-third of those of the insured persons and an annual subsidy of 50,000 pesos from the authorities. Pensions are payable to insured persons aged 45 years who have completed 25 years' service and to invalids after 15 years' service; they may be neither above 450 pesos nor below 90 pesos a month (60 pesos for invalidity pensions). Surviving relatives may claim pensions equal to half that to which the deceased person was or would have been entitled.

BOLIVIA

Journalists

By Legislative Decree of 10 May 1938, journalists were provided with an invalidity, old-age and widows' and orphans' insurance scheme administered by an independent institution. The resources of the scheme are constituted (1) by contributions equal to 10 per cent. of monthly salaries not exceeding 1,200 bolivianos, to be paid half by the insured persons and half by the employers, and (2) by the yield of certain special taxes. Pensions will be granted after not less than 15 years' service and will be equal to 60 per cent. of salaries, with an further 4 per cent. for each year's service over 15. Insured persons who have been members for more than 10 but less than 15 years may receive pensions equal to 50 per cent. of salaries, to be paid for a period equal to their length of membership. Surviving relatives are entitled to a lump sum calculated according
to the length of the deceased person's service (six months' salary for five years' service and 30 months' salary for 25 years' service).

Employees of Undertakings holding Concessions for Public Services

The Draft Labour Code already mentioned in connection with accident compensation makes provision for the introduction of a system of invalidity, old-age and widows' and orphans' insurance for workers employed in private undertakings holding concessions for public utility services (e.g., telegraph, telephone, railway, water, electricity and banking services). The insurance scheme, which would be administered by an autonomous fund, would obtain its resources from employers' and workers' contributions and the yield of certain special taxes.

BRAZIL

Transport Workers

The scope of the insurance scheme originally introduced for coffee warehousemen was extended by a Legislative Decree of 26 August 1938 to cover all workers engaged in road transport and the handling of goods.

The scheme will provide the following benefits: invalidity and old-age pensions, pensions for the dependants of deceased insured persons or pensioners, and funeral benefit.

In addition it may, by way of optional benefits and subject or not to the payment of supplementary contributions, provide medical, surgical and hospital treatment and cash benefits in cases of sickness and childbirth.

The rates of benefit are to be fixed by the administrative regulations and will be subject to periodical revision so as to assure the financial stability of the institution.

The principal resources of the scheme will be the contributions of insured persons, employers and the Federal Government. The monthly contributions of insured persons will be fixed at some percentage of wages lying between the limits of 3 and 8 per cent. The maximum wage taken into account for contribution purposes is 2,000 milreis a month. The monthly contribution of each employer is equal to the total of the monthly contributions of the persons in his service.

The Federal Government will likewise contribute a subsidy equal to the contributions of insured persons, and this is financed by two special taxes, viz., two-tenths of a real per kilogramme on
all goods deposited in warehouses or despatched by water, when imported from abroad or destined for export; and 90 reals per litre of petrol sold to consumers.

The accumulated funds of the institution are to be invested preferably in loans to insured persons, provision of houses for insured persons, Federal Government securities, and real property. The investments are, as far as possible, to be distributed regionally in proportion to the contributions collected in each region.

**CHILE**

*Mercantile Marine Officers*

A special compulsory insurance scheme for mercantile marine officers was introduced by the Act of 16 February 1937 and the administrative regulations of 5 May of the same year.

Before the introduction of this scheme, mercantile marine officers were affiliated to the Salaried Employees' Provident Fund, which is essentially a compulsory savings institution; in future benefits will be guaranteed to them by an autonomous institution in which the benefits are paid out of a common fund.

The proposed benefits include sickness benefit and invalidity, old-age and survivors' pensions. The scheme also provides for the payment of unemployment benefit for 15 or even 24 months, according as the beneficiary has been insured for less or more than ten years.

Pensions are calculated on a basic salary which, as a rule, is 90 per cent. of the insured person's average salary during the five years preceding the event giving rise to pension.

The qualifying period for invalidity and survivors' pensions is normally five years. Nevertheless, no qualifying period is required in cases where the insured person, on becoming liable to the scheme, passes a medical examination to the satisfaction of the Fund. The qualifying period for an old-age pension is 10 years. Any period of affiliation to the Salaried Employees' Provident Fund counts towards the qualifying period.

Invalidity is defined as total inability to perform the duties of the last employment.

The old-age pension is payable when the insured person, having completed the qualifying period, attains the age of 62 or, having completed 30 years of contributions, attains the age of 55.

Invalidity and old-age pensions are calculated at the rate of one-thirtieth of the basic salary for each contribution year. A
minimum pension of 200 pesos a month plus 50 pesos per child under 18 is guaranteed.

Survivors' pensions are payable to the dependants of the insured person. The total of the pensions is calculated at the rate of 30 per cent. of the basic salary for the first five contribution years plus 1 per cent. for each subsequent year. A minimum pension of 200 pesos a month is guaranteed to the widow or invalid widower and a minimum of 50 pesos a month to each dependent child. One month's salary is paid by way of funeral benefit.

CUBA

Bank Employees

An insurance scheme for bank employees was established by the Act of 7 September 1938, which set up the General Pensions Fund for Bank Employees.

The normal old-age pension becomes due after the employee has reached the age of 50 years and served for 30 years, or has reached the age of 60 years and served for not less than 10 years; the pension may, however, be paid at the age of 50 years to an employee who has served for 20 years. The normal amount of the pension after 30 years' service ranges from 25 per cent. of the annual salary, if over 5,000 pesos, to 60 per cent. of the salary if it does not exceed 500 pesos a year.

Invalidity is covered by the payment of pensions in the case of total loss of earning capacity and by the refund of contributions in the case of partial incapacity exceeding 50 per cent.

The surviving widow, invalid widower, orphans under the age of 18 years, or, failing them, ascendants or collateral relatives maintained by the deceased, are entitled to pensions. The widow's pension is equal to 50 per cent. of the pension to which the deceased was or would have been entitled.

The main sources of income are: (1) a total contribution of 10 per cent. of salary, shared equally by the insured persons and their employers; (2) a deduction of one-twelfth of the first month's salary or of the first monthly instalment of any salary increment; and (3) income from interest, fines, etc.

Railway and Land Transport Workers

On 6 March 1939 the House of Representatives adopted a Bill providing for urgent measures to restore the financial equilibrium of the Pensions Fund for Land Transport Workers.
Journalists

A Pensions Fund for Journalists and Assimilated Persons was established by Decree No. 1027 of 13 May 1938 (Gaceta Oficial of 24 May 1938), issued in pursuance of Legislative Decree No. 172 of 23 August 1935.

Seamen

An Act was promulgated on 3 September 1938 (Gaceta Oficial of 8 September 1938) to restore the financial equilibrium of the Seamen's Pension Fund. According to the new provisions, a long-service pension may be claimed at 50 years of age and after the completion of 20 contribution years. A pension is also granted irrespective of age after the completion of 25 contribution years.

The pension is, as a rule, equal to 3 per cent. of the average annual wage on which contributions have been assessed, including each year in insurance since 1927. No pension may be less than 30 nor more than 80 pesos a month.

The right to an invalidity pension is acquired on the incidence of obvious working incapacity after the completion of not less than five contribution years. The invalidity pension is calculated in the same way as the long-service pension, and the same maximum and minimum rates obtain.

In case of death, a pension is granted to the following classes of survivors: (a) the widow or incapacitated widower dependent on the insured person at the time of death; (b) legitimate or illegitimate children under 18 years of age; (c) the widowed mother or incapacitated father if the deceased person leaves no widow (widower) or children entitled to a pension; (d) in the absence of the above-mentioned dependants, grandchildren who have lost both parents, are under 18 years of age and were dependent on the insured person.

The pensions payable under the transitional system, which were hitherto assessed by reckoning maritime work done before the promulgation of the Compulsory Insurance Act of 1927 as periods of contribution to the Fund, have now been reduced by from 3 to 20 per cent. In addition, the rules for taking account of earlier service have been tightened up.

The money required to cover the cost of insurance is normally derived from:

(1) An aggregate contribution of 6 per cent. of actual wages, this contribution being payable in equal parts by the insured person and the employer. The aggregate contribution may be raised to
10 per cent. of wages, but may in no case be calculated on a monthly wage of over 500 pesos.

(2) The proceeds of a 1 per cent. tax on all tickets for journeys by sea or by air to or from Cuba.

(3) The proceeds resulting from a deduction of one month's increment from all increases in wages.

(4) The proceeds of the sale of wrecks, wages unclaimed by seamen or their dependants, fines, etc.

In order to reduce the burden on the Insurance Fund, as an exceptional measure the Act of 3 September 1938 also cancelled a debt contracted by the Fund with the State, and made provision for a reduction in benefits, if necessary, by as much as 10 per cent. of their normal amount.

Utilisation of Funds of Long-Term Insurance Institutions

In Brazil all the Decrees setting up compulsory pensions insurance schemes for persons employed in public utility undertakings, miners, seamen, commercial employees, bank employees, warehousemen and stevedores, etc., provided that a fraction of the accumulated funds might be advanced to insured persons in the form of loans to enable them to purchase or build houses for themselves.

Decree No. 1749 of 28 June 1937 laid down general rules for the application of these provisions. Each institution will apply those general rules in accordance with the instructions issued to meet its special situation by the Ministry of Labour, Industry and Commerce. Special instructions for the insurance scheme for commercial employees were published along with the Decree.

The general principles laid down in the Decree of 28 June 1937 indicate that up to 50 per cent. of the funds of pension insurance institutions may be invested in the form of loans for the building of houses for insured persons or in loans on house property. In every case the loans must be secured by mortgage, by life insurance whereby the repayment of the balance outstanding at the death of the mortgagor is guaranteed, and by fire insurance.

Loans are repayable by monthly instalments of principal and interest, the rate of the latter being fixed at between 6 and 8 per cent. To each instalment is added one-twelfth of the annual
total of the taxes on the property, and of the life and fire insurance
premiums.

The amount of each monthly repayment is deducted from
wages at source by the emp'oyer, together with the member's
insurance contribution.

The term within which the repayment of the loan must be
completed is fixed by the member concerned subject to the following
limits: (1) the monthly repayment must not exceed 45 per cent.
of the member's wages; (2) the term cannot exceed 20 years
(25 if the member has four dependant children).

The contracts between the Institution and the members must
be rescinded without further consideration if delay occurs in the
payment of three or more consecutive or alternate instalments
in a period of six months, save in case of serious illness of the
member or his dependants or childbirth of his wife, or loss of
employment, or suspension of remuneration, when instalments
may be suspended for a maximum of six months.

The special instructions for the commercial workers' scheme
depart from the above principles in certain respects and more
particularly in that the housing fund is maintained by the allocation
of an annual sum not exceeding 30 per cent. of the contributions
collected during the previous year, together with the current
repayments of loans outstanding. These instructions also make
provision for the granting of personal loans to insured persons.

This necessarily incomplete analysis of the main reforms adopted
or proposed must suffice, although it consists only of a few examples
of what is being done. Brief and restricted as it is it gives some idea
of the extent of the action taken and of the general trend of ideas
on the subject of insurance in various countries since the Santiago
Conference.

What is required is to continue and develop the work outlined
by that Conference; among the many items in the vast programme
it drew up, stress must be laid on those aspects which call for special
attention and on the most urgent needs and aspirations, and these
must then be analysed and dealt with.

To increase the producing and consuming capacity of a country
and to protect the health and physical strength of the workers are
tasks that cannot be accomplished in a day; they require long and
patient effort, and compulsory insurance can make a large and
valuable contribution to the accomplishment of these objectives.
CHAPTER II

SOME OUTSTANDING PROBLEMS

The introduction into any national economic system of a social insurance scheme, and particularly one that is intended to cover a large section of the population, raises certain fundamental problems which must be solved before the work of determining the level of benefits, the standard of contributions and the form of the institutions is begun.

These preliminary problems concern more especially the probable or possible incidence of the proposed charges, their influence on wages, profits and prices, the selection of the risks to be covered and the delimitation of the scope of the scheme as regards workers and districts of the country. They are obviously very complex problems which can be solved only in the light of the special circumstances of each case. The selection of the risks to be covered, for example, will depend not only on the urgency and importance of the needs to be met but also on the level of the resources and on the existence of the necessary administrative basis for the insurance system; it will also be affected by the more or less urgent necessity in different districts for training the population to accept the idea of social insurance and enabling it to appreciate the services the scheme may render and the obligations it will involve.

Finally, the application of any kind of social insurance scheme calls for a certain economic and social foundation (means of communication, development of exchanges, and certain conditions of life among the insured population) which will ensure sufficiently direct and constant touch between the insurance institutions and the persons to be insured. In countries which are still in the early stages of development it is scarcely possible to apply insurance save in urban districts or in areas where the population is particularly dense and means of communication adequately developed. It must be admitted that it is precisely those sections of the population which have less need of social protection; but if their needs are considered in themselves instead of being compared with those
of the population of less advanced regions it will be realised that they are very urgent. Moreover, the introduction of insurance in those districts where it can be most easily administered is the best means whereby young countries can pave the way for future developments.

The solutions that may be adopted for the problems mentioned above will vary not only from country to country but also from one period to another.

All that can be said is that, speaking very generally, the risks of accident, sickness and maternity may be considered the most urgent. To cover these risks first has, moreover, the advantage of bringing home to the insured persons immediately the benefit they do or may obtain at any moment from the insurance scheme; every insured person is liable to suffer at any time from injury or disease, and these risks are covered as soon as the insurance scheme comes into force without any long period of contribution being called for as a condition for the payment of benefits; such a scheme therefore brings home to the insured persons the benefits of the insurance to which they are required to contribute.

From the psychological point of view it is essential that the insurance scheme should bear immediate fruit, because its effective application depends very largely on the possibility of demonstrating to the population concerned that it is in the interests of the insured persons themselves to collaborate with insurance bodies in protecting themselves against the risks they run. There can be no lasting legal obligation without the general consent of those concerned, and the necessity for being able to secure the punctual payment of contributions and the strict observance of the regulations concerning the right to benefits without recourse to a complex system of coercion is obvious.

The daily occurrence of the events insured against and a certain liberality in the spirit in which benefits are granted undoubtedly constitute the best means of proving to the insured populations the advantages of the scheme to which they are compelled to contribute, and that end is immediately secured when an accident scheme or a sickness and maternity scheme is introduced.

It is true that, in theory at least, it is possible also to cover the risks of old age, invalidity and death as soon as the insurance scheme is introduced, without requiring insured persons to have paid contributions for a long period before becoming entitled to benefits. Such a system, however, is necessarily costly if the benefits are to guarantee effective protection of real economic and social value.
Although the above considerations are valid in the generality of cases there are certain exceptions.

In some cases, for example, the introduction of compulsory insurance to cover the sickness risk, which is doubtless the most serious physical risk to which the worker is exposed, may be thought less urgent than the reorganisation of an existing old-age pension scheme, if the less favoured sections of the population have already at their disposal a fairly complete and accessible scheme of medical aid, and if the scheme which is to be reorganised is really in a precarious situation.

The weight to be attached to the various factors determining the order of urgency or priority of the risks to be covered and the inclusion or exclusion of any given district or any given group of workers within the scope of insurance cannot be determined \textit{a priori} but must be decided in the light of the concrete circumstances in each case. A general theoretical and abstract study would be of no real value to the authorities who have to solve these problems in any given instance.

On the other hand, there would seem to be a definite value in proposing that the Conference should consider a certain number of questions concerning the general organisation of insurance, the forms it may take, the methods that are most likely to bear fruit—in short, the means to be adopted for reaching the proposed goal once the preliminary questions of the risks to be covered and the categories of workers or the areas to be included have been settled.

Such is the purpose of the present survey, which is intended merely to give certain indications and to develop or expand on a few points the general framework drawn up by the Santiago Conference.

\textbf{§ 1. — Industrial Accidents}

The measures that have been taken to deal with compensation for industrial accidents reveal the growing tendency in recent years to guarantee the rights of insured workers more fully by a system of insurance working under strict supervision; at the same time they show the need for extending the scope of workmen's compensation to cover all agricultural workers.

\textbf{Extension of Compensation to Agricultural Workers}

There is no doubt that the number of industrial accidents can be reduced by well-conceived and carefully applied measures, but
the application of such measures, no matter how perfect, cannot entirely remove the risk, and the number of accidents that occur in agriculture is much higher than is generally imagined.

Detailed statistics of the incidence of the risk, classified according to the form of agriculture, the cause of the accident and its consequences, have been compiled in certain countries. These statistics provide considerable information as to the direction that should be taken by preventive action and the differences that might be established in insurance premiums according to the nature of the undertaking, the amount of machinery employed, etc. They also provide some idea as to the frequency of fatal accidents, which fluctuates, according to the degree of development of the countries in question, from about 20 to 25 or 30 fatal accidents per 10,000 full-time workers per year.

The number of accidents involving only a short period of incapacity is also high. According to Hungarian statistics about 30 per cent. of agricultural accidents involve up to one week of incapacity, 60 per cent. up to two weeks, and 80 per cent. not more than four weeks, reckoned from the day on which the accident occurred. Swedish statistics show that about 4 per cent. of the accidents cause permanent incapacity as defined in the legislation of that country.

These statistics also show that it would be quite wrong to consider it proved that the accidents caused by machinery in rural districts are more serious or more frequent than others. French statistics attribute between 30 per cent. and 40 per cent. of agricultural accidents to the use of machinery, while Hungarian statistics indicate only 15 per cent. as being due to that cause (18 per cent. of fatal accidents).

In any case the exemption of undertakings in which there is held to be no specific or peculiar risk of an accident may be objected to on the general grounds, equally valid for agriculture and for commerce or industry, that it is scarcely justifiable to exonerate an undertaking from the obligation to pay compensation for accidents occurring in its service merely because such accidents are very infrequent. It is a very doubtful consolation for the worker who is injured in an accident to know that the cause of his injury is quite exceptional.

**Workers covered**

Workmen's compensation laws based on the principle of occupational risk require that compensation should be paid in respect of
any industrial accident occurring to an employed person, irrespective of whether he is a manual worker or a salaried employee or whether his wage is high or low. The application of the principle should not normally be influenced by sex, nationality, age, the nature of the work, the duration of the worker's employment, etc.

In reality, however, most workmen's compensation laws do restrict the scope of their application in certain respects. The most important of these restrictions from the point of view of agriculture is that affecting temporary workers, those who engage in wage-paid employment only as an exception—at least with that particular employer—and independent workers or other assimilated groups. In agriculture, therefore, there are two main reasons for which exceptions may be made to the principle of occupational risk:

- the one concerns the duration of employment and the other the exercise of some independent occupation for which wages are not paid.

The position of temporary workers and those who engage in wage-paid employment only occasionally has already been discussed in a number of studies, and the main points were summarised in the reports submitted to the Santiago Conference. That Conference decided that the legislation concerning workmen's compensation for accidents should apply to all employed persons; the formula adopted was thus quite general and covered all wage-earning workers irrespective of the nature or duration of their services.

At the present time, however, it would seem that the conviction is gaining ground that the system of accident compensation based on the idea of occupational risks and confined to wage earners is—at least in part—out of date, particularly in agriculture.

At its first session in February 1938 the Permanent Agricultural Committee of the International Labour Office recognised that:

"While the total number of wage-paid agricultural workers is immense and their problem therefore one of great importance which must always constitute a special claim to the activities of the International Labour Office, yet in many countries the small farm operators far outnumber the wage earners. Their problems must therefore be considered equally important and the standard of living of the agricultural population must be regarded as the major part of the question of the standard of living of the world population as a whole and can only be properly considered by taking into account the position both of the wage earners and small farm operators."

When considering more particularly the social protection of agricultural workers and their insurance against the risks to which they are exposed, the Committee definitely suggested a study
dealing on the one hand with the position of wage earners and on the other with the position of small farm operators.

With regard to industrial accidents the question that now arises therefore is the position of independent workers and those who do not engage in wage-paid work.

The position of these workers differs according to whether their lack of wages is due to the fact of their being related to the employer or whether they are engaged independently in working a farm leased by them or operated on a produce-sharing basis.

It should be noted that in principle the family relationship between an employer and his worker or employee need not hinder the conclusion of a contract of employment. The only obstacle to the conclusion of such a contract is the community of interests created by a contract of marriage. Thus, a son may enter into his father’s service just as a father may become his son’s worker. In such cases, however, it often happens that the right to payment is renounced or not stipulated at all.

As a rule, therefore, the members of the family of the employer may be considered as workers or employees if they fulfil the conditions defined by the law as qualifying for compensation, and the principle of occupational risk ipso facto applies. In some countries it is accordingly argued that kinship should not dispense the employer from the obligation to pay the compensation which in the event of an accident would have been due to the worker if he had not been a member of his employer’s family, and therefore the law, carrying out the fundamental theory, stipulates that under certain conditions the members of the family of the employer should be in the same position as other workers.

In one of these (Italy) the legislation even extends compulsory insurance to the wife of a smallholder or tenant farmer if she takes part in the ordinary manual work of the farm.

In addition to the above laws, which under certain circumstances treat the members of the employer’s family in the same way as workers or employees, there is a second group in which such persons are expressly excluded from the right to compensation, at least if they live in the employer’s household. This is the case in Australia, Canada, France, Great Britain, Luxemburg, the Netherlands, etc.

In this case, the position of members of the employer’s family living with him is identical, in the event of an accident, with that of the employer himself if he were the victim. It will be obvious that the possibility of organising accident compensation for
independent workers will differ considerably according to whether the risk is or is not covered by compulsory insurance.

It is only the States in which the workmen's compensation legislation makes provision for compulsory insurance which have, under certain conditions, been able to extend to independent workers the provisions of that legislation. Even in those countries, the extension of compulsory insurance to independent workers is usually a step which the public authorities or the administrative bodies of the insurance scheme are left free to take if they think fit.

In Italy, however, the Legislative Decree concerning compulsory insurance against accidents in agriculture states that insurance against accidents in agricultural work is compulsory not only for permanent or casual workers but also for landowners, share farmers, tenant farmers and their wives and children, including illegitimate children, who habitually perform manual labour in their respective undertakings. Thus, these laws cover not only workers who are partly paid and partly independent, such as share farmers, but also certain groups of persons who are legally in an independent position but who, like paid workers, have only a small income.

In Germany, the rules of the agricultural mutual insurance associations may make insurance compulsory for the heads of undertakings and for their wives who are engaged in an employment covered by the law and advantage has been taken of this possibility.

In other countries, insurance is purely voluntary for independent farmers and they are free to insure or not, as they choose, against the accident risk to which they are personally exposed.

Insurance is also optional, as a rule, for members of the family employed by them and living in the same household.

The position of independent workers as regards industrial accidents is still far from having been generally regulated by legislation, but there is no doubt that the general trend favours the inclusion in the insurance scheme of at least those independent workers who are in a weak economic position. A necessary condition for this inclusion is the introduction of compulsory insurance.

Compulsory Insurance

Compulsory insurance, which is at the cost of the employer, applies uniformly to all the workers concerned; it automatically guarantees, with the minimum of dispute or of formality, the payment of compensation to injured persons; it collects contribu-
tions towards accident compensation from all the undertakings concerned, thus establishing a certain solidarity among all the employers which has undoubted social value. Moreover, whether the management of the scheme is entrusted to private agencies among which the employer is free to select his insurance company, or whether occupational funds are set up with a monopoly of insurance in a given occupation, or whether the scheme is based solely on an inter-occupational body, the administrative authorities have always power to supervise directly and in detail the drawing up of premium rates and the utilisation of the insurance funds so as to ensure that the premiums required of employers—and indirectly of the consumers as a whole—are as low and as equitably distributed as possible.

The main advantage of compulsory insurance, however, is the possibility it provides—when it is centralised on an occupational or inter-occupational basis—of extending the scope of the scheme either to all independent workers or to those who can be considered as in a weak economic position.

The question then arises how the contributions required of those independent workers and the benefits due to them should be fixed. For this purpose it is essential to assimilate the independent worker to a wage earner and to fix a certain figure for earnings which can be used both for the calculation of contributions and for the calculation of benefits.

In agriculture this assimilation involves no special difficulties, because, as a very general rule, the cost of accident insurance is distributed over farm operators either according to the amount of labour required to work the farm or according to the yield of the land as assessed for the purpose of the land tax.

In addition to these advantages of simplicity, ease of supervision and the guarantee of solidarity, and the fullest possible equality of treatment between employers and their wage earners, a compulsory insurance scheme, centralised in the hands of an occupational or inter-occupational body and enjoying a monopoly in any given district, has the further important advantage of being able to organise with the minimum of expense specialised medical services providing very extensive benefits in kind for an unlimited period. The existence of such a scheme also makes it possible to prescribe the payment of compensation in the form of pensions without special formality and without any danger for the pensioner of being deprived of his pension through the disappearance of the person responsible for paying it, since the pension will be paid
by a permanent public institution the membership of which is constantly being renewed in virtue of a statutory obligation.

§ 2. — Sickness and Maternity Insurance

The necessity for sickness and maternity insurance and the value it may have for the national community as a whole were fully recognised by the Santiago Conference and subsequently by the Tenth Pan-American Health Conference (Bogotá, 1938).

The latter Conference, referring specially to sickness insurance, adopted a resolution recognising the satisfactory effects of sickness schemes and commending to the attention of the Governments of countries which have not yet introduced a social insurance scheme the examination of the question with a view to establishing this means of collective defence of the nation's health.

The resolution of the Santiago Conference laid down the general principle of compulsory insurance and analysed in detail benefits, the administration of insurance, and the financing of insurance schemes. These general principles having been accepted, the question to be considered is how sickness and maternity insurance should be organised so as to achieve most fully the aims in view.

It should be mentioned first of all that, although the duty of sickness insurance is to organise individual medical care, it also shares, sometimes very largely, in the campaign against social diseases and in the improvement of general health standards.

The campaign against social diseases is, however, based essentially on collective or individual preventive measures and is therefore primarily the task of the public health services, in collaboration with voluntary organisations for social welfare.

The first problem in the organisation of sickness and maternity insurance is therefore that of the allocation of tasks to the public health services and to the insurance scheme respectively.

Once this allocation has been made, the question arises how and on what basis the insurance scheme can be organised, to what groups of individuals it should apply and what should be the scope of its activities so as to secure the purpose for which it is set up.

Allocation of Tasks

The allocation of their respective tasks to the public health services and to the insurance scheme will obviously depend on the degree of development of those two institutions.
The outstanding feature of social diseases is their frequency; they are due largely to precarious conditions of existence and bad housing, and in turn they react on those conditions. These diseases, which include tuberculosis, venereal diseases, rheumatic affections and cancer, vary from country to country, from urban to rural areas, and in character and intensity at different times. In spite of the improvements achieved in most countries, these diseases still place a heavy burden on the less highly-developed communities. They cannot be fought or prevented by medical treatment alone but call for extensive prophylactic action systematically applied.

Action by the insurance funds in this campaign is the more necessary the less developed the other agencies engaged in this work.

It is obviously essential that, whenever the organisation of public health services does not permit, or does not adequately permit, persons suffering from any of the social diseases to obtain the treatment they need, it is the duty of the insurance scheme to provide such treatment for its own members. The part to be played by the insurance scheme will therefore be all the greater when adequate assistance is not guaranteed by a public health service or when that service is available only to a limited number of persons.

Even when a very highly organised and generally available public health service exists, the insurance scheme will still have its important part to play in the campaign against social diseases.

The success of that campaign will depend in the first place upon systematic efforts to detect cases of disease and upon early diagnosis. The task devolving upon insurance funds is to help on the work of detection and to facilitate the precautionary examination of persons exposed to, or suspected of, infection, and the periodical examination of any sections of the community which are specially exposed to risk. The insured person's right to consult a doctor at any moment will conduce to early diagnosis.

Insurance funds can make a substantial, though indirect, contribution to the development of preventive and curative institutions by providing facilities enabling such establishments to be patronised by insured persons. They may even participate directly in the improvement and extension of these institutions, provided they are assured that their standard of efficiency is adequate and that they really will be thrown open to the members of the funds.

Insurance funds should assist in spreading hygienic habits among insured persons and their families (personal hygiene, diet, etc.).
Finally, insurance institutions can contribute to the local improvement of public health by encouraging the construction of healthy dwellings through the grant of mortgage loans and building advances. Further, by investing capital in undertakings of social and economic value, they can strengthen rural economy and promote rural sanitation (extension of means of communication, water supplies, etc.).

Co-operation between insurance funds and other agencies or institutions engaged in combating social disease, as also with the medical profession, must necessarily proceed on the basis of a pre-arranged joint programme designed to co-ordinate the work of all participants, fill any gaps and eliminate duplication. Such a scheme can be based either on a system of sharing out the work among the various agencies, or on team work by all concerned; in the latter case, its execution can be entrusted either to a body created ad hoc or to some existing agency which is particularly qualified to carry out one particular part of it.

**Bases for the Organisation of Insurance**

As a preliminary to the organisation of insurance it is necessary to define the scope and the risk covered, that is to say, the circumstances in which a claim to benefit will arise.

In sickness and maternity insurance schemes the risk covered is defined implicitly by the rules for the payment of benefits. These rules were clearly laid down, in so far as sickness insurance is concerned, in the resolution adopted by the Santiago Conference.

One problem which is still under consideration in several countries is whether the insurance scheme should cover both sickness and maternity from the outset or whether it might be advantageous to introduce a special scheme of maternity insurance to pave the way for a general sickness and maternity scheme.

The reply will doubtless depend on the stage of economic and social development of the country or district in question. The only general criteria that could be applied are the possibility of applying a general sickness and maternity scheme, the administration of which is necessarily complex, or the fact that the existence of serious practical difficulties suggests the desirability of covering maternity only in the early stages until adequate experience of the working of the scheme has been obtained.
In any case maternity insurance, if it is to have its fullest possible social value, must include the provision of obstetrical assistance, the necessary allowance for the maintenance of the mother and the child, ante-natal consultations and such child welfare services as may be considered indispensable. Protection must be given equally to women workers and to the wives of insured workers.

From the point of view of the risks covered, it is important to notice that a sickness insurance scheme can hardly restrict its activities to acute cases; if it is to apply a sound preventive policy it must extend its activities to chronic cases and provide medical treatment for insured persons who become disabled.

With regard to the scope of sickness insurance, there are two possible systems, one of which is much more widely used than the other. They are national insurance and compulsory sickness insurance for wage earners.

National insurance schemes make insurance compulsory in principle for the whole population without distinction of occupation or social status.

Subject, if necessary, to certain limits of income or means, the scheme covers wage earners, independent workers, and those intermediate classes working sometimes for others and sometimes for their own account. National insurance is conceived on a wide basis, and if fully applied would protect practically all persons in urban and in rural areas.

National insurance schemes obtain their funds from a levy on all income, wages, remuneration or profit, subject to a certain minimum which is exempt. In other words, every inhabitant is obliged to contribute to the expense of the insurance scheme according to his means, the contribution being graded, whereas the medical and pharmaceutical benefits are the same for all insured persons.

These benefits, which also include treatment in hospitals or sanatoria, are provided for the whole insured population by the insurance scheme; cash benefits are paid to insured persons who are unfit for work or who have suffered a loss or reduction of income as a result of health. Exception has sometimes been taken to the principle of national compulsory insurance on the grounds that the population of a country or district constitutes a group which is not homogeneous on many points that are of importance for insurance, such as mode of life, means and ability to pay contributions, need for protection and economic consequences of the risks in question. It is argued that the application of a national
scheme to such a diversified group (and particularly to independent workers) involves considerable difficulties if the cash benefits to be paid are to bear some relationship to the loss of income caused by the materialisation of the risk.

In reply to these arguments it is pointed out that in countries in which wage earners form a rather small proportion of the population the organisation of insurance institutions restricted to wage earners goes only part of the way to meet the requirements of the population as regards medical aid, whereas national schemes covering the whole population of wage earners and independent workers make it possible to establish insurance institutions with a sufficiently large and stable membership. The frequent changes of occupation or employment that take place do not interrupt the course of insurance, which can continue irrespective of such changes.

The most serious objection, however, still remains: in practice the only way in which national insurance schemes can avoid very serious administrative obstacles is to limit their cash benefits to the payment of fixed amounts which are always more or less out of proportion to the possibilities or requirements of the insured persons.

In a system with a flat rate of benefit the amounts paid cannot exceed or even reach the level of the wages which determine the standard of living of unskilled labourers. This means that the importance and value of the benefits is reduced, sometimes to a considerable extent, in the case of insured persons whose earnings were much higher than those of an unskilled labourer.

In point of fact national sickness insurance schemes have not been widely applied; they do, however, exist in certain of the Swiss cantons and in New Zealand. In Japan a national insurance scheme providing only medical benefits has also been established and is at present being put into operation.

As a general rule compulsory sickness and maternity insurance applies mainly to wage earners and sometimes also to certain assimilated groups of small independent workers (e.g. tenant farmers or share farmers) and it establishes a close correlation between wages, contributions and benefits. Such correlation certainly calls for more complex and more costly administrative machinery, but it is socially more equitable because benefits can be more closely adjusted to the very varied needs and possibilities of the insured persons.

It must, however, be pointed out again that insurance schemes
for wage earners have the disadvantage of sometimes covering only a very small fraction of the population and thus having little general effectiveness in raising the standard of health unless they are supplemented by an extensive system of prevention and treatment organised by the public health service.

The possible forms of organisation of sickness insurance are far from having been exhausted by those schemes existing in the different countries and the door should not be closed to new possibilities of achieving the purpose at which compulsory sickness insurance aims. It is particularly in connection with the organisation of medical benefits that new departures may be noted in Canada and in the United States, where compulsory sickness insurance does not so far exist. In Canada, for example, it is interesting to follow the development of the system of municipal doctors which has already been successfully applied in a number of rural communities. In the United States the Federal Government has recognised that the mass of the population requires, and is entitled to have at its disposal, an adequate medical service, but it has not yet shown a definite preference as between a public medical service and a service administered by an autonomous sickness insurance scheme. In that country a great number of private and public experiments are being carried out and it may be hoped that eventually the most effective system of organisation will be discovered. If, however, cash benefits are to be paid proportionate to the earnings of the beneficiary there is practically no alternative to an insurance scheme. That is one of the reasons why in the United States the possibility is being considered of separate schemes for the administration of medical benefits on the one hand and cash benefits on the other.

§ 3. — Invalidity, Old-Age and Widows' and Orphans' Insurance

There is a fundamental difference between old age, on the one hand, and invalidity and death, on the other, as contingencies.

The old-age risk cannot materialise until a definite date known in advance: when a worker becomes insured under normal conditions—that is, at the outset of his occupational career—he insure against a distant event, the occurrence of which cannot take him by surprise. Invalidity and premature death, on the other hand, may occur at any moment in a worker's career, and
in the case of a man with family responsibilities the results are likely to be more serious the younger he is.

This consideration has important consequences as regards the structure and rules for the granting of benefits for the different risks in question; these consequences were brought out in the resolution adopted by the Santiago Conference.

The development of social insurance in recent years, more particularly on the American Continent, clearly shows the problems that arise in connection with the methods to be selected for covering the risks (non-contributory pensions or pensions financed by contributions under a social insurance scheme in the strict sense of the term), the determination of the scope of insurance schemes, the method of grouping insured persons, and the provision made for the initial generation when the insurance scheme is introduced.

**Methods of Covering the Risks**

There are two standard methods of covering those risks: as a public relief system is often inadequate, some States have, during the last 40 years, tended to provide relief at a higher rate than that formerly granted under the poor laws by instituting systems of non-contributory pensions.

Systems of non-contributory pensions differ from social insurance schemes in the strict sense in that no contributions are required of insured persons or their employers, the conditions for the granting of benefits are stricter, and the benefits themselves are always reduced to the minimum considered necessary for bare subsistence.

Sometimes the legislation restricts the right to a pension to persons who have satisfactorily performed their civic duties, and requires that the indigent situation of the claimant should not be due to any fault, or at least to any serious repeated faults, committed by the individual in question. Non-contributory pensions are not granted without an enquiry into the means of the claimant, which must be found to be inadequate for his subsistence.

Moreover, many laws refuse a pension to persons who have relatives legally liable and able to support them; many also require that any property the pensioner may possess should be transferred to the pension authority.

The difference between non-contributory pensions and poor relief is nevertheless strongly marked. The rate of non-contributory pensions is usually higher than poor law allowances, and the obli-
gations of the community towards invalids, the aged, and widows with children, are more clearly defined. The claim to a pension tends to become a right on fulfilment of the statutory conditions, for the applicant has an opportunity to appeal to an authority other than that entrusted with the granting of pensions.

In general, however, non-contributory pension schemes do not sufficiently cover the risks.

No doubt there is a practical possibility that the existing schemes may be developed and perfected. It is quite conceivable that the restrictions as regards nationality, residence, race and moral record should be abolished or relaxed, the means limit raised, the exact amount of the pensions to be granted defined by statute, a right of appeal to a court of magistrates established, and the community made responsible for providing the full credit required for the regular payment of pensions promised or granted. The adoption of such principles would, however, mean the radical reform of most of the existing systems, and lead to a very considerable increase in the complexity and in the cost (already high) of non-contributory pension schemes.

That is probably why during the last fifteen years there has been a marked decline in non-contributory pension schemes as compared with compulsory insurance schemes. In many countries the non-contributory schemes would seem to be a transitional measure towards compulsory insurance or a supplement to an insurance scheme.

Scope of Compulsory Insurance and Grouping of Insured Persons

Compulsory invalidity, old-age and widows' and orphans' insurance, like compulsory sickness insurance, may be compulsory for all the inhabitants of the country, irrespective of the nature of their work or their occupational activity, subject only to certain conditions of age, residence, and sometimes level of income (popular or national compulsory insurance), or the obligation may be restricted to wage earners alone or to certain categories of wage earners, with the possibility of assimilating to them certain independent persons in precarious economic circumstances, for whom insurance may be compulsory or merely optional (insurance of employed persons).

National insurance, which implies an extension of the application of the compulsory principle from employed persons to the mass of
independent workers, or at least those whose annual income does not exceed a certain figure, has been introduced only when circumstances proved exceptionally favourable. There is no doubt that the small independent worker needs insurance, but there are great obstacles to the application of a compulsory scheme: to determine earnings or income, to collect contributions, and to exercise supervision over insured persons, requires a complete and complex administrative machinery if the whole population, or a large fraction of it, is to be covered.

Although national insurance schemes to cover the risks of old age, invalidity and death are somewhat more frequent than those for sickness, they are nevertheless exceptional, and the benefits, which are usually restricted to a flat rate, guarantee only a minimum of protection that is by no means proportionate to the needs or possibilities of the insured persons.

In most countries the obligation to be insured applies solely to persons whose chief source of income is their wages, while special provisions exist whereby those who are not liable to compulsory insurance are permitted to insure voluntarily.

These insurance schemes for wage earners may be based on two fundamentally different conceptions as regards both membership—and hence the scope of the scheme—and the administrative and financial organisation of the funds.

The scheme may be organised on an occupational basis, in which each fund covers all wage earners in a given occupation, and only those wage earners, who thus form a group that is autonomous for administrative and financial purposes.

On the other hand, the scheme may be organised on a territorial basis whereby all insured persons working in a given area are members of the scheme, irrespective of their occupation.

Those, in bare outline, are the two typical forms of organisation which may be met with in practice.

The trend of social insurance in the American continent in recent years would seem to favour inter-occupational schemes, such as exist at the present time in Chile, Ecuador, Peru, the United States and Uruguay, whereas they were non-existent some twenty years ago. This would seem to be the trend which ought to be followed, for the organisation of the insured population on a territorial and inter-occupational basis is both simpler and more stable and at the same time socially more equitable than an occupational system in that it secures the greatest possible solidarity between the different strata of the population covered.
Position of the Initial Generation of Insured Persons

The population to be covered by a compulsory insurance scheme at the outset may be divided into three groups:

1. persons entering insurance under the normal scheme, that is at an age that enables them to acquire a right to normal or reasonable benefits when the risk materialises;

2. workers who are elderly when compulsory insurance legislation is introduced, and who cannot contribute for more than a few years, and would therefore generally be unable to obtain appreciable benefits;

3. workers who are excluded from the scope of insurance because they have passed the age limit for entry into insurance, or because they are already disabled, and widows and orphans who lost their breadwinner before the introduction of the scheme.

The position of the third category can be dealt with only by highly developed relief systems or by non-contributory pensions, unless the insurance scheme is to be burdened with an initial deficit which is liable either to involve the first generations of insured persons in an expenditure which is beyond their possibilities, or to reduce to a very low figure the benefits payable to future generations.

There remains the question of the second category of workers, namely those who are included within the scope of the insurance scheme, but who, because of their age, can contribute only for a period that is much shorter than the average working life.

If a compulsory insurance scheme is to begin to fulfil its functions of social protection without undue delay, it must do something for workers who are excluded or who are too old, and for their widows and orphans, for those people cannot be held responsible for the non-existence of an insurance scheme during their working lives. Generally the insurance legislation makes provision for a transitional scheme, with special regulations for the granting of pensions to workers who could not become insured or who become insured too late to acquire substantial rights.

In most of the Latin-American countries the problem has been solved by assimilating periods of service before the introduction of the insurance scheme to contribution periods. Workers belonging to the first generation of insured persons are in principle
endowed with the rights which they would have acquired if the insurance scheme had been in force since they first entered wage-paid employment (or the occupation which renders them liable to insurance). In return for this privilege they must pay a special contribution, intended to cover a fraction of the deficit resulting from their inclusion in the insurance scheme ("hack service" contribution).

This solution of the problem of the transitional scheme is by no means as simple as might appear, for there is one very serious difficulty in taking account of wages and the duration of employment before the introduction of the scheme in fixing benefits for the transitional period, namely the difficulty of finding the necessary funds to pay identical benefits to persons for whom normal contributions have been paid and to those for whom no contributions, or only very small amounts, have been paid. If the benefits paid to those generations which begin to be insured at an age exceeding the normal age are to be made equal to those to which they would have been entitled if they had contributed normally in the past, the cost is always very great, and this consideration is the most serious obstacle to the system of reckoning benefits in terms of previous service.

Unless exceptionally large resources are available to cover the initial deficit involved in granting immediately, or almost immediately, the normal rates of benefit to the first generation of insured persons, all that can be done is to provide a bare subsistence minimum to beneficiaries under the transitional scheme. This minimum may be a flat-rate pension or a basic pension equal to a substantial percentage of the wage, the right to either of these being acquired when a certain qualifying period has been completed.

In certain cases the right to the supplementary benefits granted to insured persons under the transitional scheme—that is to say, the difference between the guaranteed minimum and the benefits normally payable in return for contributions—is made subject to a means test or (e.g. in Belgium) to the cessation of any occupational activity. In these cases benefits under the transitional scheme are very similar to those granted under non-contributory pension schemes, and for this reason non-contributory pensions would appear, in the light of developments in the last few years, to constitute not a permanent but rather a transitional measure, destined sooner or later to make way for compulsory insurance.

In the majority of cases the supplementary benefits provided under the transitional scheme constitute a definite right, which
may be invoked by all insured persons who have paid the prescribed minimum number of contributions, or by their survivors.

In the absence of adequate resources to provide benefits corresponding to the bare subsistence minimum, without any condition other than the payment of the prescribed contributions, the question arises whether it is better to restrict those non-contributory benefits by a means test or by imposing the conditions of ceasing any wage-paid activity, or whether, on the other hand, it is more desirable to waive such conditions and reduce the rates of benefit.

The fundamental difference between the two methods of covering the risks represented by insured persons in the initial generation under the transitional scheme—recognition of previous service or payment of a guaranteed minimum—would seem to lie in the fact that the guarantee of a certain minimum sum restricts much more definitely the liabilities of the insurance scheme, whereas the recognition for pension purposes of services rendered before the compulsory insurance scheme came into force involves much more elastic obligations.

Whatever method may be adopted to secure substantial benefits of real social value for beneficiaries under the transitional scheme, it will always be desirable to make a clear distinction between the income and expenditure of the normal scheme on the one hand and the income and expenditure of the transitional scheme on the other. In this way the development of insurance in the strict sense—that is to say of the income and expenditure of the normal scheme—will be shown quite separately from the exceptional burden imposed by the transitional scheme, which in theory will gradually be written off and disappear. Such a distinction is in any case essential whenever, as is often the case, the cost of the transitional scheme has to be borne by the national community as a whole or is distributed between the national community and the contributors (employed persons and their employers).

The distribution over a period of time of the initial cost (cost of the transitional period) may be arranged in two ways. The cost may be redeemed as quickly as possible by the generations by which it was first incurred as a result of the introduction of an insurance scheme, or it may be considered as a debt to be redeemed over an indefinite period.

If the first of these two possibilities is accepted, the cost of the transitional scheme is covered by special resources added to the resources which are estimated as being necessary to secure the financial equilibrium of the scheme in normal circumstances. If,
as is generally the case, these special resources are calculated to cover the pension instalments paid out during the year, the cost of the transitional scheme will decrease as the number of pensioners under that scheme becomes fewer, and it will completely disappear when the last pensioner dies. If the financial equilibrium of the scheme is normally secured by the accumulation of resources, the total annual cost will increase rapidly when the scheme comes into operation, will reach its maximum after a few years, and will then fall and remain stable as soon as the transition to the normal scheme has taken place.

The second possibility—considering the initial deficit as permanent—means that the consequences of the initial cost continue to be felt from generation to generation, the sums required to cover the initial deficit being drawn from that fraction of the resources which would normally be accumulated in order to secure the financial equilibrium of the scheme.

This is the case when the insurance is based on a system of accumulation, and the fraction of the resources intended to be accumulated is used in whole or in part to meet the exceptional expenditure under the transitional scheme; actuarial reserves and the capital to cover rights in course of acquisition or already acquired are then inexistent or inadequate. In that case special sources of income must be available to meet the decline in funds resulting from the total or partial absence of the interest which normally ought to be received on the reserve funds. If these special resources exactly cover the shortage of interest, the cost of the transitional scheme is never worked off, but continues indefinitely, so that in reality the scheme is working wholly or partially on a system of annual assessment to cover annual pension expenditure (as in Great Britain, where the cost of the transitional scheme is borne entirely by the State). If, on the other hand, these resources exceed the shortage resulting from the absence of interest, the initial deficit is more or less gradually paid off (as in France, where the cost of the initial deficit in the miners’ insurance scheme is shared by the State and the contributors).
PART II

CONDITIONS OF WORK OF WOMEN AND EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

The Santiago Conference adopted over 20 resolutions in these two fields (15 concerning women’s conditions of work and 7 concerning the employment of children and young persons). The action taken to give effect to them will be examined in the following pages, the resolutions concerning each of the two groups of workers being taken successively. But as in a number of cases several resolutions relate to different aspects of a single question, the position is reviewed subject by subject rather than resolution by resolution.
CHAPTER I

WOMEN'S WORK

The Santiago Conference adopted the following 15 resolutions concerning women's conditions of work:

CONDITIONS OF EMPLOYMENT OF WOMEN

The Labour Conference of the American States which are Members of the International Labour Organisation, held in Santiago de Chile in January 1936, having considered the provisions of the Constitution of the International Labour Organisation and the Conventions and Recommendations adopted by the International Labour Conference on the subject of the employment of women and the measures taken by the American States to give effect to these Conventions and Recommendations, adopts the following resolutions to be submitted to the Governing Body of the International Labour Office:

1. Wages

Whereas the fixing of minimum wages would seem to be of special importance in industries or branches of commerce in which women are normally employed;

The Conference expresses the hope that the American States will ratify the 1928 Convention concerning minimum wage fixing machinery and will give effect to the Recommendation on the subject adopted at the same time, with special reference to the application of the machinery to industries in which women predominate;

The Conference further draws the attention of Governments, employers and workers to the following principles:

(1) Equal wages should be paid to men and women for the same work;
(2) Wages should be fixed according to the nature of the work irrespective of the sex of the worker;
(3) A fixed minimum wage should be established for each position in industry and commerce;
(4) The maximum period for the payment of wages should be one month;
(5) Women and girls, whether married or single, should receive the amount of their wages directly.
2. **Hours of Work**

The Conference draws the attention of Governments, employers and workers to the following principles:

1. The maximum working hours of women over eighteen years of age should be without exception eight in the day and forty-eight in the week;
2. The maximum working day of women should be the same as that of men;
3. There should be no exceptions to eight-hour day legislation as regards women employed in telephone, telegraph and postal services except within the limits of the forty-eight-hour week.

3. **Night Work**

Whereas night work involves a risk of over-strain for women employed in industry that is peculiarly detrimental to their health;

The Conference expresses the hope that the American States that have not yet done so will ratify the revised Convention of 1934 concerning employment of women during the night.

4. **Maternity Protection**

The Conference expresses the wish that the Convention concerning the employment of women before and after childbirth, adopted by the International Labour Conference at Washington in 1919, should be ratified.

The Conference further draws the attention of Governments, employers and workers to the following principles:

1. In countries in which no budgetary provision is made for the payment of benefit during the period of rest before and after childbirth, and in which there is no system of social insurance for this purpose, the payment of benefit should be an obligation on the employer of the woman concerned;
2. The payments fixed by the competent authority in each country as maternity benefits, to be paid during the period of compulsory rest, should not be less than 50 per cent. of the actual wages earned by the woman concerned;
3. There should be established a minimum period of ninety days before and after childbirth during which the dismissal of a woman worker should be prohibited, provided that the worker may be dismissed where sufficient reasons exist having no connection with the fact of maternity. Any employer violating this provision should be required to pay the woman worker concerned the equivalent of ninety days' wages;
4. Employers should be required to establish day nurseries in all workplaces where more than twenty women are employed;
5. All the rights and benefits conferred by the Childbirth Convention should be extended to all women working for any employer, including domestic servants and women employed in agricultural undertakings;
6. Women in Government service should be granted three months’ leave with full pay in the event of pregnancy.

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1 The provisions of paragraphs (1) and (2) are to be regarded as temporary and transitional measures, in countries which have not yet established maternity protection by social insurance.
5. **Medical Attendance during Childbirth**

Considering:

That the free services of doctors or midwives during childbirth is one of the most important rights from the point of view of the health of working mothers and their children guaranteed by the Washington Convention of 1919 concerning the employment of women before and after childbirth;

That effective medical and social assistance for working mothers and their infants calls for something more than mere attendance at the moment of birth in the unsatisfactory surroundings generally to be found in workers' homes; and

That the centre for assistance of this kind must be a maternity home, provided with the necessary resources to undertake responsibility for the assistance of mothers before, during and after childbirth as an indivisible whole;

The Conference invites the Governing Body of the International Labour Office to study the possibility and desirability of submitting to the International Labour Conference a draft Recommendation to supplement the Convention of 1919 in regard to the form in which free medical attendance during childbirth should be given.

6. **Maternity and Social Insurance**

Considering that it is the duty of the State to provide for the improvement of the living conditions of working mothers and also for the life and health of children,

The Conference draws the attention of Governments, employers and workers to the following principles:

Women who are about to become mothers should receive their full wages, whatever the nature of their work or employment, for at least six weeks before and six weeks after childbirth, the cost being met by mutual aid funds; infants should be entitled to medical attendance, also provided by the mutual aid funds, for at least the first year of life. In addition, during the same period there should be paid a mother's allowance amounting to at least 50 per cent. of wages for the purpose of providing better nourishment and care.

The Conference also recommends that all legislation relating to social insurance which is applicable to men should apply to women on a basis of absolute equality, and that special attention should be given to insurance against childbirth and unavoidable dismissal.

7. **Dangerous and Unhealthy Employment**

The Conference draws the attention of Governments, employers and workers to the following principles:

The employment of women should be prohibited in dangerous or unhealthy industries and in those contrary to public morals.

Each State should define the dangerous and unhealthy industries in which the employment of women is prohibited.

The Conference recommends that the following industries should be regarded as dangerous for the purpose of the employment of women:

1. Cleaning of machinery or motors while in motion;
2. Construction, repair or painting of public or private buildings if scaffolding is employed, provided the work is done at a height of more than 10 metres;
(3) Loading or unloading of heavy packages, the limit to be fixed by
the competent authority in each country;
(4) Work on circular saws;
(5) Manufacture or transport of explosive or inflammable substances;
(6) Work in quarries.

8. Health

The Conference draws the attention of Governments, employers and
workers to the following principles:

(1) Employers should be required to provide separate and suitable
accommodation in workplaces to serve as washrooms, dressing
rooms, etc., for women;
(2) Employers should be required to provide a sufficient number of
seats for women and children to work in comfort, provided the
nature of the work does not necessitate constant standing.

9. Equality of Responsibility

The Conference expresses the hope that States will adopt national
legislation tending to induce industrial employers to give women workers
the same opportunity as men for holding responsible posts.

10. Prison Labour

The Conference expresses the hope that States which allow prison
labour of women will enact legislation to the effect that the persons or
institutions profiting by such labour shall pay wages to the workers
concerned.

11. Women and Workers' Housing Projects

Whereas the matter of workers' housing is one of urgent and active
interest on the part of the Governments of some of the American States;
and
Whereas the women of the working class will be benefited most
directly if those projects are so planned as to lighten and to simplify
their tasks as housekeepers; and
Whereas the women themselves are the best prepared to say what
housekeeping provisions should be incorporated in those plans;
The Conference expresses the hope that any Government which is
organising a housing project will make it a rule that working women
shall be included on the planning board.

12. Women's Bureaux in Labour Ministries

Whereas the position and the conditions of employment of women in
industry are matters of increasing importance and complexity in many
of the countries of the American continent; and
Whereas it is of vital social concern that these conditions should not be
permitted to develop in ways detrimental to the health of working
women; and
Whereas the study and the programming necessary for the socially desir-
able development of women's work conditions can best be undertaken
by a special division within the Department of Labour set up for that
purpose;
The Conference expresses the hope that the American States will make provision as promptly as possible for the establishment of a Women's Bureau in the Labour Ministry of each one of them.

13. Economic Situation of Women Workers

Whereas a fuller knowledge of the existing economic situation of women workers would be of assistance in taking the steps required to improve it;

The Conference expresses the hope that the International Labour Office will endeavour to collect all the information available concerning the economic situation of women workers in various countries.

14. Factory Inspection

In accordance with the principle laid down in Article 41 of the Constitution of the International Labour Organisation and in view of the conclusion of the Conference of Factory Inspectors held at The Hague on 14 October 1935 concerning the entirely satisfactory work performed by women inspectors in countries having such inspectors;

The Conference expresses the hope that the American States will give effect to paragraph 12 of the Labour Inspection Recommendation of 1923, which states that the inspectorate "should include women as well as men inspectors" and that the women inspectors should, if they possess the same qualifications, "have the same powers and duties and exercise the same authority as men inspectors" and "have equal opportunity of promotion to the higher ranks."

The Conference further urges that the inspection of the work of women should be carried out by properly qualified women.

15. Right of Representation

With a view to ensuring that all decisions taken by the International Labour Conference concerning women workers are really in accordance with women's interests,

The Conference expresses the hope that the American States will bear in mind the provisions of Article 3, paragraph 2, of the Constitution of the International Labour Organisation, to the effect that when questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman, it being understood that women are always entitled equally with men to be appointed as Delegates or advisers, irrespective of the items on the agenda of the Session.

A. — ACTION TAKEN BY THE INTERNATIONAL LABOUR ORGANISATION TO GIVE EFFECT TO THE RESOLUTIONS

In accordance with a decision of the Governing Body concerning all the resolutions adopted at Santiago, the texts reproduced above were brought to the notice of the Governments of the American States which are Members of the International Labour Organisation.

Several of these resolutions, however, also called for other action.
One, concerning medical attention during childbirth, invited the Governing Body to study the possibility of placing that question on the agenda of a session of the International Labour Conference. The Office has included the question in the list of subjects which have been formally proposed for inclusion in the agenda of the Conference; and as this list is submitted to the Governing Body on each occasion when it considers the questions which might be placed on the agenda of some particular session of the Conference, the Governing Body will be in a position to give effect to the resolution when circumstances are appropriate.

Another resolution expressed the hope that the Office would endeavour to collect all the information available concerning the economic situation of women workers in various countries. In accordance with the decisions of the Governing Body, the Office has in recent years intensified its studies in this sphere. It has prepared a comprehensive report—now published—on The Law and Women's Work, in which many of the real problems connected with women's work are discussed in order to give the legislative measures aiming at their solution a proper setting. At the same time the Office has set on foot several enquiries directly analysing the present situation; these include more particularly one dealing with the comparative rate of remuneration of women in cases where men and women do the same work, and another dealing with the family responsibilities of women workers and the value of their contribution to the family budget, both of which it hopes to complete in the near future. The members of the Committee on Women's Work and the women's international occupational organisations were asked for their assistance here, and have collaborated in the collection of the basic material. This consultation led in the national field to numerous investigations, and in the case of some of these, conducted in the United States by the Women's Bureau of the Department of Labor (the head of which is a member of the Committee on Women's Work) the results have already been published. The findings of all these investigations will be duly incorporated in the international survey of the economic situation of women, on which the Office is at work.

It may be added that at this year's session the International Labour Conference also gave expression to its interest in a study of the economic situation of women workers; a resolution was adopted asking that the Office should complete its enquiry into the problem of women's wages as quickly as possible so as to enable the Governing Body to draw its conclusions.
B. — ACTION TAKEN BY GOVERNMENTS TO GIVE EFFECT TO THE RESOLUTIONS

1. Maternity Protection

The Santiago Conference adopted several resolutions concerning the problems of maternity protection. One of these invited American States to ratify the Childbirth Convention, 1919 (No. 3); others recommended additional social measures in various fields, either with regard to women workers during pregnancy and confinement, or with regard to proper assistance for working mothers. The Conference also declared itself in favour of the extension of the scope of maternity protection to women workers of all occupational groups.

The invitation to ratify Convention No. 3 has not had any obvious effect; as in January 1936, seven American States are now parties to this Convention. During the last three years, however, effective application has made considerable progress in several countries which had previously ratified but which had not yet given full effect to the Convention when the Santiago Conference was held. In Argentina the Maternity Fund established to make the payments necessary for the maintenance of women workers during maternity leave came into operation (at least in the Federal capital) in 1936, and in 1938 the Fund communicated with the provincial governors in order to prepare for effective introduction of the insurance system in the rest of the country. In Brazil a Committee was set up in 1938 to bring existing legislation into complete accord with the Convention, and a Bill to provide for the establishment of a maternity insurance scheme was drafted. There is draft legislation of the same sort in Uruguay; and in Colombia an Act (the first) on maternity leave, though diverging from the provisions of the Convention on several points, may nevertheless be considered as a step towards its application.

Other American States, though they have not yet assumed any international obligation by ratifying, have begun to organise maternity protection schemes, the standard set being close enough to the provisions of the international Convention to justify the hope that ratification will follow. This applies to Venezuela,

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1 Argentina, Brazil, Chile, Columbia, Cuba, Nicaragua and Uruguay.
where the Labour Act of 1936 introduced maternity leave for the period required under the Convention (six weeks before and six weeks after confinement) and provides for the future payment of maternity allowances under the projected social insurance scheme; when this scheme is put into operation the agreement between national legislation and the Convention will be complete. In Peru the movement of reform has begun with the establishment of a system of sickness and maternity insurance (Acts of 12 August 1936 and 23 February 1937), and in Costa Rica a similar scheme is planned. These are instances of the essential progress which, once it is achieved, enables the complex structure of social protection required by working mothers to be easily completed.

In yet other countries, the measures taken, though they are not so close to the provisions of the international Convention, have either improved on or taken the first steps towards a maternity protection system; or again, legislation is in course of study. The names of almost all the Latin-American countries could be mentioned here. There are provisions concerning maternity protection in the Bolivian Labour Code of 1939. The Ecuador Code of 1938 somewhat improves on the legislation previously in force; a Child Welfare Code of the same year provides for the organisation of various maternity services (homes for expectant mothers, assistance for women in childbirth, mothers' canteens, etc.); and there are also regulations governing the organisation of crèches for workers' children.

The growth of various maternity assistance services is particularly remarkable. Special sections or departments have been established at Ministries of Health (Guatemala and Paraguay in 1936, Costa Rica in 1937), or Ministries of Social Affairs (Ecuador in 1938); or again, independent institutions have been established (Mexico in 1937: independent Department of Child Welfare). It is the function of these services to co-ordinate existing social activities relating to mothers' and children's welfare, to establish and maintain consultation departments for mothers and infants, clinics, homes for expectant mothers, assistance services for women in childbirth, mothers' canteens, and crèches and day nurseries for workers' children. In Ecuador and Mexico there are special regulations for this last type of institution.

In the countries which have established maternity insurance schemes, those schemes are generally responsible for the maintenance of the above-mentioned services. Their efforts are now being directed towards extending the field of action. In Cuba, for instance, a
three-year plan, prepared in 1937, provides for an extensive network of provincial maternity clinics and crèches on the lines of those first established in the capital; the Maternity Home at Pinar del Rio has been inaugurated this year.

The territorial extension of the institutions required for maternity protection is apparently the problem of the hour. In the past five or ten years the capitals of a number of American States, or at least the larger cities, have been endowed with their first maternity institutions; and several countries are now striving to widen the scope of this work and to extend to the provinces and the smaller towns, and even rural districts, the benefits of maternity institutions and genuine application of protective laws. Some States, it would appear, have already made a good start in this second stage.

The extension of maternity protection to new occupational groups of women workers, which was recommended in one of the Santiago resolutions, has also made strides in several countries which had first of all limited the scope of their maternity legislation to women workers in commerce and industry. Since 1936 decisions have in particular been reached regarding the institution of paid maternity leave for public servants of various categories in Argentina, Chile, Colombia, the Dominican Republic, Mexico and Uruguay.

2. Night Work

The Santiago Conference concerned itself with the problem of the employment of women during the night, but only to recommend ratification of Convention No. 41. This recommendation has been acted on by Brazil, the only American State so far to ratify the Convention. Seven other American States, however, are parties to Convention No. 4 (Argentina, Chile, Colombia, Cuba, Nicaragua, Uruguay and Venezuela).

There is little legislative progress to report in connection with either of these international Conventions. It should, nevertheless, be noted that Uruguay, having ratified Convention No. 4 in 1933, is now preparing to apply it by means of a Bill which was introduced in 1937 and has already passed one of the Chambers. Venezuela introduced provisions on the subject in its Labour Act of 1936, and these were rendered more flexible, within the framework of the Convention, by regulations issued under the Act in 1938 in order to enable women to be employed in two shifts a day.

The problem of a more flexible time table permitting work in
shifts, as allowed by the international Convention, has been raised also in Cuba, where employment under such a scheme was prohibited by a first set of regulations issued in 1937, but again allowed soon afterwards. Difficulties have been experienced in Argentina and Chile as a result of the organisation of work in shifts. It would appear, therefore, that with the development of industry in the American countries the method embodied in the Convention, which provides an efficient protection for women workers by securing them a consecutive rest period of 11 hours, but sufficiently flexible to allow the employment of women in two shifts a day, will probably prevail in the future over the stricter time tables previously laid down in some American legislation.

3. Industrial Hygiene

Some of the resolutions adopted by the Santiago Conference recommend preventive or health measures to protect women workers against the risks involved by certain operations and against over-strain.

It should be remembered that there are in this field international regulations relating to two types of work—a Convention concerning the employment of women on underground work in mines (ratified by Cuba in 1936 and by Brazil and Mexico in 1938), and two instruments concerning the prevention of lead poisoning, which is regarded as particularly dangerous to women owing to the function of motherhood, namely: the Convention of 1921 prohibiting the employment of women in painting work with white lead (now ratified by eight American countries, two of which adhered recently, Argentina in 1936 and Mexico in 1938); and the Lead Poisoning (Women and Children) Recommendation of 1919, which has directly led to the adoption of numerous regulations concerning the handling of lead or lead salts.

As regards measures of enforcement, it may be noted that the Venezuelan Labour Act of 1936 and the regulations issued thereunder include detailed provisions that take account of the international decisions, and that a number of other countries have regulated in a general way the employment of women on unhealthy work (Bolivian Labour Code, Ecuador Labour Code, etc.).

Among the particularly interesting measures which have been taken in American States in the last three years to preserve the health of women workers, attention may be drawn to the two
following. In Cuba the Occupational Hygiene Bureau has introduced thorough medical supervision of the health of women workers by means of a system of medical examinations; the results of these examinations are embodied in certificates of fitness, copies of which are centralised at the Bureau. Secondly, in Mexico, the Committee on Women's Work of the Department of Labour conducted a campaign in 1937 among employers of women to induce them to improve the conditions of employment of women by reducing industrial fatigue and more particularly by installing mechanical devices to lighten the more exacting tasks, thus saving women workers from excessive strain and yet enabling them to keep their jobs.

4. **Wage Protection**

As stated above, the Santiago Conference recommended that enquiries should be made with a view to an improvement in the economic situation of women. It also expressed one specific desire in this connection, namely that the American States should ratify the Convention of 1928 concerning minimum wage fixing machinery; and it drew attention to a number of relevant principles of social policy, including that of equal wages for equal work irrespective of sex.

**Minimum Wage Fixing**

As regards the fixing of minimum wage rates, it should be noted that the international Convention, which is not restricted to women's wages but applies to all occupations in which wages are particularly low, received in 1936 the adherence of Cuba, which brought the ratifications by American States up to 7. A much larger number of countries have concerned themselves with the problem of low wages and the fixing of suitable minimum rates; and many have made special efforts to fight the very serious scourge of low wages among women.

In North America indeed the regulations on minimum wages were for many years applicable only to women (or, in a fair number of cases, to women and young persons). More recently, however, wage regulation there has extended widely to workers of both sexes.

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1 Canada, Chile, Colombia, Cuba, Mexico, Nicaragua, Uruguay.
In the United States of America this generalising movement began in 1933. The Federal Government then attempted, by means of the National Industrial Recovery Act, to protect as far as possible all ill-paid workers. After the Act had been declared invalid, the same effort was continued, but in the more restricted field covered by the recognised competence of the Federal Government; it led to the Public Contracts Act of 1936, which applies to contracts undertaken for the State, and the Fair Labor Standards Act of 1938, which applies to the production of goods for inter-state commerce. This new legislation by no means resulted in a slackening of the efforts to protect women against low wages, and most of the relevant State laws (in many cases new ones) provide special machinery for the fixing of minimum wage rates for women and young persons. At present, of the 27 States and other areas (25 States of the Union, the District of Columbia and Puerto Rico) which have minimum wage laws, 26 apply these exclusively (as far as adults are concerned) to women. A dozen of these laws have been adopted or enforced since 1936. It was during the same period (1937) that the Inter-State Compact made by 7 States to harmonise their respective wage laws came into force.

In 1938 the Federal Conference of Minimum Wages Administrators declared itself in favour of applying wage regulations to workers of both sexes alike; but it also recommended that the competent authority of each State should preserve the advantages which women had already obtained.

In the actual fixing of minimum wage rates for women, remarkable progress has been made in recent years. Of all the States which have minimum wage laws, only two, Kansas and Louisiana (where legislation on the subject is most recent) have not yet issued wage orders fixing minimum rates. At the beginning of 1939 the number of these orders, including minimum wage laws specifying the rates themselves, was 109, and 8 further orders had been issued by May 1939. The orders apply as a rule to industries employing a large number of women and young persons; the principal industries for which orders were issued in 1937 and 1938 are laundries (11 States or other areas), dry cleaning (6), retail trade (6), beauty shops (6), hotels and restaurants (4). The highest minimum wage established during 1938 was $18 a week (for women employed in beauty shops in the District of Columbia). In 98 per cent. of the orders issued in 1938 the rates set are higher than the minimum of 25 cts. per hour established by the Federal
Fair Labor Standards Act for workers of both sexes during the first year of its operation; 90 per cent. of these State minimum wage rates equal or exceed 30 cts. an hour, and nearly half are as high as or higher than 35 cts. an hour.

During 1938 some States applied a new principle in determining minimum wages in order to secure to women a regular minimum income. To this end the Wage Board in the State of New York fixed a minimum weekly wage of $14 for women in the laundry industry, irrespective of the number of hours worked, up to 40 a week. Similar provisions have been adopted in Colorado, Pennsylvania and the District of Columbia.

In Canada machinery for fixing special minimum wage rates for women was established between 1918 and 1930 in all the Provinces except Prince Edward Island. Owing to the gradual extension of the occupations covered by wage board orders, these schemes succeeded in protecting a very large proportion of women wage earners. From 1934 onwards, some of the Provinces began to extend the wage protection machinery to employees of the male sex, originally to prevent unregulated male labour from competing with women's protected labour during the years of depression, and soon afterwards in order to establish effective protection for male employees. From 1937 the movement towards a generalisation of wage regulation took on increased momentum. All the Provinces except one—Nova Scotia—have now extended their minimum wage fixing machinery to both sexes, either by means of a single system applying to men and women alike, or by establishing two parallel systems. Nevertheless, the orders imposing the minimum rates quite often differentiate between the sexes and some of them meet the special needs of women wage earners.

In Latin America minimum wage fixing machinery applies in almost every case to employees of both sexes. This holds good for the machinery established under the following Acts: In Argentina, Minimum Wage Act of 1918 (home work); in Bolivia, Decrees of 1 June 1936 and 19 March 1937; in Brazil, Act No. 185 of 14 January 1936 and Legislative Decree No. 399 of 30 April 1938; in Chile, Labour Code of 1931 with Regulations No. 276 of 1932 (manual workers) and Act of 8 February 1937 with Regulations of 27 March 1937 (salaried employees); in Costa Rica, Acts No. 14 of 1933 and No. 41 of 1934; in Cuba, Legislative Decree No. 727 of 1934 and Regulations of 19 March and 18 June 1935; in Ecuador, Act of 21 May 1936 (textile workers), Decrees of 30 December 1936 and 4 February 1937 (manual workers, particularly in agriculture) and Labour
Code of 1938; in Guatemala, Decrees of 10 July 1923 and 31 July 1924; in Haiti, Labour Act of 1934; in Mexico, Federal Act of 1931; in Peru, Act No. 8124 of 1935 (determination of rates by arbitration boards); in Panama, Act No. 47 of 1932 (salaried employees); in Uruguay, Act No. 9216 of 1934 (home work); in Venezuela, Labour Act of 1936 and Regulations of 1938 issued thereunder. A Bill which was introduced in the Senate of Colombia in 1938 also provides for a wage fixing system for both sexes.

Nevertheless, the legislation in some of the countries just mentioned has taken account of the particularly urgent needs of women workers, either by establishing special minimum wage fixing machinery for women before such schemes could be applied to all workers, or by adding supplementary regulations intended more particularly to combat low wages among women.

In Peru, provisions to guarantee a minimum wage to certain groups of women workers were inserted in the Women’s and Children’s Labour Act as early as 1918. In Cuba, a few weeks before the structure of a minimum wage fixing system had been established by Decree of 30 November 1934, provisions to protect the wages of women home workers were introduced by the Decree on women’s labour of 16 October of the same year; this provided for the establishment of a tripartite committee to fix each year the minimum rates applicable to women home workers, and the system is more clearly defined by Administrative Decree No. 1024 of 1937, which requires particulars concerning the work distributed and the prices fixed to be entered both in the workers’ employment book and in a register to be kept by the employer.

The desire to protect the wages of women workers has also given rise, in recent years, to measures of a practical character which deserve attention. In the Dominican Republic, for instance, a meeting of employers in the ready-made clothing industry was called on the initiative of the Department of Agriculture, Industry and Labour in 1939, to discuss appropriate action to raise the standard of living of dressmakers by means of higher wages.

In Mexico, where minimum wage rates are in all cases fixed for the two sexes alike (with equal wages for the same work) in virtue of the Labour Act and of the Constitution, special measures have been taken to secure full application of these rates to women workers. It is the special duty of the Committee of Enquiry on Women’s and Children’s Labour, set up at the Department of Labour by Decree of 29 February 1936, to fight against low wages for women. Early in 1938 the Department of Labour issued a
reminder that if women workers were not paid the statutory minimum wages they might apply to the Committee, which would take the appropriate action to oblige the employers to comply with the rule. Since this Committee of Enquiry began to operate, appreciable practical results are reported; for instance, in the latter half of 1937 back wages to an aggregate value of 439,919 dollars were obtained for women workers in different branches of industry and commerce.

**Application to Home Work**

The choice of the occupational groups to which general minimum wage fixing schemes are applicable may also have a pronounced beneficial effect on the position of women workers. Taking its stand on the Recommendation adopted in 1928 (together with Convention No. 26), the Santiago Conference emphasised the necessity of applying minimum wage fixing machinery to the industries where female labour predominates. There is one form of employment which immediately comes to mind in connection with low wages, namely home work—essentially a women's field.

The regulation of wages in home work is not a new problem for the Americas; for example, the Argentine Act on the subject goes back to 1918 and the Peruvian Act (applying to women only) dates from the same year. But the matter has lost none of its importance and continues to attract much attention. That attention has indeed been accentuated in quite recent years; this may be because, in America as elsewhere, there is a contrast between the stagnant position—low wages together with longer hours of work—obtaining in home work and the substantial improvements secured by social legislation for factory work, so that the woman home worker is becoming, much against her will, a competitor of her comrade in the factory; but it is certainly also because the spread of transport facilities and the greater rapidity of communications have permitted a considerable territorial extension of this "decentralised industry", so that the methods of supervision hitherto employed have become practically inoperative and the application of Acts on home work meets with much greater difficulty. Enforcement of the Argentine Act, for instance, which applies only in

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1 Another regrettable result of the low wages paid to home workers has been brought out by several of the enquiries undertaken in the United States: for lack of sufficient resources the families of home workers often come on to public relief, so that the community has, so to speak, to bear part of the expenses which should normally fall on the industry concerned. For example, an enquiry recently made into home work in Chicago revealed that the maintenance of 24 per cent. of home workers' families fell partly on public relief funds.
the Federal Capital and the National Territories, would involve—in the capital alone and exclusively for the clothing industry—supervision of 1,381 establishments employing 24,943 home workers, mostly women.\(^1\) But the practice of giving out materials to be made up at home extends from one province to another.

With the situation thus tending to grow worse, a remedy has in recent years been sought or is now being sought in two directions in the American countries; and as each of these methods of dealing with the problem meets with enormous difficulties, the two have in some cases been used alternately in a single country.

One method is radical, and attempts to cut off the evil at the root; it is the prohibition of home work, not only for reasons of public health but also for economic reasons. This was used in the United States, in a large number of industries under the National Industrial Recovery Act. After the Act had been declared unconstitutional, and the numerous Codes of Fair Competition prohibiting home work had consequently disappeared, several States (Connecticut, New York, Massachusetts, Pennsylvania and Rhode Island)\(^2\) empowered their administrative authorities in 1936 and 1937 to issue a similar prohibition, and use has already been made of this power in several cases (New York—manufacture of men’s and boys’ outer clothing in 1936, neckwear industry in 1937, artificial flower and feather industry in 1938; Rhode Island—jewelry manufacture and wearing apparel and allied occupations in 1938; etc.). Oregon, acting under a general authority to control the conditions under which women and minors are employed, has taken action to prohibit industrial home work in the needlecraft occupations. Other States, in order to limit home work, require employers who wish to give out industrial home work, to obtain licences, for which substantial fees are prescribed.

The other method aims at affecting a cure; it consists of a search for efficient legislation such as will protect wage levels in home work. The conditions on which such efficiency depend will be as follows:

\((a)\) The scheme must be wide enough to cover all the territory over which the industry is scattered (in Argentina a Bill introduced in the Chamber of Deputies by Mr. Solari is drafted to apply to the whole of the national territory; and in the United States, where it is often found that materials are sent from one State to another to be worked

\(^1\) La Prensa, 18 May 1939.

\(^2\) Bills to prohibit home work also passed through one House of the Legislature in New Hampshire, New Jersey and West Virginia.
up, the States with legislation on the subject are attempting to negotiate administrative agreements so as to prevent evasion); 

(b) Supervision must be introduced which is strict enough to render any attempt at evasion hopeless (the above-mentioned Argentine Bill proposes the use of all the following methods: the keeping of an employment book by the worker and of a register by the employer, the issue of a payment voucher countersigned by the worker, the fixing of a label to the article made up, the exercise of inspection by the Government and of supervision by a joint committee); 

(c) The level of women home workers’ wages must be raised to the level of wages paid in factories. Several methods have recently been adopted with a view to achieving this last result.

Some Acts (the Ecuador Labour Code, for instance) lay down as a principle, to guide the work of the minimum wage fixing boards, that in determining rates account should be taken of the wages paid in workshops to workers doing similar work. The home work laws passed in several States of the United States of America have adopted a similar comparative method. Other regulations attempt to secure more exact agreement by extending to women home workers the statutory minimum rates fixed for factory workers under the minimum wage fixing machinery introduced for the latter. For instance, in the United States of America the State of Massachusetts has provided that the wage rates established by the Minimum Wage Commission for women factory workers in each industry shall apply also to women home workers; and in Wisconsin the rates established by the Minimum Wage Law apply to women home workers also. As regards Canada, in Ontario the rates fixed by orders under the Minimum Wage Act, and in Quebec the rates fixed under the Fair Wage Act, were recently rendered applicable to home workers.

In a few rare cases attempts have been made to go further and to apply to home workers not only minimum wage rates but also statutory hours of work. The Administrator of the Fair Labor Standards Act in the United States, for instance, has declared that the Act applies to home workers, and he is stated to be now attempting to secure practical application of this principle, despite the difficulties already encountered with it.
Equal Wages for Equal Work

The Resolution adopted at Santiago also recommends certain principles concerning remuneration for women’s work, and more particularly one which is embodied in the Constitution of the International Labour Organisation as an essential principle of social policy: that of equal wages for equal work.

This principle has been adopted by a number of American States and introduced into their Constitutions or their labour legislation. To refer here to new events only, the following recent measures, given in chronological order, contain provisions of this sort: The Venezuelan Labour Act of 1936, the Cuban Regulations of 27 March 1937 (which merely reproduce the relevant provision of the Act which they administer) and the Bolivian Labour Code of 1939. A Uruguayan Bill also proposes to introduce a similar provision in connection with the fixing of minimum rates.

But between the adoption of a principle of this sort and its application to the mass of individual contracts and collective agreements there is still a gap, often a wide one. To bridge this gap and to bring practice closer to theory has in recent years been one of the objects of the Mexican Government. The Committee of Enquiry on Women’s and Children’s Labour, established in 1936, has endeavoured *inter alia* to compile statistics of women’s wages in the various industries, to secure the intervention of the Department of Labour with the object of eliminating the differences it has found between men’s and women’s wages for the same work, and to study the appropriate means of improving women’s work where the lower wages paid to women appear justified by lower output. In order to combat the discrepancy between men’s and women’s wages, the Committee proposed at the beginning of 1939 to convene meetings of employers and workers in the following trades: commerce in Mexico City; laboratories, pharmacies and similar establishments; hotels; and the dressmaking industry.

5. Administrative Organisation

Two resolutions of the Santiago Conference relate to this subject. One recommends the establishment of special women’s work services in the Labour Ministries of the American States; and the other emphasises the necessity of having the inspection of women’s work done by women inspectors. It will therefore be appropriate to describe here the measures taken in national adminis-
trations to develop the institutions responsible for questions of women's work, and the part allotted to women in them.

Reference has already been made to a special type of such official institutions, namely those particularly responsible for maternity protection and aid to working mothers, and they call for no further mention here, except that the active part played in this connection by women welfare workers should be noted, and passing reference made to the action taken in recent years in a large number of American countries to provide satisfactory technical training for these welfare workers in "social service" schools, which are being established in increasing numbers, often by the central or municipal authorities.

Institutions dealing directly with women's work have been developed in several different ways.

One type is the research bureau, which serves both to co-ordinate the various activities connected with women's work and also as an advisory body. An example of this type of institution, the Women's Bureau of the United States Department of Labor, already has a long career behind it and continues to undertake thorough-going enquiries, many of which have an immediate practical and beneficial effect on the position of working women. An example is the investigation which the Bureau conducted in New England to discover possible fresh openings for the employment of the women thrown out of work owing to the transfer of textile factories to the South; the results of this investigation were published in 1936. Reference should also be made to the enquiries in industries employing large numbers of women, undertaken to provide a basis for the work of the boards responsible for fixing minimum wage rates. The preparation of national conferences on problems of women's work also devolves in some cases on the Women's Bureau (for instance the meeting of the Conference on Home Work in 1938).

In the different States of the United States, the bureaux responsible for women's and children's work, which are both supervisory and research bodies, have greatly increased in number. Since 1936, Illinois, Louisiana, Rhode Island, Utah and Puerto Rico have also established such bureaux, so that now about a quarter of the States have institutions of this sort.

Similar administrative bodies have also been established in Cuba. The establishment of the National Office for Women's and Children's Labour had been decided on before the Santiago Conference (Act of 12 April 1935); since then, the Office has started operation and
regional offices have been established in every province. Each of these includes a special service for the inspection of women’s and children’s work, directed by a woman official. The National Office has a corps of women inspectors attached to it, co-ordinates the inspection of the work of women and young persons, and also has authority to issue home work permits to employers.

A service specialising in questions of women’s and young persons’ work, but having the form of a committee of enquiry, has been established at the Federal Ministry of Labour in Mexico. Repeated reference is made to its activity in the preceding sections, more particularly with regard to the protection of women’s wages. Its functions are various—to supervise the enforcement of legislation, to assist the injured party in case of infringement (cf. section on wages), to investigate existing conditions (enquiries have been made into the ready-made clothing industry, home work, and commerce), to give opinions on possible improvements in law and practice, etc. A special health service was established as a part of the Committee in 1938; reference has already been made to its campaign to reduce industrial fatigue.

There is yet another form of administrative organisation: the appointment of women officials, specialising in questions of female and generally also of juvenile labour, in the general services. This is the form adopted in Venezuela, where the Labour Act of 1936 provides (section 154) that in the most important industrial centres the inspection services must include women specially responsible for supervising the observance of enforcement of provisions concerning women’s and children’s labour, and (section 198) that where there is a considerable movement of female labour an employment exchange directed by a woman must be set up. Enforcement of these provisions has begun; in 1938 a woman was appointed as Special Commissioner for Labour Inspection in the Federal District.

A last method is the establishment of temporary institutions side by side with the permanent services. Early in 1939 the Directorate-General of Labour in Ecuador, having decided that women’s work should be regulated on a wide scale, instructed a special committee to study the conditions of life and labour of women workers.

Conclusions

After this rapid survey of the development of legislation and of social institutions in the field of women’s work with reference to the principal points of the programme laid down in
the Santiago resolutions, it may be possible to bring out a few essential features of this development and to indicate the appropriate direction for its second stage. Attention will be paid only to problems now of outstanding importance.

One such problem, that of maternity protection, is in fact always urgent, for it is the chief of those peculiar to the employment of women. The Conference of Santiago took a very close interest in it; but the efforts made by American countries to solve this problem justify a more thorough reconsideration here of the principles underlying the organisation of a complete protective scheme for women wage earners against the risks of various sorts which may threaten them when they are performing a function of vital importance to society; these are the risk of injury to health and the risk of loss of livelihood. Adequate protection must consist of a complex body of measures, harmoniously co-ordinated to secure this double aim and relating to four principal objects:

(a) Regulation of employment relations in such a way as to provide for the necessary leave before and after childbirth and for appropriate conditions regarding performance of the contract, so that the health of the employed woman and her occupational interests may be preserved during pregnancy and while she is nursing her child;

(b) Provision for allowances sufficient to provide the woman and her dependants, during maternity leave, with the livelihood which she usually obtains from her wages;

(c) The organisation of supervision and assistance in the field of health for the woman during pregnancy and confinement and while she is nursing her child;

(d) The organisation of measures calculated to aid the woman to perform the new tasks which motherhood imposes on her in addition to her occupational work.

The second problem to which attention will be drawn is that of the low level of women’s wages. This level is low both absolutely, since earnings often fall below the minimum level of subsistence, and relatively, since the rates are frequently lower than those paid to male workers for similar work. The redoubled efforts made by the American countries to overcome these two obstacles may justify drawing attention to the problem, on which the General Conference has recently asked for a thorough investigation. In the light of the experience gained in several of the American countries
in improving the economic situation of wage earning women, it may be desirable to formulate a series of principles relating, on the one hand, to the statutory fixing of minimum wage rates for female labour and, on the other, to the application of the principle of equal wages for equal work.

In considering the statutory fixing of minimum rates, it is essential to take into particular account the special position of home work, owing to one inevitable effect of low wages in this form of employment (where it is hardest of all to regulate conditions of work)—namely the almost unlimited extension of hours. It is for this reason that an attempt should be made to secure equivalence between home and factory work as regards remuneration.

The principle of equal wages for equal work can be applied when minimum rates are being determined and when the actual wages are paid out. In order to promote its application, which has proved difficult and runs counter to a deep-rooted tradition of lower pay for women, it would be very useful to undertake enquiries to obtain a more exact idea of the value of the work and of the remuneration that corresponds to that value, and also to take practical action to help women wage earners to defend their rights (several American countries have already set an example in this respect). It is in the light of this experience that the following proposals are made.

**PRINCIPLES TO FORM A PROGRAMME OF ACTION**

I. Maternity Protection

The protection provided for maternity should consist in a body of measures, of which the following are the most important.

1. *Regulation of Relations under the Contract of Employment*

   (a) Dismissal by reason of pregnancy should be prohibited.

   (b) As far as possible, facilities for a change of work should be allowed if the task performed by a pregnant woman is prejudicial to her health.

   (c) A pregnant woman should be able to terminate her contract of employment at her desire, without notice, at any time during pregnancy.

   (d) Leave should be allowed for six weeks before and six weeks after confinement. This leave should be extended in cases where, owing to sickness arising out of pregnancy or confinement, the woman is unable to resume work.

   (e) Dismissal should be prohibited during the whole of the above-mentioned leave, and the woman should be re-instated in her position or in an equivalent position on expiry of such leave.
(j) During the whole period of nursing, two breaks a day of half an hour each should be allowed so that the mother may nurse her child.

2. Benefits during Maternity Leave

(a) An allowance sufficient for the full and healthy maintenance of the mother and her child should be paid during the leave of six weeks before and six weeks after confinement; this benefit should as far as possible be extended during any additional incapacity for work due to pregnancy or confinement.

(b) The allowance should be provided by means of a social insurance scheme or paid out of public funds.

(c) In order to finance maternity allowances out of public funds, a tax might be levied on undertakings at a rate proportionate to the total working force, male and female, so as to avoid establishing a direct relation between the engagement of a woman worker and the payment of contributions for maternity benefit.

3. Care and Supervision in respect of Health

(a) Medical supervision should be exercised during pregnancy and, where establishment of an insurance scheme has been chosen as the means of providing the maternity allowances, this supervision should be organised by its services. Failing such a scheme, the supervision should be organised by the public assistance authority.

(b) Assistance should be provided free of charge during the confinement. The expense should be borne by the insurance scheme or by a public assistance service, according to the choice made with regard to provision of the maternity allowance.

(c) Treatment should be continued until complete recovery of the mother, and medical supervision should extend over the whole period of nursing.

4. Social Aid for Wage Earning Mothers

(a) A sufficient number of children's crèches and day nurseries should be established so that women workers may be able to have their children (children in arms or under school age) looked after in satisfactory conditions as regards health and safety during their hours of work. There should, as far as possible, be such crèches and day nurseries in each quarter of the larger towns, so as to avoid having to take the children long distances.

(b) The establishment and upkeep of these crèches and day nurseries should be borne by the bodies, if any, responsible for the administration of the maternity assistance schemes for the whole country, so that the activities of all the maternity institutions may be co-ordinated under a single management. The maternity protection body should work in close touch with, or be attached to, the social insurance scheme, if any.

II. Protection of Women's Wages

1. Fixing of Statutory Minimum Wage Rates

(a) In all cases where minimum wage rates are being fixed, care should be taken that the same principles are applied in determining the rates for workers of the two sexes. In occupations where female
labour is usually employed, care should be taken that, in estimating the value of the work, the qualifications which it requires are appreciated on the same basis as in the case of work generally done by men.

(b) When deciding the scope of minimum wage-fixing machinery (in connection with which the Recommendation adopted by the International Labour Conference in 1928 advised that special regard be had to trades or parts of trades in which women are ordinarily employed) particular attention should be given to home industries, in which a large volume of female labour is engaged; and the conditions obtaining in these industries should be borne in mind when determining the methods of applying such machinery.

(c) The minimum wage rates for home industries, where wages are generally fixed by means of piece rates, should be calculated on the basis of the minimum wage which would be obtained for identical or similar work, of equal quality and finish, by workers employed in a factory or workshop and using the same or a similar process.

(d) The rates fixed for home work should be applied throughout the region in which work can in practice be distributed, and a system of strict supervision should be introduced to ensure—by means of work registers, work books, wage vouchers or equivalent methods—an exact agreement between the number of articles distributed for processing and the amount paid in wages. In order to facilitate supervision of conditions of production, the affixing of a mark on objects made by home industry might be rendered compulsory.

2. Application of the Principle of Equal Wages for Equal Work

(a) Supervision of a particularly strict character should be exercised with a view to ensuring that the wages actually paid to women workers are not lower than the statutory minimum rates fixed for workers of both sexes in the occupational groups to which these women workers belong. In the countries where an official body has been established which is specially responsible for research into and supervision of women's conditions of work, this body should undertake the necessary investigations with the above object. It should also lend its aid to women workers for recovery of any unjustified wage difference found to exist.

(b) Apart from application of the statutory minimum rates, thorough investigation should be conducted in each country, in occupations where persons of both sexes are employed, with a view to ascertaining the extent to which the principle of equal wages for equal work is applied. Cases in which men and women do the same jobs, or similar jobs requiring equivalent qualifications, should be chosen for the investigation, and the ideas of the value of work and the equivalence of qualifications should be thoroughly studied with the object of establishing standards sufficiently precise to permit comparison of the jobs and of the corresponding wages.

(c) When, in the above-mentioned investigations, it has been found that a wage difference in fact represents a corresponding difference, qualitative or quantitative, between the respective average outputs of men and women, the services responsible for the investigations should consider whether steps could be taken to improve women's output by more advanced vocational training, the adaptation of tools and machines, or any other means.
CHAPTER II

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

The Santiago Conference adopted the following resolutions concerning the employment of children and young persons:

The Labour Conference of the American States which are Members of the International Labour Organisation, held in Santiago de Chile in January 1936, after having examined the Conventions and Recommendations adopted by the International Labour Conference relating to the employment of children and young persons, and the action taken by American States on these Conventions and Recommendations, and taking account of the rapid development in American States of legislative measures for the protection of children and young persons, adopts the following resolutions, which it addresses to the Governing Body of the International Labour Office:

1. Minimum Age for Admission to Employment

Considering that it is highly important, in order to preserve the health of children and young persons, and to ensure their future usefulness to society, that they should not be admitted to employment at an unduly early age;

And considering that the International Labour Conference has adopted four Conventions fixing at 14 the minimum age for admission to employment, respectively in industry (1919), at sea (1920), in agriculture (1921) and in non-industrial employment (1932);

The Conference expresses the wish that the American States which have not yet done so should ratify these Conventions.

2. Night Work for Young Persons

Considering that night work involves for young persons serious risk to health, and further that it restricts their opportunities of benefiting from continuation classes and other forms of general and vocational education;

And considering that the International Labour Conference has adopted a Convention concerning the night work of young persons in industry (1919);

The Conference expresses the wish that the American States which have not yet done so should ratify this Convention.

3. Medical Examination of Young Persons

Considering that it is widely held to be desirable that no child or young person should be admitted to employment without first being medically
examined with a view to ascertaining his physical fitness for such employment;

The Conference expresses the wish that the American States which have not yet done so should ratify the Convention concerning the compulsory medical examination of children and young persons employed at sea (1921);

And invites the Governing Body of the International Labour Office to examine the question of the compulsory medical examination of children and young persons as a condition for employment in industry, with a view to placing this question on the agenda of an early Session of the International Labour Conference.

4. Children's Bureaux in Labour Ministries

Whereas questions concerning the work and the living conditions of working-class children are matters of vital social concern in which the International Labour Organisation has long been actively interested; and

Whereas continuous study of these questions by a government agency especially organised to consider them will help materially toward their effective handling;

The Conference expresses the hope that the American States will make provision as promptly as possible for the establishment of a Children's Bureau in the Labour Ministry of each one of them.

5. Holiday Camps for Working Children

The Conference invites the Governing Body of the International Labour Office, at such time as it thinks fit, to place on the agenda of a Session of the International Labour Conference the question of studying the means to be adopted and the conditions to be fulfilled for the establishment of holiday camps for working children.

6. Rural Education

After considering the question of the employment of children in agriculture as related to the question of compulsory school attendance, the Conference adopts the following conclusions:

The hours of attendance at rural schools should be such as to permit the execution by children of agricultural work suitable to their age in order to encourage in them, in a practical way, an inclination towards farming as a vocation.

States should secure the establishment of the largest possible number of rural schools in order to facilitate the attendance of children living in the country; these schools, however, should give a prominent place in their curricula to elementary teaching relating to agricultural work with a view to increasing the competence of future agricultural workers and providing better trained recruits for agriculture.

A prominent place should also be given to the setting up of schools having as their sole object the development of technical and practical agricultural knowledge, situated in important agricultural centres and making provision for men and women students. Their curricula should in any case be arranged so as to take into consideration the necessity of allowing students to work on farms.

7. Age for Admission to Employment

The Labour Conference of the American States which are Members of the International Labour Organisation, held in Santiago de Chile in January 1936,
Considering that the question of raising to sixteen the age for admission to employment has been submitted for the agenda of the Conference by the Government of the United States of America,

And considering that the 1935 Session of the International Labour Conference adopted a resolution requesting the Governing Body of the International Labour Office to consider urgently the desirability of placing on the agenda of the International Labour Conference the revision of the Conventions fixing the minimum age for admission of children to industrial employment (1919), to employment at sea (1920), to employment in agriculture (1921), and to non-industrial employment (1932), with a view to raising the age from fourteen as laid down in these Conventions to fifteen,

Requests the Governing Body to set in motion the procedure for the revision of the International Labour Conventions relating to the employment of children.

The resolutions adopted by the Santiago Conference involved action to be taken by the International Labour Organisation and action to be taken by the American States themselves.

A. — ACTION TAKEN BY THE INTERNATIONAL LABOUR ORGANISATION

This has taken four different forms.

First of all the Governing Body decided that the resolutions—which were intended to serve the Governments of the American States as a guide in the various fields of social policy—should be brought to the notice of those Governments. The texts were duly communicated to them by the Office.

One of the resolutions, concerning the age for admission to employment, requested the Governing Body to set in motion the procedure for the revision of Conventions Nos. 5, 7, 10 and 33, which make 14 years the minimum age for admission to employment in industry, at sea, in agriculture, and in non-industrial employment respectively. It will be remembered that the revision procedure was opened and carried through as regards three of these Conventions, and that the minimum age was raised to 15 years, in October 1936 for the Convention concerning employment at sea and in June 1937 for the Conventions concerning employment in industry and in "non-industrial" occupations. The revision of the Convention concerning employment in agriculture is in course of study by the technical committee of the Organisation specially competent in that field.
Two other questions (medical examination of young persons entering employment, and holiday camps for young workers), which the Santiago Conference invited the Governing Body to consider placing on the agenda of the International Labour Conference in the near future, have been inserted by the Office in the list of subjects formally proposed for inclusion in the agenda of the Conference. This list is submitted to the Governing Body on each occasion when it considers the questions to be placed on the agenda of some particular session of the Conference.

Further, the question of holiday camps for young workers was referred to the Committee on Recreation for examination at the first session of this body, held in London in October 1938. On the basis of the material in its possession and of the information communicated to it by members of the Committee, the Office prepared a substantial report, which was submitted to the Committee at the session mentioned (document C.R./I.2.1938). Owing to lack of time the question could not then be discussed, but was kept on the Committee's agenda for the next session, it being understood that the Office would meanwhile complete its documentary material.

B. — ACTION TAKEN BY THE AMERICAN STATES

§ 1. — Age for Admission to Employment

One of the Santiago resolutions invited the American States to ratify Conventions 5, 7, 10 and 33, which fix the minimum age for admission to employment at 14 years.

In this connection, as in others, the progress of ratifications has been modest. The number of ratifications by American States of Convention No. 5 (Minimum Age, Industry) remains at eight, as in 1935.

Convention No. 7 (Minimum Age, Sea) has gained one ratification, that of Brazil, and has now been ratified by nine American States.  

1 Argentina, Brazil, Chile, Colombia, Cuba, Dominican Republic, Nicaragua, Uruguay.  
2 Argentina, Brazil, Canada, Chile, Colombia, Cuba, Dominican Republic, Nicaragua, Uruguay.
Convention No. 10 (Minimum Age, Agriculture) was ratified by Argentina in 1936, and now has six American ratifications. Lastly, Convention No. 33 (Minimum Age, Non-Industrial Employment) was ratified by Cuba in 1936, so that two American States have now ratified (Uruguay did so in 1933).

As regards the application of Conventions already ratified, mention may be made of the following progress. In Uruguay the Juvenile Labour Division of the Child Welfare Council has in 1939 introduced provisions concerning the issue of employment books to young persons over 14 years of age; it will now be possible to secure full application of the four Minimum Age Conventions ratified by Uruguay in 1933. In Cuba, which ratified Convention No. 33 in February 1936, preparatory work is being undertaken to extend to non-industrial occupations, mutatis mutandis, the Decree of 1934 concerning the age for admission to employment, which gave effect to Convention No. 5, previously ratified by Cuba.

There are many more cases of legislative measures which correspond to one or other of the Minimum Age Conventions and may therefore facilitate future ratification. Bolivia has just adopted a Labour Code fixing the minimum age for admission to all employment at 14 years (24 May 1939); the new Constitution of Brazil (1937) lays down the principle that the minimum age of 14 years, fixed by existing legislation for industrial employment, shall be extended to all occupations. 14 years is also the minimum age laid down by the Labour Code of Ecuador (1938) for admission to employment in all occupations, except with regard to children who are in urgent need of providing for themselves by their work. In Venezuela, too, a minimum age of 14 years is fixed for admission to employment in industry and commerce under the Labour Act of 15 July 1936.

Bills are in preparation in Nicaragua and Salvador to fix this same age limit (14 years) for admission to employment; but they would allow an exception for the employment of children over 12 years of age, in agriculture in Salvador, and on fulfilment of certain conditions regarding education in Nicaragua.

As stated above, the American countries also expressed their interest in the adoption of an age limit above 14 years by calling for revision of the International Conventions with a view to raising the minimum age. In the national field several of these States

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Argentine, Chile, Cuba, Dominican Republic, Nicaragua, Uruguay.
have endeavoured to restrict the employment of juveniles still further by raising the statutory minimum age in their countries, and some of them have indeed been among the earliest supporters of this movement.

The United States of America has been the scene of remarkable efforts to raise the normal age for admission to employment. On a Federal scale this object of social policy was already achieved in the years 1933-1935 under the National Industrial Recovery Act, which fixed the minimum age for employment in industry at 16 years; but the reform was severely shaken by the invalidation of this Act. The rule has been re-introduced more recently, though in a much narrower sphere, by means of two Federal Acts concerning forms of employment which may under the Constitution be governed by Federal laws: the minimum age for employment was fixed at 16 years for persons engaged in work under public contracts (Public Contracts Act of 30 June 1936); and the same minimum age was laid down as a general rule for persons employed in the production of goods for inter-State commerce (Fair Labor Standards Act of 25 June 1938). The latter measure makes certain exceptions—permitting the employment of children aged 14-16, on fulfilment of certain conditions, in industries other than mining and manufacture; but it also establishes a higher age limit—18 years—for employment on hazardous work or work detrimental to the health or well-being of the persons concerned.

But these Federal Acts protect only a small proportion of young workers in the United States; indeed, it has been calculated, on the basis of employment certificates issued, that three-quarters of the gainfully employed children (under 16 years of age) outside agriculture were up to the passage of the Acts employed in local industries such as laundries, restaurants, repair shops and mercantile establishments, which are not covered by the Fair Labor Standards Act. For this reason the Fifth National Conference on Labor Legislation, which was held in Washington in November 1938, recommended that the States should raise the standards of their child labour legislation, in the fields for which they were responsible, to those of the Fair Labor Standards Act, and that the Child Labor Amendment (extending the authority of the Federal Government in this field) should be ratified.

Owing to lack of space it is materially impossible here to mention the progress made by the various States of the Union in recent years towards raising the age for admission to employment. According to a publication of the Children’s Bureau of the Department
of Labor dated November 1938, when the above-mentioned recommendations were made to the States, ten of these and one Territory had already fixed 16 years as the minimum age for admission to employment (the number was five at the time of the Santiago Conference), and four others had fixed the age at 15 years. Moreover, Bills corresponding to the recommendations of the National Conference were introduced in a number of legislatures for the 1939 session.

In the other American countries the raising of the minimum age to more than 14 years has applied mainly to certain occupations which involve special risks; but it should be noted that in Haiti the minimum age has been fixed at 15 years since 1934, and that in several of the Canadian Provinces the statutory age for admission to employment in industry, and sometimes also in offices and shops, has recently been raised to 15. Measures aimed at keeping young persons away from certain forms of employment involving very high risks, while permitting their employment at less dangerous work, have been particularly frequent in recent years. A number of countries deserve mention here, besides the United States of America (the new Federal Regulations on the subject are mentioned above).

As regards the work of trimmers and stokers, occupations for which Convention No. 15 fixes a minimum age of 18 years, it should be noted that the Convention in question has been ratified by seven American countries,¹ and that one—Argentina—has ratified since 1936.

In regard to other types of employment, reference should be made, as instances, to the prohibition of all dangerous or strenuous employment in Bolivia (Code of 1939), New Brunswick (1937), and Quebec (1937; here the competent authority is empowered to specify the occupations in question), and in Venezuela, where the Regulations of November 1938 give a list of occupations prohibited to young persons under 18 years. There is a special prohibition of the employment of young persons underground in mining work in Saskatchewan (up to 16 years), and in British Columbia and Quebec (up to 18 years). This prohibition is included in more comprehensive regulations in Ecuador (Code of 1938), while in the mining industry of Nova Scotia work on winding engines is prohibited for young persons under 20 years of age (1937). Measures relating specially to

¹ Argentina, Canada, Chile, Colombia, Cuba, Nicaragua, Uruguay.
the protection of young persons in work involving moral risks have also increased in number. Admission to employment in itinerant trades before the age of 18 years requires a permit in the Argentine Province of Buenos Aires, and these trades are also carefully regulated in Uruguay; in Guatemala employment as a shoeblack is specially regulated. There are special regulations concerning the employment of juveniles in the hotel industry in Saskatchewan, and the minimum age for persons engaged in serving alcoholic drinks has been fixed at 18 years in the Dominican Republic, and 21 years in Ontario.

The extension of elementary schools and the introduction of compulsory attendance are social measures which follow logically from legislation fixing a minimum age for admission to employment. In addition, a resolution was specially adopted at Santiago recommending the establishment of rural schools. In this field also the American countries have made particularly vigorous efforts in recent years, despite the material difficulties encountered by many of them in organising an appropriate school system over vast and still sparsely populated territories.

In Latin America efforts are at present directed towards making the compulsory school attendance period coincide with the period during which employment is prohibited and raising the school leaving age to the statutory minimum age for admission to employment.

To this end, the first object to be achieved was the establishment of schools in numbers proportionate to the child population of the country. In Chile, therefore, in view of the present shortage of schools, teachers and school material (which is said to be preventing 40 per cent. of the children of school age from receiving any instruction), the Minister of Labour prepared, early in 1939, a six-year plan for the development of the elementary school system; its objects are to provide an education for 385,000 children now deprived of its benefits, to improve material, to establish 2,000 new schools, and to provide 4,000 more teachers. The plan also includes measures of social relief for ill-nourished and deserted children, particularly by the establishment of children’s homes; this constitutes a reply to a statement made by the Chilean Confederation of Labour, which pointed out, when studying the question of school attendance in 1938, that poverty obliged many children to seek work at an early age, thus keeping them away from school

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1 *Diario Oficial*, 22 May 1939, p. 1472.
and condemning them to remain unskilled workers for the rest of their lives through lack of sufficient training.

In order to overcome the difficulty of establishing a sufficient number of schools for the rural population (which is equal to two-thirds of the total), the Mexican Labour Act requires employers with undertakings situated in the country more than three kilometres from a village to provide schools for the children of their workers, if the number of children of school age is over 20. According to a Notification issued by the Department of Labour in 1938, these schools must admit all the children of the locality who are aged 6-15 years, even if they are not children of the workers of the undertaking in question.1

Once these schools have been established, there remains the problem of inducing the population to make regular use of the means of instruction provided for them. This is the object of the Argentine (Province of Buenos Aires) School Attendance Act (No. 4546) of 10 May 1937. It establishes, at the Education Department, a School Attendance Office responsible for the compilation, by districts, of lists of children of school age, so that the authorities may make sure that parents and guardians do not evade the obligation to send the children to school.

With the same object, a Bolivian Decree of 1938 prohibits the employment of children not holding certificates testifying that their compulsory education is completed. In Uruguay, the issue of employment books to young persons of 14 years of age is also subject to the condition that they have completed their compulsory education.

Similar provisions are to be found in the Ecuador Act of 8 April 1938; but this Act, like that issued in Guatemala on 10 May 1937, authorises the employment of children outside school hours if they can show that they are regularly attending school.

In the United States of America and in Canada the problem of raising the school leaving age is attracting attention, but from quite a different point of view—i.e. as a measure of social policy intended to facilitate keeping children out of employment until a much higher age or to provide beneficial occupation during the enforced idleness caused by juvenile unemployment. In certain States of the U.S.A., for instance, the school leaving age has been raised to 18 for young persons without employment.

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1 Revista Mexicana del Trabajo, July/September 1938, p. 12.
§ 2. — Supervision of Fitness for Employment

One of the resolutions of the Santiago Conference proved the interest taken by the countries represented there in another means of protecting juvenile labour; this consists in making the employment of each young person conditional on the holding of a certificate of fitness for the work in which he or she is to engage. The resolution in question advises ratification of the Convention of 1921 concerning the medical examination of young persons employed at sea; it also recommends the extension of such examinations to industrial employment.

The Medical Examination of Young Persons (Sea) Convention (No. 16) has now been ratified by nine American countries; three of these—Argentina, Brazil and Mexico—have ratified since 1936.

Regulations concerning employment certificates have spread considerably in recent years. In the United States the enforcement of provisions concerning juvenile labour contained in the Federal Fair Labor Standards Act is based mainly on the employment certificate. This serves to check observance of the general rule fixing the minimum age at 16 years; but it is also intended to prevent the employment of young persons between 16 and 18 years in occupations prohibited until the latter age as being particularly dangerous, and to permit the employment of young persons between 14 and 16 years in occupations where this is allowed. As the power to issue certificates is limited to the State authorities recognised as competent by the central agencies, the Federal Government retains a means of supervising enforcement of the Act.

The provision that the issue of an employment certificate shall depend on a previous medical examination, and not only on administrative examination of the documents establishing identity, has been introduced in a number of legislative measures in American countries.

In Cuba and Uruguay, the employment certificate, which must be held by every young person under 18 years of age desiring to take employment in industry or commerce, is a certificate of fitness based on a medical examination. In Cuba, according to Ministerial

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1 Argentina, Brazil, Canada, Chile, Colombia, Cuba, Mexico, Nicaragua, Uruguay.
Resolutions No. 87 of 1937 and No. 248 of 1938, these certificates must conform to a model issued by the Bureau of Occupational Health, and a copy of each certificate must be sent to the Bureau immediately after issue. In Uruguay the medical examination is in principle annual. Fitness for the work is specified in the young persons' employment books, which were rendered compulsory from 1 March 1939 by rules of the Juvenile Labour Division of the Child Welfare Council. After the medical examination the file is transmitted to the Social Service of the Division and the employment permit is then issued on submission of the following: documents establishing identity, certificate of medical examination, note by the social service inspector or woman social worker. For employment in itinerant trades, transport or delivery work, etc., special provisions are in force. In Peru a Decree dated 30 August 1936 provides that the employment of young persons under 18 years of age shall be suited to their physical development—a provision emphasising the necessity for certificates of fitness, which had already been introduced. In Salvador a Bill to make an annual medical examination compulsory is under consideration.

Employment certificates or special permits are sometimes required only for employment in certain types of work. They are prescribed in the Argentine Province of Cordoba by Police Regulations of 1938, for itinerant trading by young persons under 18 years of age; and in the Canadian Province of Manitoba Regulations of 1936 prescribe such certificates for the employment of young persons in public entertainments.

The use of the employment certificate as a protective measure is thus spreading.

§ 3. — Special Administrative Services for Child Welfare

The Santiago Conference warmly recommended the establishment of special child welfare services as an effective means of securing progress in this field. Under the influence either of that suggestion or of a need already felt, such institutions—which already existed in embryo in several American countries at the time of the Santiago Conference—have developed greatly since then. Their powers are adapted to various needs and consequently they vary in form also. All that can be done here is to give a very brief review of their structure and operation and to bring out more particularly
certain functions to which the first Regional Conference had no occasion to refer.

The sort of institution which the authors of the Santiago resolution had in mind was a specialised service attached to the Ministry of Labour and responsible for the study of the conditions of work of young persons and the problems arising therefrom. It is exemplified by the Industrial Division of the Children's Bureau in the United States Department of Labor and similar services to be found in a number of States of the Union. The functions of the Children's Bureau have been much extended recently owing to the duty now placed on its shoulders of administering the provisions of the Fair Labor Standards Act which relate to child labour. The number of corresponding State services has considerably increased, Illinois, Louisiana, Rhode Island, Utah and Puerto Rico among others having established them in recent years.

Institutions analogous to those of the United States have been established in Cuba. The National Office for Women's and Children's Labour at Havana is a central organ corresponding to the Industrial Division of the Children's Bureau at Washington; and the women's and children's labour services (directed by women inspectors) in the different provinces may be compared to the women's and children's bureaux of several States of the Union. In Cuba, however, both the central office and the provincial offices are above all supervisory agencies, whereas the Industrial Division of the Children's Bureau at Washington was—until 1938—mainly a research agency.

Research predominates among the functions attributed to the Committee on Women and Children's Labour which was established by the Mexican Department of Labour under Decree of 29 February 1936. One of the original objects of this body was to find means of eliminating child labour from factories. Since it came into being, however, the Committee has also been required to ascertain the extent to which the provisions now in force concerning the protection of children and young persons employed in industry are respected; and it has also opposed the unduly low wages paid to young workers. It has thus come to assume duties of supervision and has also played an important advisory part by recommending various reforms in the regulations concerning home work and employment of young persons in inns, and other measures protecting young workers.

Besides bodies of this type, devoted more particularly to labour problems, reference should also be made to child welfare institu-
tions of a somewhat different nature. Some are of long standing, such as those devoted to child welfare in general to be found in several of the Canadian Provinces, some of which are known as Child Welfare Councils. The protective functions which they assume are largely of a moral sort; their duty is to take care of deserted children, though the term is also used to cover juveniles engaged in trades on public thoroughfares (hawking, selling newspapers, distributing circulars etc.) or in other public places (employment in entertainment establishments, etc.). A Manitoba Act of 1936 gave to various administrative authorities supervisory powers of this sort over young persons engaged in work involving moral risks.

Both the Children's Council in Uruguay and the Children's Bureau at Washington have among their various departments bodies resembling one or other of the two types of institution. The Juvenile Labour Division of the Children's Council in Uruguay belongs to the former type (its supervisory powers with regard to enforcement of provisions concerning the minimum age for admission to employment have already been mentioned). But this Division has wider functions also, since under the Code which established the Children's Council it is responsible not only for supervising the work of young persons between 14 and 21 years of age, but also for preparing them for employment by means of workshop schools, homes, etc., and for placing them. The powers of the supervisory committees of the Council include supervision of conditions of work and of the stability of employment of young persons without families. The "Older Children's Division" of this Council is responsible for the protection and education of children without means of support.

Bodies of the second type—official institutions for the protection of children with unhappy homes, deserted children and those without sufficient support—appear to meet a very urgent social need and they have been established in many of the Latin-American countries in recent years. Organisations of this character, responsible on a wide scale for the protection of children and young persons who have been deserted or are in moral danger or material need and who for any reason cannot find in their own families the protection which their youth demands, are known as Children's Councils in Uruguay and Venezuela, Child Protection Councils in Chile, Child Protection Committees in Peru, National Children's Council and Social Protection Centres in Ecuador, Juvenile's Boards of Guardians in Bolivia, Costa Rica and Nicaragua,
Maternity and Child Welfare Department in Brazil, Child Protection Department in Colombia, etc. In view of the fact that their powers of assistance extend to all young persons in need, and more particularly that they have supervisory functions of a police character over youthful delinquents, these institutions might seem at first sight to be outside the scope of a labour conference. But if account is taken of the social problems facing most of the countries represented at the Conference, owing to the large number of children deprived of support by unfortunate family circumstances, it is certainly relevant to a study of workers' protection to review the efforts made by many States in the last few years to establish such institutions. These can indeed—either directly by the services which they administer or indirectly by the supervision which they exercise over private institutions—provide for the maintenance of young persons without family support until they reach the statutory minimum age for admission to employment; indeed, such protective action can eliminate in advance the state of need which sometimes obliges young persons to infringe the provisions concerning the minimum age or to seek a livelihood in some petty occupation, as yet unregulated and often morally and even physically more dangerous for them than regular wage employment, or even drives them to become beggars, pilferers or vagabonds. In fact the activity of these bodies gives the young persons whom they protect an opportunity to use the period of early adolescence in learning a trade—the essential prelude to a healthy and useful adult life.

A brief description of some of the institutions in question may enable their functions to be better appreciated.

Those established since 1936 may be taken first. The Juveniles' Board of Guardians in Bolivia was established by Decree of 14 June 1937. This Board, attached to the Ministry of Labour, is required to establish its own services and to supervise private activity. It acts in all parts of the national territory, through the departmental and provincial committees established by it. The Board takes care of young persons who are morally or materially deserted or ill-treated or required by their parents or guardians to undertake work inconsistent with their age. The young persons so protected must receive a general education, be initiated in a trade and subsequently be placed in occupations suited to their capacities.

In Colombia, after a committee of investigation convened on the initiative of the Mayor of Bogota had indicated the general lines to be followed, the Child and Maternity Protection Department, attached to the Ministry of Labour, Health and Social Welfare,
was established by Decree No. 2392 of 30 December 1938. The powers of this Department were determined by a second Decree, No. 378, of 17 February 1939; they resemble those of the Bolivian Board just described.

In Ecuador, the social protection centres referred to in the Act of 25 October 1937 and the National Children’s Council, for which provision was made in the Children’s Code of 1938, are similar institutions. They establish school homes, agricultural and industrial co-operative societies and industrial schools for deserted and necessitous children and young persons, and make themselves responsible for their education or retraining. The State assists its wards to set themselves up when they have completed their apprenticeship, by establishing them on the land if their training was agricultural and by providing them with the means of opening a workshop if the training was in one of the handicrafts. Under the Decree of 13 July 1938, advisory councils are to be attached to the social protection centres, and are required to make suggestions to the Ministry concerning plans for work, programmes for the school homes, etc.

In Ecuador again, a provision of the Labour Act of 5 August 1938 contains a solution to another problem of great importance for juvenile welfare. It relates to supervision over children and young persons whom their families are too poor to look after and maintain at home and therefore hand over to richer households where they will obtain a livelihood and act as young domestic servants. The Code provides that certain labour and police authorities shall see that these children are not ill-treated or obliged to do work exceeding their strength; it also makes special arrangements for the placing of these children in families by representatives of the State Statistical and Placing Service.

In Guatemala, the Directorate-General of Public Health is the department to which the Child Welfare Section, set up by Decree No. 1877 of 7 September 1936, is attached. In Haiti the Social Insurance Fund, established by Legislative Decree of 9 October 1938, is required to organise and maintain the establishments needed to house and teach deserted children.

In Venezuela, the Children’s Council, established in 1936, was reorganised by Decree of 18 February 1939. Its duty is now to perform the protective function assumed by the State, under the Children’s Code of 10 January 1939, with regard to materially or morally deserted persons under 18 years of age; these include young persons without a livelihood or means of support, those
exploited by their parents or guardians or employed at work prohibited or considered dangerous to life, health or morals, and those who are beggars or habitual vagabonds. Such young persons must be placed by the responsible authority in institutions where they will receive the occupational training suited to them. It is an interesting point that 70 per cent. of the product of each young person's work is saved up in his name throughout the training period and transferred to him when he comes of age.

Apart from the above institutions, established during the period which followed the Santiago Conference, mention may also be made of some established before that date but subsequently expanded or reorganised. In Brazil, for instance, the Mothers' and Children's Protection Department, established by Decree in 1934 and intended more particularly to promote social assistance for deserted children, has extended its activity in recent years; the plans for housing deserted children in the neighbourhood of Rio de Janeiro, for example, were approved in 1937. In July 1938 a Decree concerning co-operation between the Union and private bodies provided for a Federal subsidy to institutions engaging in the protection and occupational training of abandoned children.

In Argentina, the establishment of a Mothers' and Children's Welfare Department was decided by Act No. 12341 of 21 December 1936; but an older institution, the Juveniles' Board of Guardians, attached to the Ministry of Justice, is responsible for the protection of young persons without means of support, as well as for the supervision of youthful delinquents. In 1937 this Board had already undertaken a census of public and private institutions which concern themselves with deserted or delinquent children, its object being to prepare a plan for the co-ordination and intensification of work for the protection of children who are materially and morally deserted. The number of these establishments in the Capital alone was then fifty. Moreover, in the Province of Buenos Aires, the institutions for assistance to such young persons under 18 years of age are supervised by the Directorate-General of Child Welfare, established by Act No. 4547 of 12 May 1937. The Directorate, which is also responsible for the enforcement of legislation concerning the employment of children in factories, agriculture, home work and domestic service, is required to help young persons to find employment when they leave the institutions. It is thus a combination of the two types of child welfare services described above.

In Chile the establishment of the Child Welfare Council goes back to 1934 (Decree No. 1450 of 30 May), but in 1938 the Council,
reorganised under the title of the Child Protection Council, was given at its own request the status of a private corporation and was recognised as possessing legal personality (Decree No. 629 of 14 February 1938). According to the report of this body, issued in 1938, it assisted 10,980 children during the last seven months of 1937. There are provincial committees at Antofagasta and Valparaiso. Assistance for deserted children has been the object of constant attention in Chile in recent years, the Director-General of Child Welfare having estimated their present number at not less than 30,000. A plan for their protection was submitted to the President of the Republic by the Judge of the Children's Court early in 1939. Moreover, the new Mayoress of Santiago, Mrs. Graciela Schnacke, has concerned herself closely with the problem of vagabond children. According to an agreement recently concluded between the Department of Charity and the Mayoress, the latter's office will assume the financial responsibility for a number of children rescued and placed by the National Children's Home, until each child has learned a trade enabling it to earn its living. Again, the municipality of Santiago is said to be attempting to collect the money required for the establishment of rural schools, to which the Sickness Insurance Fund might transfer land in its possession.

Thus, either by the establishment of new institutions or by the intenser development of those already existing, the American countries have very generously responded to the suggestion made by the Santiago Conference that they should set up services for the social protection of young persons. It is true, however, that most of the new institutions, which meet an extremely urgent social need, differ somewhat from the type contemplated in the resolution.

§ 4. — Regulation of Night Work of Young Persons

The Santiago Conference did not study at great length the problem of the employment of young persons during the night. It confined itself to recommending American States to ratify Convention No. 6, which was adopted by the International Labour Conference in 1919.

Only Mexico responded fully to this invitation by communicating its ratification (in 1937); this raised the number of ratifications of the Convention by American countries to 8.1

1 Argentina, Brazil, Chile, Cuba, Mexico, Nicaragua, Uruguay and Venezuela.
Bills are now under examination in Mexico to amend the national legislation so that the Convention may be exactly applied.

But progress in national legislation in a number of other countries is to be noted.

The employment of young persons at night was prohibited in Honduras by Constitutional Decree of 28 March 1936, though this protection is limited to young persons under 16 years of age. In Bolivia (Labour Code of 1939) and in Ecuador (Labour Code of 1938) the age limit up to which the prohibition applies was raised from 16 years (the figure specified in previous legislation) to 18. The same age is also specified as the limit for the prohibition of night work in the Draft Code of Salvador.

In the United States of America the Third National Conference on Labor Legislation, meeting in 1936, included among its recommendations to the States of the Union one to the effect that State legislation should protect young persons by prohibiting night work up to 18 years of age. Following the example of a number of States that had already acted in this direction, South Carolina gave effect to the recommendation in 1937.

Several American countries which already had regulations on the employment of young persons at night have made these more exact or more comprehensive: as in Argentina, the measure has been extended to other fields than industry (public entertainments, in this instance); on the other hand night work has been made permissible in special circumstances where economic conditions render it advisable, within the limits of the exceptions permitted by the international Conventions.

An examination of the situation justifies the hope that the legislative progress made between January 1936 and July 1939 may soon result in new ratifications.

Conclusions

When the legislative position in the American States is examined, first of all as it was during the Santiago Conference at the beginning of 1936, and secondly as it is in the summer of 1939, a few months before the Second Regional Conference is due to start, it is clear that the resolutions adopted at the first meeting have stimulated progress. That progress has not always taken the form expected. For instance, the ratification of the Conventions concerning children and young persons have been less numerous than could be hoped for after the urgent appeal to ratify each one of them. Perhaps
the explanation of this somewhat disappointing fact is that the time since the Santiago Conference has not been sufficiently long to permit the preparatory work to bear full fruit; close examination, however, shows that the fruit is ripening and justifies confidence in the outcome.

Since the efforts made by certain States may be useful to others as an indirect experience that may help in the gradual development of their own social institutions, a few general remarks arising out of the change in the situation between 1935 and 1939, are made below and a number of principles have been put together to serve as a basis for the Conference's discussions and as the nucleus of a programme for the stage of activity that will follow the second Conference.

The age for admission to employment is a problem which greatly interested the Santiago Conference. But only its principal aspect was considered, namely the choice of a suitably high minimum age for admission of young persons to any paid employment, that is, for the transition from school life to wage earning.

The problem has, however, other aspects, which have not yet been discussed by a conference of American States. The most important of these is the question of the admission of young persons to employment involving particularly serious risks: unhealthy work (for instance, work involving the handling of certain toxic products); physically dangerous work (particularly in connection with the manipulation of machines or tools which require experience, concentration and caution from those engaged in it); exhausting work, such as that which requires considerable muscular effort; or morally dangerous work (particularly that which involves personal contact with a public of doubtful character). Many of these types of work involve only a very low degree of risk for an adult worker; but they may have a disastrous effect on the physical health, safety, or mental equilibrium of an adolescent whose bodily development is incomplete, whose attention is fitful, and whose moral resistance is still unreliable. The lower the normal age for admission to employment, the greater will be the special risks involved by the engagement in these occupations of juveniles legally regarded as employable.

But it should be noted that it is easier to protect young persons against the risks involved by a limited number of occupations than to fix a relatively high age (15 or 16 years, for instance) as the lower limit for their admission to all wage-paid employment. Circumstances of a social character may hold up the general raising of the minimum age for employment to more than 14 years in
some countries, for some years to come; the unduly low standard of life of a large part of the population may make it difficult for parents to maintain their children for a longer period; and it may also be difficult, at short notice, to provide school equipment sufficient to furnish the whole juvenile population of the country with the education appropriate to a longer period of compulsory school attendance. But these difficulties would not apply to the prohibition, until a higher age, of admission to employments particularly dangerous to young persons, who can moreover be employed in any other occupation.

The question of the certificate of fitness is closely bound up with that just discussed. The fixing of a relatively high minimum age for admission to employments involving physical risks, and provision for certificates of fitness for employment, based on medical examinations, are two forms of protection both directed towards the same end—to keep young persons away from employment where they will encounter dangers too great for their resistance.

But the second method is the more reliable, since it enables the regulations to be, so to speak, adapted to each particular case. Age is often a sufficient indication: the vast majority of young persons who have not yet reached a given age cannot without injuring themselves undertake certain bodily efforts (carrying heavy weights, for instance), but from that age onwards most of them will have gained sufficient strength to stand the resulting fatigue. This general rule, however, takes no account of individual differences. That it neglects exceptionally precocious strength or skill is of no importance; but serious consequences may arise if it ignores the deficient or abnormally late development of certain individuals and allows them to enter occupations harmful to their constitution although they have passed the age below which these occupations are generally prohibited. For this reason medical examinations preceding engagement, and certificates based on the results of these examinations, are an extremely valuable means of supervision.

Moreover, the effect of this supervision is not limited to revealing temporary deficiencies; it also enables permanent defects to be brought to light and permits the young person to be directed towards an occupation where he will find an atmosphere favourable to his personality; or at least he can be kept away from occupations where the atmosphere will be unsuitable.

The number and variety of the efforts made and the plans prepared in recent years to establish institutions specialising in the protection of young persons furnish clear proof of the serious need
felt for such institutions. The bodies which have been established are still for the most part new, and few of them have reached their final form or been able to give full results. Examples are also to be found in which the protective functions exercised by these bodies are vested in an office which also undertakes research into and supervision of the conditions of work of all young persons; this system has the advantage of co-ordinating all juvenile welfare work.

As regards night work, a glance at the progress made since 1935 leads to the conclusion that a very large majority of American countries now have legislation on the subject and that these include the countries where industry is rapidly developing. The few gaps still existing are no doubt due to the fact that abuse of night work has not yet become a serious factor in the countries in question, so that the need for protective legislation has not been obvious. Nevertheless, it is easier to prevent a deplorable custom in advance than to eliminate it once it is established (the employment of young persons at night was an obstinate evil in the old industrial countries); and it is therefore to be hoped that the example of many countries of slight industrial development which have already introduced protective legislation on the subject, will be followed and that these gaps will soon disappear. It is also to be hoped that in the countries where the protection of young persons against employment at night now stops at 16 years, the level may be raised to 18 in accordance with the international labour Convention. Lastly, at a period when the growth of industrial activity is leading to the introduction of the system of two daytime shifts (or three shifts, but in that case children are not permitted to work on the third), it may be advisable to draw attention to the provision of the International Convention that a daily rest of at least 11 consecutive hours must be granted to young persons. This obligation may help considerably in securing effective protection against the bringing of consecutive working periods too close together at the periodical change-over from one daytime shift to another.

**PRINCIPLES TO FORM A PROGRAMME OF ACTION**

I. **Age for Admission to Employment**

1. Apart from the general raising of the age for admission to wage-paid employment to more than 14 years (a measure which, since it necessarily involves the corresponding extension of the period of compulsory school attendance and the acquisition of additional school equipment,
is perhaps still impracticable in certain countries), age limits above 14 years should be fixed for the admission of young persons to occupations which, owing to their nature or to the circumstances in which they are performed, involve special dangers for the life, health or morals of the adolescent.

2. The age limit should be fixed having regard in each case to the degree of danger and the qualities required to overcome it (muscular strength, powers of attention, caution, moral capacity to resist pernicious influences). According to the degree of danger the minimum age should be raised to 16 or 18 years of age, or even higher in cases of extremely serious danger.

II. — Fitness for Work

1. The engagement of a young person in any wage-paid employment should be made subject to the issue by the competent authority of an employment certificate testifying that such person is legally qualified to engage in it.

2. The issue of the employment certificate might be made dependent on the result of a previous medical examination. As regards admission to employments involving a high degree of danger (a list of these employments would be drawn up by the competent authority), a previous medical examination should be required; its results would be specified in a certificate of fitness.

3. In countries where there is an office or service specialising in questions of child labour, this service and the local authorities to which it may delegate its powers in this connection might be the authorities competent to issue the employment certificates or the certificates of fitness for employment.

III. — Special Services

1. Special services should be established for the protection of young persons who are unsupported or inadequately supported by their families. In countries where there are offices or bureaux responsible for the study and supervision of the conditions of employment of young persons, the protective functions mentioned above should devolve on certain services of these offices or bureaux.

2. This protective work should include the following duties:

(a) To maintain young persons who are deprived of adequate family support, until they have reached the legal age for admission to employment, so as to keep them away from premature work;

(b) To educate the young persons in question during this pre-occupational period and to prepare them for an occupation;

(c) At the appropriate moment, to place these young persons in occupational life under conditions calculated to give them a chance of success, and to continue to watch over them as long as they are not capable of looking after themselves.
IV. — Night Work

1. The employment of young persons at night, particularly in industry, should be prohibited by statute in every country, even those not yet highly industrialised; in the latter case this will be a preventive measure against any introduction of such a practice when the country is industrially developed.

2. The prohibition should cover the employment of young persons under 18 years of age.

3. The obligation to grant to young persons a consecutive rest of 11 hours between two working periods should be established; the value of such a provision increases with the development of industry, which frequently leads to the organisation of work in two daytime shifts, this in its turn involving the risk of bringing two working periods close together at the change-over from one shift to another.
PART III

ACTION TAKEN ON RESOLUTIONS CONCERNING CERTAIN PROBLEMS OF SPECIAL IMPORTANCE TO THE AMERICAN COUNTRIES

As a result of the work done by its Selection Committee, the Santiago Conference adopted about twenty resolutions on various subjects, all of which were at the time and are still of special interest to the American countries. The resolutions may be classified by subject into a number of different groups, and this classification will serve for the examination of the action taken since the Santiago Conference.
CHAPTER I

RELATIONS

One of the most important resolutions adopted by the Santiago Conference is the one in which it expressed the hope that the co-operation of the States of America in the work of the Organisation would be intensified, and suggested various measures conducive to that end.

The resolution is worded as follows:

"The Labour Conference of the American States which are Members of the International Labour Organisation:

Having considered a resolution submitted by the Government Delegates of Uruguay, the essential purpose of which was to promote the more thorough and systematic study of the social problems of the American countries, a resolution which has stimulated discussions of the greatest interest and has led to the formulation of a number of specific proposals for this purpose;

Having observed that the meeting of the present Conference, by enabling the countries of America jointly to examine the problems which are of special interest to them within the framework of the International Labour Organisation, has greatly helped to increase the effectiveness of their full and sincere collaboration in the work of the Organisation;

Considering that it is most important that this fortunate beginning should be followed up in such a manner that full profit can be drawn from it in the future;

Expresses the hope that the Governing Body will consider, in the same spirit as that in which it decided to convene the Santiago Conference, all the methods by which this object may be attained;

And considers that it ought in particular to call the attention of the Governing Body to the following methods proposed by Mr. Sandoval, Government Delegate, Cuba, Mr. Unsain, Government Delegate of the Argentine Republic, and the Workers' Group:

(a) The possibility of convening in the future, whenever circumstances may make such a step appear desirable, periodical conferences similar to the Conference of Santiago;

(b) An increase in the number of nationals of American countries appointed as members of the technical committees of the Organisation;

(c) An increase in the number of American officials employed in the International Labour Office, such officials being recruited among
the persons with the greatest ability and knowledge of American conditions;

(d) An increase in the number of Correspondents' Offices and Correspondents of the International Labour Office in the American countries;

(e) The intensification of the investigations and enquiries undertaken by the International Labour Office in collaboration with the American countries concerning problems of special interest to the said countries;

(f) The inclusion of periodical studies of American conditions and law in the publications of the International Labour Office, and more especially in the *International Survey of Legal Decisions on Labour Law*;

(g) An increase in the number and circulation of such of the publications of the International Labour Office as are of special interest to the American countries, in the languages current on the American continent, and especially the publication of popular editions at cheap prices;

(h) The preparation by the International Labour Office of a scientifically planned survey which will make generally known the efforts made by each of the countries of America to improve social conditions throughout the continent."

The International Labour Office in the course of its daily work, and the Governing Body when considering the various items on the agenda of its sessions, have endeavoured to respond as fully as possible to the desires expressed by the Santiago Conference. When the measures contemplated had financial consequences, the necessary sums for intensifying relations with the countries of America have been included in the budget of the Organisation.

The progress made in the various directions indicated by the Santiago Conference is discussed below.

**Periodical Conferences of the American States which are Members of the Organisation**

In view of the successful results achieved by its discussions, the first suggestion put forward by the Conference referred to the possibility of convening similar periodical Conferences in the future when circumstances made this desirable. The delegates to the Santiago Conference felt that this valuable meeting should not be the only one of its kind, and that the work which it had begun should be continued by the adoption, whenever this appeared desirable, of the procedure which had proved so successful.

The programme of work represented by the resolutions of the Santiago Conference is so large that during the years 1936 and 1937 the International Labour Office was able to bring its work
into line with them so far as possible without feeling an urgent need for the meeting of a further Conference to review the situation as regards the problems which are of special interest to the countries of America and to give those countries an opportunity of putting forward new suggestions concerning the future work of the Organisation. While, however, the programme drawn up at Santiago was gradually being carried out, the need for contemplating another regional conference of the countries of America at not too distant a date became increasingly manifest.

As was stated in the preface to the present report, it was in 1938, after the Governing Body had received and communicated to the International Labour Conference a report on the action taken to give effect to the resolutions adopted at Santiago, that a number of delegates suggested, in a resolution which was unanimously adopted by the Conference, that a second regional Conference of American countries should be summoned.

It is not possible for the moment to consider holding conferences of this kind at regular intervals, but it is quite clear that only the repeated comparison of the experience of the countries of America in the social sphere, and their wishes with regard to the problems of special interest to them which might be studied by the Organisation, can enable the method of co-operation inaugurated at Santiago to bear its full fruit.

**Technical Committees**

An increase in the number of nationals of American countries on the technical committees of the Organisation was mentioned by the Santiago Conference as one of the means of increasing the effectiveness of the co-operation of those countries in the work of the Organisation.

The work of Correspondence Committees and meetings of experts convened when necessary is playing an increasingly important part in bringing to maturity the International study of the technical problems considered by the International Labour Office with a view to their being brought before the Conference.

In accordance with a recommendation of the Santiago Conference, the Office has endeavoured to associate a larger number of nationals of American countries with this useful work. The essential importance of this form of collaboration was, moreover, specially emphasised by the Director in his Report to the 1935 Session of the International Labour Conference. The number of technical
experts from American countries who have been appointed by the Governing Body since the Santiago Conference on the proposal of the Office as members of various Committees is 60.

The Committees to which experts from American countries have been appointed are the following:

- Correspondence Committee on Accident Prevention
- Permanent Agricultural Committee
- Correspondence Committee on Unemployment Insurance and Placing
- Correspondence Committee on Social Insurance
- Correspondence Committee on Women’s Work
- Correspondence Committee on Industrial Hygiene
- Advisory Committee of Correspondents on Workers’ Spare Time
- Joint Maritime Commission
- Correspondence Committee on Migration
- Committee of Experts on Safety in Coal Mines
- Advisory Committee on Management
- Committee of Experts on Native Labour
- Committee of Experts on the Application of Conventions
- Committee of Statistical Experts.

In addition, the members of the Governing Body coming from American countries take part in the work of a number of Committees either as members of Committees of the Governing Body or as representatives of the Governing Body on Committees of experts and various other bodies.

At the present time the number of seats on various Committees of the Organisation occupied by nationals of American countries either as members of technical Committees appointed before or after the Santiago Conference or as members of the Governing Body is 142. It will thus be seen that the various Committees of the Organisation benefit fully by the co-operation of the countries of America.

Increase in the Number of Members of the Staff of the Office coming from American Countries

The intensification of the co-operation of the countries of America in the various aspects of the work of the Organisation necessarily involves an increase in the number of the officials of the International Labour Office coming from American countries. This point was emphasised in the resolution of the Santiago Conference.
Immediately after the Conference the Office took steps to reinforce its various services by the appointment of officials from American countries, especially those which were to carry out work resulting from the resolutions of the Santiago Conference. In engaging these new officials, the Office bore in mind the indication given by the Santiago Conference, which expressed the hope that such officials should be recruited among the persons with the greatest ability and knowledge of American conditions.

In 1936-1938, the number of persons from American countries on the staff of the Office, increased by about 20. Whenever the possibilities of the budget allow, the Office will continue to secure the assistance of nationals of American countries on the staff. From this point of view it is already in a position to follow more closely the development of social problems on the American Continent.

Branch Offices and Correspondents in America

In addition to an increase in the number of American members of the staff, the Santiago Conference recommended an increase in the number of Branch Offices and Correspondents of the International Labour Office in the countries of America. It is clear that the presence in the Office of a certain number of officials who are nationals of particular countries is not sufficient to ensure permanent and adequate contact with those countries unless the Office also has Correspondents in the countries themselves. The principal duties of such Correspondents consist in supplying information on the work of the Organisation to the circles interested in it in the country in question, and in providing the Office with the information it needs for dealing with the problems which it has to study. In the case of so vast a series of countries as the American countries, in which social problems present special characteristics, the institution of a network of Branch Offices is necessary if the work of the Organisation is to be as widely effective as would be desirable. When the Santiago Conference met, the Office already possessed a Branch Office at Washington, and National Correspondents at Buenos Aires, Rio de Janeiro and Mexico City. Even apart from the definite recommendation made by the Santiago Conference, it was clear that if the extensive programme of work laid down by the Conference was to be carried out successfully, direct contact with the countries of America must be developed by means of National Correspondents. The first efforts in this direc-
tion were made immediately after the Santiago Conference. Since that time National Correspondents' posts were established in the following towns in chronological order—Havana, Caracas, Montevideo, Santiago (Chile) and Quito. In addition, a Colombian member of the staff of the Geneva Office has recently been called upon to carry out the duties of a National Correspondent at Bogotá during a prolonged visit to his own country. The Office also has an external collaborator at Lima who carries out most of the functions of a National Correspondent.

It may be of interest to give here the names and addresses of these representatives of the Office in the countries of America.

Branch Office:
United States: International Labour Office, 734 Jackson Place, Washington, D.C.

National Correspondents:
Argentina: Mr. A. Unsain, Avenida Presidente Roque Sáenz Peña 671 (8º piso B), Buenos Aires.
Brazil: Mr. A. Bandeira de Mello, Ministerio del Trabajo, Salas 848.850, Rio de Janeiro.
Chile: Mr. M. Poblete Troncoso, Casilla 2811, Santiago.
Cuba: Mr. José Enrique de Sandoval, Edificio la Metropolitana, No. 422, Calle Presidente Zayas, Havana.
Ecuador: Mr. M. Poblete Troncoso, Casilla 2811, Santiago.
Cuba: Mr. José Enrique de Sandoval, Edificio la Metropolitana, No. 422, Calle Presidente Zayas, Havana.
Mexico: Mr. F. Bach, Post Office Box 292 (Apartado 292), Mexico, D.F.
Uruguay: Mr. F. Kuhn Talay, Colón 1476, Montevideo.
Venezuela: Mr. R. Caldera, Sur 14, 56-2, Caracas.

External collaborator:
Peru: Mr. Alejandro Desmaison, Apartado 632, Lima.

Research and Documentary Enquiries

After dealing with various means of ensuring the necessary personal contact for an intensification of the co-operation of the countries of America with the Organisation, the Santiago Conference proceeded in the same resolution to indicate the principal general directions in which the work of the Office might be pursued for this purpose. In the first place, it recommended the intensification of the investigations and enquiries carried out by the International Labour Office in collaboration with the countries of America on the problems which are of special interest to them.

Since the problems in question are those to which the Santiago Conference drew attention by other resolutions, the work carried out by the Office in response to these suggestions of the Conference
the resolutions of the Santiago Conference is described further on in connection with the effect given to those resolutions.

Attention may, however, be drawn to a measure taken in the Office in order to facilitate the investigations and enquiries mentioned in the resolution. The Office receives from various American countries a very large number of periodical publications containing information relating to social questions which can be used by the various technical services of the Office. In order that proper use may be made of this information, it is clearly necessary that there should be a service which systematically goes through this large mass of literature and draws the attention of the technical services to those parts which may concern them. Accordingly the Office has established a special group in its Document Service the duty of which is to go through the American periodicals in Spanish and Portuguese.

Even in spheres not directly mentioned by any of the resolutions of the Santiago Conference, the Office has made a systematic study of the situation in the countries of America. Questions of this kind include maritime questions, hours of work in inland navigation, the process of industrialisation, financial problems, questions concerning mines, etc.

The results of these studies are embodied either in the reports prepared by the Office on the questions placed on the agenda of the International Labour Conference, or in special reports or memoranda, or in the periodical publications of the Office in the form of articles in the International Labour Review or notes in Industrial and Labour Information.

Study of the Law and Practice in American Countries

The Santiago Conference recommended the inclusion of periodical studies on American Law and practice in the publications of the International Labour Office. In this connection the Office has of course more particularly studied the problems placed on the agenda of the International Labour Conference. Detailed information on these problems is supplied in the reports which are used as a basis for the discussions of the Conference. Moreover, in proportion as the work of the National Correspondents in American countries and the reinforcement of the services concerned in the Office provides information which is more complete and more readily utilisable, the Office has given increasing attention in its publications,
especially *Industrial and Labour Information*, to the principal developments of legislation and practice on labour problems in the various countries of America.

**Development of the Publications of the Office**

In order to enable the countries of America to avail themselves more fully of the work of the Office, the Santiago Conference recommended an increase in the number and circulation of such of the publications of the Office as are of special interest to the American countries in the languages current on the American Continent, and especially the publication of popular editions at cheap prices.

The Office has already done a great deal towards carrying out this suggestion, and hopes to do still more. As the publications of the Office are already accessible to the English and French-speaking countries, what was mainly required was a systematic increase in the number of publications appearing in Spanish, which is the language of the great majority of the countries of America, and also in Portuguese, which is the language of the largest South American country.

The Office endeavoured in the first place to facilitate the cooperation of the Spanish-speaking countries at the Conference by supplying them with the documents prepared for the Conference in that language. Since 1937 the reports submitted to the Conference have been published in Spanish. They have to be presented in a somewhat abridged form so that the large amount of translating and printing which is required can be completed in time. The Spanish edition nevertheless contains in full the documents which are of the greatest interest to delegates, Governments and employers' and workers' organisations.

The main parts of the reports especially their conclusions, are sent to the countries concerned by air mail, so that Governments and delegations may have sufficient time to give them consideration.

The Office has already found that these measures enable those delegates of American countries who are not perfectly acquainted with the official languages to follow the work of the Conference more satisfactorily and to take a more effective part in it.

The Office has of course continued, as it has done ever since 1926, to publish a Spanish edition of the Record of the Conference which enables the delegates to follow the progress of the discussions from day to day. Similarly, the publication in Spanish of the
Conventions and Recommendations adopted by the Conference has been continued and brought up to date (in roneo form since 1935).

It may also be recalled that from the outset the *I.L.O. Year-Book* has been issued in Spanish as well as in the official languages, and that ever since 1928 the *Director's Report* to each of the sessions of the Conference has also appeared in Spanish.

When it is remembered that at the plenary sittings of the Conference an interpretation of the speeches into Spanish is given by the system of telephonic interpretation, and that the speeches made in Spanish are interpreted by the Secretariat of the Conference, it will be seen that the Spanish-speaking delegations are given considerable assistance towards taking an effective part in the work of the Conference.

The Office has endeavoured to develop and adapt to the requirements of the countries of America the periodical publication in Spanish which it already possessed, namely, the *Revista Internacional del Trabajo*. This publication, which appeared at Madrid from 1923 onwards, has been published in Geneva since November 1936. From the point of view of presentation and the organisation of sales it has thus been possible to follow more closely the methods adopted for the French and English editions. At the same time care is taken to include in the *Revista* only those elements which are likely to be of interest to its special public. Greater attention has been devoted to the chapters dealing with statistics, the co-operative movement and the international bibliography of official and unofficial publications. Up to the present the remarkable activity of the Latin-American countries in promoting social legislation had led the Office to devote special attention in the *Revista* to information on those development. The Office realises, however, that the very fact that such legislation now exists in Latin America must stimulate interest in similar legislative development in all other parts of the world; and it therefore proposes in future to publish more articles and notes referring to industrial and labour subjects in other continents which will be of special interest to the Spanish-speaking countries. In preparing the bibliography, the same criteria will be applied. The questions mentioned in the resolutions of the Santiago Conference have, of course, formed the subject of a particularly large number of articles and notes.

The Office's new periodical, *The I.L.O. Month by Month*, the first number of which appeared in June 1939, is also published in Spanish. Latin-American readers thus have at their disposal a monthly summary of the activities of the Organisation, intended
more especially for the information of those who have no more direct means of following its work.

With regard to the publication of popular editions, a pamphlet written by a member of the staff of the Office on Social Catholicism and the International Labour Organisation has been translated into Spanish, and has had a wide circulation as a result of the mission carried out by its author in certain Latin-American countries.

The pamphlet entitled "L'Organisation internationale du Travail, ce qu'elle est, ce qu'elle a fait", which was one of the last productions of the late Fernand Maurette, former Assistant Director of the International Labour Office, has appeared in Spanish in a revised edition completed by detailed references to the participation of the countries of Latin America in the work of the Organisation and the questions which are of special interest to them.

The Santiago Conference adopted a special resolution recommending the publication of a cheap edition of the history of the origins of the International Labour Organisation.

This resolution was as follows:

"Considering that it is necessary, with a view to maintaining the spirit that suggested and led to the creation of the International Labour Organisation—the spirit of active protection of the workers in the national and international spheres—that the true origins of this Organisation should be as widely known as possible,

The Conference of American States which are Members of the International Labour Organisation recommends the Governing Body of the International Labour Office to have prepared, published and widely distributed a cheap edition of The Origins of the International Labour Organisation, which covers the more remote as well as the more recent origins before and during the war and during the peace negotiations."

The Office has not yet been able to include a work of this kind in the programme for the development of its publications in Spanish. The interest of such a publication would, of course, be undeniable, especially if it were accessible to a wide circle of readers. It has, however, been thought more urgent to make available to the Spanish-speaking public the reports relating to the work now in hand and especially to the questions discussed by the Conference, as well as publications embodying the results of recent studies of the Office and periodical publications giving information on the development of social questions, rather than to prepare the systematic historical study for which the Santiago Conference asked.

The Spanish-speaking public will, however, find, more particularly in the above-mentioned publication of Fernand Maurette, valuable information concerning the origins of the Organisation. The Office will, moreover, bear the resolution of the Santiago Conference in
mind, and when circumstances permit it will endeavour to publish a history of the origins of the Organisation in a form accessible to all.

In one particular sphere, that of co-operation, the Office has made a special effort to supply information to a wide public. Since August 1936 it has issued a Spanish edition of the bulletin on "Co-operative Information" which appears periodically (about 15 issues a year) and is sent free of charge to all those interested in the co-operative movement, including Governments, official institutions, co-operative organisations of all kinds, the co-operative Press, universities, study circles and persons engaged in research on the social and economic aspects of the co-operative movement. At the present time, 530 copies of "Co-operative Information" are sent to Spanish-speaking countries in America.

The publication of popular pamphlets concerning special problems is at present in contemplation.

Various publications in Spanish concerning problems on which the Santiago Conference adopted resolutions have appeared or are in preparation. A study of the living and working conditions of native workers in Peru was published at Santiago, Chile, and the Report of the Conference on Migration for Settlement which was held at Geneva and was attended by representatives of Latin-American countries that are more particularly interested in migration problems has been published in Spanish.

In addition to developing its publications in Spanish, the Office has made considerable effort to ensure a wider circulation for its publications in the countries of Latin America, and this effort has borne fruit. The publications can be obtained in Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela. The fullest possible lists of addresses of institutions, universities, associations, employers' and workers' organisations, booksellers and persons interested in social progress have been established for the despatch of sales propaganda.

As a result of this systematic work, it is hoped that the sale of the publications and the number of subscribers will greatly increase.

As with the Spanish publications, the Office is now endeavouring to make certain publications of special interest available to the Brazilian public. It intends to print a Portuguese edition of The I.L.O. Month by Month, one issue each quarter; and it has already published a Portuguese edition of a report written by Fernand Maurette as a result of a mission which he carried out in Brazil. This report appeared under the title Alguns aspectos sociais do desenvolvimento actual e futuro da economia brasileira. Also a
Portuguese brochure somewhat similar to the Maurette pamphlet “L’Organisation internationale du Travail, ce qu’elle est, ce qu’elle a fait”, but especially prepared for the Brazilian public, is now in the course of writing.

The three reports for the Havana Conference have been published in Portuguese, as well as in Spanish and English.

The Office has also undertaken the preparation of a Portuguese edition of the Conventions and Recommendations adopted by the International Labour Conference up to the present. The revision of this translation, both from the legal and technical points of view, is now being carried out and the Office hopes soon to publish the volume, which will help to make the general work accomplished by the International Labour Conference better known.

The Office has not yet been able to carry out the recommendation of the Santiago Conference that it should prepare a scientifically planned survey which will make generally known the efforts made by each of the countries of America to improve social conditions throughout the Continent. Before it is possible to establish such a survey of social progress on the American Continent, much work is obviously necessary in order to collect information on the various aspects of social life. The Office is, however, bearing this resolution in mind, and when its researches have enabled it to obtain sufficient information, it will consider the possibility of publishing such a work.

Missions carried out in the Countries of America by Members of the Staff of the Office

Before leaving the question of relations with the countries of America, it may not be without interest to mention the missions carried out in those countries by members of the staff of the Office since the Santiago Conference. Most of these missions were more or less closely connected with the work of the Conference.

Immediately after the Santiago Conference (from February to April 1936) a Chilean member of the staff of the Office undertook a journey to Peru, Bolivia and Ecuador to investigate the conditions of work of native workers. The object in view was to secure the preliminary information necessary for the study of the living and working conditions of native populations proposed by the Santiago Conference.

During the same period, a member of the staff of the Agricultural Service of the Office carried out a mission in Brazil in order to study conditions of agricultural work.
From April to September 1936 a member of the staff who had specialised in the study of labour legislation was sent to Caracas at the invitation of the Venezuelan Government in order to assist in the drafting of a Labour Act and the establishment of a Labour Department.

From June to September 1936, Fernand Maurette, one of the Assistant Directors of the Office, accompanied by an Argentine official of the Office, paid a visit to Brazil, Uruguay and Argentina in order to study more particularly certain aspects of Brazilian economic life as well as the question of migration for settlement, on which subject a conference was to be held at Geneva early in 1938.

During the summer of 1936 the Chief of the Economic Section of the Office represented the Office at the Conference of the Institute of Pacific Relations and the World Power Conference, both of which were held in the United States. The main object of his mission was to secure information with a view to a study which the Office had been asked to prepare on the relations between international trade and employment.

At the end of 1936 and the beginning of 1937 one of the staff working in close connection with the Director of the International Labour Office, went to Brazil, Uruguay, Argentina, Chile, Peru and Cuba for negotiations concerning the action to be taken on the resolutions of the Santiago Conference and the participation of the countries concerned in the 1937 Conference. Another purpose of the mission was to prepare for an extension of the network of national Correspondents in the countries of Latin America.

In February and March 1937, a Mexican member of the staff of the Office went to his own country in order to make a preliminary study of the living and working conditions of the native populations and to obtain information on the development of agricultural problems in Mexico.

In the second half of 1937 the official of the Office who deals with relations with Catholic organisations paid a visit to Brazil, Argentina, Chile and Peru in order to establish contact with Catholic organisations and institutions dealing with labour problems.

During the same period, the Chief of the Industrial Hygiene Service of the Office visited the United States in order to study various problems of industrial hygiene.

At the invitation of the Canadian Government, an official of the Office, who has specialised in the subject, assisted in the preparation of an Unemployment Insurance Act; after carrying out this
task, he went to Washington to study the operation of the Social Security Board.

At the invitation of the Venezuelan Government, one of the members of the Legal Service of the Office and a member of the Social Insurance Section went to Caracas for a period of several months in order to assist respectively in the revision of the Labour Act and the organisation of social insurance services in Venezuela.

More recently, at the request of the Government of Venezuela, the Office has sent an official who has specialised in the study of problems concerning migration for settlement to work at Caracas for a certain time.

During 1938, the present Director of the Office carried out two missions in the United States to discuss with the competent authorities various questions of interest to the Office, in particular, the ratification by the United States of international labour Conventions.

In August of the same year, the Chief of the Labour Relations Service went to Mexico to attend the Congress of Latin-American Trade Unions and to strengthen relations with the Mexican labour organisations.

A member of the staff specialising in the subject represented the Office at the Seventh International Congress for Scientific Management, which was held in Washington in September 1938.

Towards the end of 1938, the Chief of the Economic Section of the Office went on mission to the United States and to Mexico in order to study the economic aspects of the reduction of working hours, and also various economic and social problems in Mexico.

In several cases, the Office took advantage of the fact that members of the staff who were nationals of American countries were going home on leave to entrust them with certain missions. A Mexican official was able to collect information for the study of the conditions of work and life of native workers, while a Canadian member of the staff was asked to study labour inspection in Canada.

It may also be mentioned that when the Conference on the Textile Industry met at Washington early in 1937 at the invitation of the United States Government, the members of the staff of the Office who constituted the Secretariat of the Conference had an opportunity of having direct contact with the circles concerned in social problems in the United States, as well as with the delegations of the American countries attending the Conference.
CHAPTER II

LABOUR LEGISLATION

The Santiago Conference adopted two resolutions on this subject dealing respectively with the ratification and application of the Conventions and Recommendations by the American States and with the effective application of labour legislation.

Ratification of Existing Conventions

As has already been stated, the agenda of the Santiago Conference included the examination of the situation of existing international labour Conventions as regards ratification and application. The conclusions to which this examination led in connection with social insurance and the conditions of work of women and children were incorporated in the resolutions adopted by the Conference on the report of the committees which it set up to deal more especially with these problems.

As regards the Conventions and Recommendations in general, the Santiago Conference, considering that it was urgent and necessary to extend the benefits of protective legislation to all workers in the American countries so far as possible, adopted the following resolution:

"The Labour Conference of the American States which are Members of the International Labour Organisation,
Considering that it is urgently necessary to extend the benefits of protective legislation to all workers in the American countries, so far as may be possible,
Requests the Governing Body of the International Labour Office to instruct the Office to continue, amplify and publish its reports on the various Conventions and Recommendations adopted by the International Labour Conference with special reference to their ratification and application by the States of America."

The Office, of course, follows with the greatest interest the action taken by the States Members of the Organisation in connection
RESOLUTIONS CONCERNING AMERICAN COUNTRIES

with the decisions of the International Labour Conference. Since the Santiago Conference it has devoted even more attention than in the past to the ratification and application of the Conventions by the countries of America.

It may be desirable to mention at this stage the method followed with regard to the decisions adopted by the International Labour Conference.

Shortly after each session of the Conference, a certified copy of the decisions adopted is sent officially to each of the States Members. Under Article 19 of the Constitution of the Organisation, each Member is under an obligation to bring these decisions, within the period of one year at the most from the closing of the session of the Conference, or in exceptional circumstances eighteen months, before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action.

In due course the Office draws the attention of the States Members to the fact that the time-limit will shortly expire, and carefully follows the measures taken in the various countries with regard to each of the decisions adopted by the Conference.

On the basis of the official information communicated to it by the States, the Office prepares notes setting forth the situation of the various countries with regard to each of the Conventions which has not yet been ratified. These notes are submitted annually to each of the States concerned, and they are requested to send the Office any observations and corrections which they may require.

In addition, in the periodical reports (five-yearly or ten-yearly) on the working of Conventions which are prepared by the Office, a survey is given of the situation of each State Member which has not yet ratified the Convention dealt with in the report.

Whenever a Convention is ratified by a State Member, this fact is officially brought to the notice of all the States Members and is also mentioned by the Office in its publications, including the Revista Internacional del Trabajo and El Año Social. Periodical tables indicating the position as regards each of the Conventions from the point of view of ratification are also published. These tables make it possible to follow the development of the work of ratification.

Under Article 22 of the Constitution, each State Member undertakes to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports are made
on the basis of forms drawn up by the Governing Body. In order to facilitate the work of a considerable number of American States, these forms are sent to them in Spanish.

The reports received by the Office are considered by a Committee of Experts set up by the Governing Body. The report of this Committee comes before the Governing Body and subsequently the Conference. The latter also has before it a summary of the annual reports furnished by States. As has already been stated, periodical reports are also prepared on the working of each Convention and these reports are submitted to the Conference.

In the case of Recommendations, the same procedure of submission to the competent authorities is followed as in the case of Conventions and the States Members are required to inform the Secretary-General of the League of Nations of the measures taken. These measures are mentioned by the Office in its publications, and an account of the action taken as a result of the Recommendations in the various countries is submitted periodically to the International Labour Conference.

It will thus be seen that no special measures were required in order to give effect to the resolution of the Santiago Conference on this point. The Office had, even before the Santiago Conference, followed with special interest the development of the ratification and application of Conventions in the countries of America. It is nevertheless certain that the resolution which was communicated to the countries of America has acted as a stimulant both for the Office and for the States concerned, and has opened the way for still fuller collaboration in this sphere than in the past.

The Santiago Conference represented a valuable opportunity of establishing direct contact with the circles interested in social policy in the various States of America, and at the same time enabled the representatives of those circles to know more about the work of the Organisation. These factors have undoubtedly had a considerable influence on the subsequent development of international labour legislation in most of the countries concerned.

The report submitted by the Office to the Santiago Conference on the progress of ratification in the countries of America indicated that out of 661 ratifications registered at that time, 160 came from American States. The very considerable proportion of ratifications emanating from the American Continent has been maintained since that time, since out of a total of 844 ratifications registered on 1 June 1939, 216 came from that Continent. The figures are as follows: United States of America 5, Argentina 16, Brazil 12,
Canada 9, Chile 33, Colombia 24, Cuba 26, Dominican Republic 4, Mexico 23, Nicaragua 30, Uruguay 30, Venezuela 4. The 56 ratifications communicated by American States since the report for the Santiago Conference was drawn up relate to 34 Conventions.

**Ratifications registered since the Santiago Conference**

The following table shows the ratifications registered by the countries of America since the report for the Santiago Conference was drawn up.

<table>
<thead>
<tr>
<th>Country</th>
<th>Convention</th>
<th>Date of registration of ratification by the Secretariat of the League of Nations</th>
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<tr>
<td><strong>United States of America:</strong></td>
<td>Officers' Competency Certificates, 1936 (No. 53)</td>
<td>29/10/38</td>
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<td>Holidays with Pay (Sea), 1936 (No. 54)</td>
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<td>Shipowners' Liability (Sick and Injured Seamen), 1936 (No. 55)</td>
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<td>Hours of Work and Manning (Sea), 1936 (No. 57)</td>
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<td>Minimum Age (Sea) (Revised), 1936 (No. 58)</td>
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<td><strong>Argentina:</strong></td>
<td>Minimum Age (Agriculture) 1921 (No. 10)</td>
<td>26/5/36</td>
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<td>Right of Association (Agriculture), 1921 (No. 11)</td>
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<td>Workmen's Compensation (Agriculture), 1921 (No. 12)</td>
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<td>White Lead (Painting), 1921 (No. 13)</td>
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<td>Weekly Rest (Industry), 1921 (No. 14)</td>
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<td>Minimum Age (Trimmers and Stokers), 1921 (No. 15)</td>
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<td>Medical Examination of Young Persons (Sea), 1921 (No. 16)</td>
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<td><strong>Brazil:</strong></td>
<td>Minimum Age (Sea), 1920 (No. 7)</td>
<td>8/5/36</td>
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<td>Medical Examination of Young Persons (Sea), 1921 (No. 16)</td>
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<td>Night Work (Women) (Revised), 1934 (No. 41)</td>
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<td>Workmen's Compensation (Occupational Diseases) (Revised), 1934 (No. 42)</td>
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<td>Underground Work (Women), 1935 (No. 45)</td>
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<td>Holidays with Pay, 1936 (No. 52)</td>
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<td></td>
<td>Officers' Competency Certificates, 1936 (No. 53)</td>
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<tr>
<td></td>
<td>Minimum Age (Sea) (Revised), 1936 (No. 58)</td>
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1 In consequence of this ratification Brazil denounced its ratification of the Night Work (Women) Convention, 1919 (No. 4), on 12 May 1937.
<table>
<thead>
<tr>
<th>Country</th>
<th>Convention</th>
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<td>Canada:</td>
<td>Seamen's Articles of Agreement, 1926 (No. 22)</td>
<td>30/6/38</td>
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<td>Marking of Weight (Packages Transported by Vessels) 1929 (No. 27),</td>
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<td>Chile:</td>
<td>Minimum Age (Sea), 1920 (No. 7)</td>
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<td>Unemployment Indemnity (Shipwreck), 1920 (No. 8)</td>
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<td>Placing of Seamen, 1920 (No. 9)</td>
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<td>Minimum Age (Agriculture), 1921 (No. 10)</td>
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<td>Minimum Age (Trimmers and Stokers), 1921 (No. 15)</td>
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<td></td>
<td>Seamen's Articles of Agreement, 1926 (No. 22)</td>
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<td>Hours of Work (Commerce and Offices), 1930 (No. 30)</td>
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<td></td>
<td>Protection against Accidents (Dockers) (Revised), 1932 (No. 32)</td>
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<td>Fee-charging Employment Agencies, 1933 (No. 34)</td>
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<td></td>
<td>Old Age and Invalidity Insurance (Industry, etc.) (Agriculture), 1933 (Nos. 35, 36, 37, 38)</td>
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<tr>
<td>Cuba:</td>
<td>Minimum Wage-fixing Machinery, 1928 (No. 26)</td>
<td>24/2/36</td>
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<td>Hours of Work (Commerce and Offices), 1930 (No. 30)</td>
<td></td>
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<td></td>
<td>Minimum Age (Non-Industrial Employment), 1932 (No. 33)</td>
<td></td>
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<tr>
<td></td>
<td>Workmen's Compensation (Occupational Diseases) (Revised), 1934 (No. 42)</td>
<td>22/10/36</td>
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<td>Underground Work (Women) 1935 (No. 45)</td>
<td>14/4/36</td>
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<td>Hours of Work (Coal Mines) (Revised), 1935 (No. 46)</td>
<td></td>
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<tr>
<td>Mexico:</td>
<td>Night Work (Young Persons), 1919 (No. 6)</td>
<td>20/5/37</td>
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<td></td>
<td>Unemployment Indemnity (Shipwreck), 1920 (No. 8)</td>
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<td>Right of Association (Agriculture), 1921 (No. 11)</td>
<td></td>
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<td>Workmen's Compensation (Agriculture), 1921 (No. 12)</td>
<td>1/11/37</td>
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<tr>
<td></td>
<td>White Lead (Painting), 1924 (No. 13)</td>
<td>7/1/38</td>
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<tr>
<td></td>
<td>Weekly Rest (Industry), 1921 (No. 14)</td>
<td></td>
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<tr>
<td></td>
<td>Medical Examination of Young Persons (Sea), 1921 (No. 16)</td>
<td>9/3/38</td>
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<tr>
<td></td>
<td>Inspection of Emigrants, 1926 (No. 21)</td>
<td></td>
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<td>Fee-Charging Employment Agencies, 1933 (No. 34)</td>
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<td>Workmen's Compensation (Occupational Diseases) (Revised), 1934 (No. 42)</td>
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<td>Sheet-Glass Works, 1934 (No. 43)</td>
<td>20/5/37</td>
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<td>Underground Work (Women), 1935 (No. 45)</td>
<td>9/3/38</td>
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<tr>
<td></td>
<td>Reduction of Hours of Work (Glass-Bottle Works), 1935 (No. 49)</td>
<td>21/2/38</td>
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<tr>
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<td>Holidays with Pay, 1936 (No. 52)</td>
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**THE RESOLUTIONS OF THE SANTIAGO CONFERENCE**
Ratifications Authorised or Recommended since the Santiago Conference

In Mexico, Decrees approving the following Conventions were promulgated at the dates mentioned below: Minimum Age (Sea), 1920 (No. 7), 12 December 1938; Placing of Seamen, 1920 (No. 9), 29 December 1938; Hours of Work (Coal Mines) (Revised) 1935 (No. 46), 28 October 1938; Officers' Competency Certificates, 1936 (No. 53), 28 October 1938; Shipowners' Liability (Sick and Injured Seamen), 1936 (No. 55), 12 December 1938; Sickness Insurance (Sea), 1936 (No. 56), 29 December 1938.

The President of the United States of America, when transmitting to Congress on 28 June 1937 the decisions adopted by the Conference at its Twentieth Session (1936), recommended that the necessary measures should be taken as soon as possible to give effect to the Reduction of Hours of Work (Public Works) Convention, No. 51. By Messages dated respectively 9 June 1938 and 24 April 1939, the President submitted to the Senate the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61) and the Statistics of Wages and Hours of Work Convention, 1938 (No. 63).

In Argentina on 22 September 1938, the Executive Power submitted to Congress a Message recommending the approval of seventeen Conventions.

In Colombia, on 1 August 1938, a Bill was tabled in the Senate to approve the following Conventions: Forced Labour, 1930 (No. 29); Hours of Work (Commerce and Offices), 1930 (No. 30); Recruiting of Indigenous Workers, 1936 (No. 50) and Holidays with Pay, 1936 (No. 52).

The President of the Republic of Cuba has submitted to the Senate Messages recommending the approval of the Conventions adopted by the Conference at its Twenty-third and Twenty-fourth Sessions in 1937 and 1938.

The President of the Republic of Peru approved twenty-eight Conventions by a Decree of 6 March 1936 and submitted them to Congress with a view to ratification.

1 The ratification of these three Conventions by Mexico were registered on 1 September 1939.
Application of Ratified Conventions

The progress of international labour legislation in the countries of America from the point of view of the application of ratified Conventions is illustrated by the annual reports regularly submitted by the States concerned under Article 22 of the Constitution. In April 1936 the Committee of Experts on the Application of Conventions observed with satisfaction the steady improvement which had taken place with regard to the submission of the annual reports by the Governments, and noted that this improvement was principally due to Latin-American countries. The Committee stated that this was highly significant evidence of the progress made by the International Labour Organisation in the accomplishment of its task.

The Conference Committee on the Application of Conventions expressed its agreement with these statements, and pointed out that it was a satisfactory feature of the reports for that year that the influence of the Regional Conference at Santiago and the interest which it had stimulated in the South American countries had been reflected by a large increase in the proportion of reports received from the countries concerned.

A few examples are given below which offer an illustration of the legislative progress which is taking place in certain Latin-American countries in connection with the ratification and application of Conventions.

**BRAZIL**

Of the twelve Conventions ratified by Brazil seven are at present in force internationally. With regard to the application of these Conventions a representative of the Brazilian Government at the 1939 Session of the International Labour Conference explained to the Conference that according to Brazilian law (Introduction to the Civil Code) a Convention which has been approved by the competent legislative authority has the force of law and, as a later law modifies an earlier one, any special legislative measures which may exist containing one or more provisions contrary to the principles laid down by the Convention are amended by the mere fact of the subsequent promulgation of the Convention. For this reason it was claimed that the Conventions which had been adopted are being fully applied throughout the country. The enforcement of the legislative
measures concerning the protection of workers and labour in general is secured by a system of inspection which is co-ordinated in such a way as to cover the whole of Brazil (8 million square kilometres). The law further gives to the workers' trade unions general power to supervise the application of the relevant legislation.

**CUBA**

The number of Conventions ratified by Cuba is 26. In his message to Congress, October 1937, the President of the Republic made reference to the existing good relations and collaboration between Cuba and the Organisation. He said that Cuban social legislation, except in certain aspects, is in complete accord with the provisions of the Conventions; moreover, it seems desirable that measures should be adopted to remove the divergencies which exist at present as well as to bridge certain gaps which prevent the Government from fully applying these Conventions, which mean so much to the working class. Furthermore, he stated in detail the social policy of the Government and the wide field which it contemplates to cover by the enactment of a Labour Code.

In the meantime, with regard to the application of Convention No. 1 (Hours of Work (Industry)), for example, the Committee of Experts in 1939 noted with satisfaction that by the adoption of Decree No. 798 of 13 April 1938, which provides in Section 40 that overtime work shall be remunerated at at least time-and-a-quarter the normal rate, the divergency between Article 6 (last paragraph) of the Convention and Cuban legislation, to which it had called attention, has been removed.

**DOMINICAN REPUBLIC**

In 1938 the Government of the Dominican Republic submitted for the first time reports on the four Conventions ratified by the Republic. This was noted with special interest by the Committee of Experts.

**URUGUAY**

The number of Conventions ratified by Uruguay is 30. In 1936 the Executive Power issued a Decree appointing a Committee entrusted with the work of proposing measures in order to bring
the national legislation into complete harmony with the provisions of the Convention. The reports received in 1938 mentioned a number of Bills, two of which in particular are of special importance; one is to amend the legislation regarding the night work of women and the other is intended for two purposes: (a) to enlarge the scope of Article 37 of the Children’s Code to bring it into harmony with the Maternity Convention, and (b) to amend Section 17 of the Code with a view to bringing it into complete conformity with the various Conventions relating to the employment of children and young persons.

In the meantime mention may be made of the adoption of the Act of 9 May 1939 granting an indemnity to seamen against unemployment resulting from shipwreck, which is in conformity with the provisions of the Convention on the subject ratified by Uruguay.

VENEZUELA

The number of Conventions so far ratified by Venezuela is 4. As was stated above, an expert from the Office was sent on the request of the Government of Venezuela to collaborate in the preparation and the drafting of a Labour Act. In 1936 the Government adopted the Labour Act which brought about a new Labour Code into a country which up to 1936 had possessed practically no legislative provisions concerning the subject. Furthermore, as was stated by the delegate of Venezuela to the 1937 Conference, from the moment of the publication of the regulations applying the Act Venezuela will be in a position to ratify, without modifying its legislation, several international Conventions.

This Act, generally speaking, is comprehensive in nature and covers a wide field of advanced labour legislation. Provisions are made for the organisation of a National Labour Office and the setting up of certain administrative services to ensure the satisfactory application of the national labour legislation. It provides for the appointment of inspectors and the setting up of labour courts. Women inspectors are to participate in supervising the application of the provisions relating to women and young persons.

An expert from the Office co-operated with the Venezuelan Government in 1938 in connection with the drafting of a proposed new Labour Code and submitted to the Venezuelan Government at its request a critical report upon this proposed Code. The Code has not yet been approved by Congress, but regulations under the 1936 Act were issued on 5 December 1938.
The progress thus made in social legislation in the countries of Latin America attracted the attention of the Committee of Experts on the Application of Conventions and the Committee emphasised this point in its report in 1938. The Committee noted a greatly increased concern in these countries to bring their national legislation into harmony with the provisions of the Conventions which they had ratified and stated that this constituted a new and very important development in the work of the Organisation in extra-European countries.

**Effective Application of Labour Legislation**

In addition to the resolution concerning the ratification and application of Conventions and Recommendations by the countries of America, the Santiago Conference adopted a resolution concerning the effective application of labour legislation. This resolution is worded as follows:

"The Labour Conference of the American States which are Members of the International Labour Organisation suggests to the Governing Body of the International Labour Office that it would be desirable to undertake as soon as possible a preliminary enquiry with a view to placing on the Agenda of an early Session of the Conference a proposal that Members of the Organisation should take effective action to establish in each country the administrative, technical and research bodies specially necessary for the proper application of the Conventions approved and of labour law in general, such as special Ministries, superior labour councils attached thereto with representation of the State, employers and workers, autonomous inspection services with adequate powers and specialised tribunals."

The first action taken by the Governing Body was to communicate this resolution to the States of America, which were thus able to take it as a guide in developing the services intended to ensure the effective application of the Conventions.

The importance and complexity of the problems raised by this resolution need hardly be emphasised. The creation of the necessary machinery is the only possible means of ensuring the systematic application both of international labour Conventions and of national legislation in each country. From this point of view the most important of the organisations mentioned in the resolution are undoubtedly labour inspection services. At the present time there are few countries which do not possess a Ministry of Labour, or at any rate a labour department with a considerable degree of autonomy. Many also have superior labour councils, the compo-
sition of which is adapted to the needs of the country. It is above all in the much more complicated matter of organising a labour inspection service throughout a whole country that the International Labour Organisation can give effective help by laying down the general principles to be drawn from previous experience.

As far back as 1923 the International Labour Conference adopted a Recommendation on this subject which has exerted considerable influence on the development of labour inspection in a certain number of countries. Since that time two Regional Conferences of representatives of labour inspection services, which were attended by representatives of most of the European countries, have been organised by the International Labour Office with a view to a comparison of what has been done in the different countries.

In order to concentrate and extend the enquiries of the Office with regard to the effective application of labour legislation, a new Section, the Labour Law and Inspection Section, was created in 1937. It had forthwith to undertake the necessary preparatory work for the international study of the general principles of the organisation of labour inspection services. That study had just entered a new phase, for at its 1936 Session the Conference had adopted a resolution proposing that the question of labour inspection should be placed on the agenda of an early session with a view to the adoption of a Draft Convention. The resolution previously adopted by the Santiago Conference undoubtedly contributed largely towards bringing about a favourable reception for this resolution. In order to give effect thereto, the Governing Body, at its Eighty-sixth Session in February 1939, decided to place the question on the agenda of the 1940 Session of the International Labour Conference.

In anticipation of this decision it had already instructed the Office to convene a preparatory technical Conference to consider the following question:

The general principles for the organisation of systems of inspection carried out in industrial undertakings (excluding mining and transport undertakings) and commercial undertakings, in order to secure the enforcement of legal provisions relating to conditions of work and the protection of the workers while engaged in their work.

The Preparatory Technical Conference was held at Geneva from 29 May to 2 June 1939. It was attended by representatives from 34 countries, together with six representatives of the Governing
Body (two for each group). In addition, two countries each sent an observer.

For the purposes of the Preparatory Technical Conference, the Office had prepared a white report on "The Organisation of Labour Inspection in Industrial and Commercial Undertakings". This report consisted (a) of a comparative international study on the law and practice concerning the organisation of labour inspection in the various countries, (b) of the conclusions which the Office had reached as a result of its study of the situation in the various countries with regard to the possibilities of laying down international regulations on the subject, and (c) of a list of points offered as a basis for discussion by the Preparatory Technical Conference.

The discussions of the Conference took place on the basis of the list of points mentioned above. The following were the main subjects covered in the list of points:

I. Desirability of international regulations and their form.
II. Scope of international regulations.
III. Object of labour inspection.
IV. Organisation of inspection services.
V. Inspecting staff.
VI. Powers of inspectors.
VII. Obligations of employers and workers.
VIII. Penalties for obstructing inspectors.
IX. Enforcement proceedings.
X. Obligations of labour inspectors.
XI. Co-operation of employers and workers with the labour inspectorate.
XII. Methods and standards of inspection.
XIII. Reports of the labour inspectorate.

The Preparatory Technical Conference concluded its work by adopting a report indicating respectively either its approval of the points as drafted by the Office or its suggestions as to the manner in which the Office's draft might be modified or supplemented.

On the basis of that report, the Office has prepared a questionnaire with a view to the consultation of the Governments of all States Members. In the light of the Governments' replies, draft texts will be prepared and submitted to the International Labour Conference in 1940, which will doubtless adopt a Convention, thus giving effect in this most important aspect of the whole problem
of the effective application of labour legislation to the resolution adopted at the Santiago Conference.

Progress has also been made with regard to a further point mentioned in the resolution of the Santiago Conference, viz. that of "specialised tribunals". In 1938 the Office published a report on Labour Courts, in which the position in the various countries with regard to the institution and working of special judicial bodies for hearing cases arising under labour law was analysed. It is also interesting to note that at its Twenty-fifth Session (1939) the International Labour Conference unanimously adopted a resolution proposed by the entire delegation of Venezuela (Government, Employers' and Workers' delegates) requesting the Governing Body "to consider the desirability of placing on the agenda of one of the next sessions of the Conference a question concerning special courts for the enforcement of labour legislation and the functioning of such courts in a speedy and adequate manner." It will be for the Governing Body to consider the effect to be given to this resolution.
CHAPTER III

LIVING AND WORKING CONDITIONS

The Santiago Conference adopted a certain number of resolutions dealing with living and working conditions.

Living and Working Conditions of Indigenous Populations

One of the most important resolutions of the Santiago Conference was undoubtedly the one in which it recommended a study of the living and working conditions of indigenous populations, since this is a problem which arises with much urgency in a number of countries of America.

This resolution was as follows:

The Labour Conference of the American States which are Members of the International Labour Organisation urges the Governing Body of the International Labour Office:

1. To request all the countries of the American Continent which have a considerable Native population to supply the Office with such information, documentary and other, as they may consider desirable, and as may be available, concerning the economic and social problems affecting the life and labour of that section of the population;

2. To instruct the International Labour Office to undertake a special study of this problem and to consider the possibilities of international action leading to practical results.

By communicating this resolution to all the States of the American Continent, the Governing Body carried out the first recommendation made by the Santiago Conference. It also instructed the Office to carry out the proposed investigation.

Although the International Labour Office has long been studying various aspects of the problems relating to indigenous labour, it had not previously included the indigenous populations of the countries of America in its studies. The living and working conditions of the indigenous populations of the American countries are, however, different from those of such populations of other
continents. Moreover, the ethnographical, economic, social and other problems which arise from the presence of large indigenous populations in a certain number of American countries differ very much in character, according to the country involved. It was therefore necessary, before undertaking the study for which the Santiago Conference asked, to make preliminary investigations in order to ascertain both the scope of the problem and the best method of carrying out the enquiry.

Immediately after the close of the Santiago Conference the Office began to collect information to serve as a basis for the proposed study. Although the information thus secured related to several of the countries concerned, the Office thought it better to devote its efforts in the first place to preparing a study relating to one particular country. The completion of the investigations on so novel a subject took a certain amount of time, but a study on the living and working conditions of the indigenous populations of Peru has been completed and published in Spanish.¹

The experience gained in the first phase of the enquiry proposed by the Santiago Conference has led the International Labour Office to the conclusion that it should now concentrate upon obtaining from the Governments of the American countries such detailed information on the conditions of life and labour of their indigenous populations as will render possible a general comparative study of the problems involved. For this purpose, the Office is addressing to the Members of the International Labour Organisation in America a communication requesting that the information referred to in the first part of the Santiago resolution may be forwarded to the Office in accordance with a general plan. Once in possession of sufficiently detailed information, the Office will be in a position to make more rapid progress with the co-ordinating part of the enquiry, having in view the purposes and intentions of the second paragraph of the Santiago resolution.

In another resolution the Conference suggested a study of the question of creating special bodies for the protection of indigenous workers in the American countries, with a view to improving their conditions of life and labour, with the permanent collaboration of representatives of the more important working class bodies. This resolution was brought to the notice of the countries concerned. The Office also intends to take up this particular

aspect of the problem when its enquiry into the living and working conditions of indigenous populations has reached a sufficiently advanced stage.

**Truck System and Connected Practices**

Another question of particular concern to the countries of America to which the Santiago Conference gave its attention is that of the truck system. It adopted two resolutions on this subject which supplement one another. The first is a special resolution, worded as follows:

"The Labour Conference of the American States which are members of the International Labour Organisation:

Considering that the defence of the workers' wages is one of the most important aspects of protective social policy and improves the conditions of life of the workers; and

Considering that the International Labour Office, in virtue of a resolution of the Nineteenth Session of the Conference, is engaged in investigations into the truck system and connected practices and into national legislation on the subject; and

Considering that one of the practices that give rise to serious abuses and reduces the purchasing power of the workers' wages is the establishment of stores run for profit by the employer in his workplaces or stores that are connected in some way with the economic interests of the employer; and

Considering that the employment of quite large groups of workers in places far from urban centres, which is frequent in agriculture, forestry and the mining industry in certain countries of America, renders necessary the consideration of the problem of supplies so that stores must be permitted in workplaces subject to certain guarantees and to the supervision of the public authorities;

Resolves to request the Governing Body of the International Labour Office to instruct the Office to complete its investigation into the truck system and to prepare a draft text for a Draft Convention or Recommendation concerning the truck system, special account being taken of the peculiar needs of the American continent."

In one of the paragraphs of a resolution suggesting the study of various questions by the International Labour Office, the Conference also drew the attention of the Governing Body to the question of ensuring that wages shall be paid in cash and of supervising truck stores with a view to eliminating the existing abuses of the truck system in many American countries.

In consequence both of the resolution previously adopted by the International Labour Conference at its Nineteenth Session and the two resolutions of the Santiago Conference, the Office has already collected a certain amount of information concerning the truck system in various countries and has from time to time pub-
lished notes on this question in Industrial and Labour Information and in the various issues of the I.L.O. Year-Book.

Careful investigation has shown that measures to repress the truck system come within the wider scope of the action taken in nearly all countries to ensure that the workers shall be guaranteed full and regular payment and the free disposal of the wages to which they are entitled. It has therefore seemed desirable to extend the enquiry so as to cover every aspect of the problem, and the Office has accordingly drawn up and sent to Governments a detailed questionnaire, and Governments have accordingly been asked to supply the Office with information concerning not only the practice of the truck system, where it exists, and its regulation, but also all their laws and regulations for the protection of wages.

The Office has already received a considerable amount of information in reply to its questionnaire and is now making use of the sources indicated by Governments and other material at its disposal to prepare a report on the subject. The results will in due course be published by the Office and may, should occasion arise, serve as a basis for the preparation of a Draft Convention or Recommendation such as the Santiago Conference hoped to see adopted.

Living and Working Conditions of Teachers

In the resolution suggesting the study of various questions by the International Labour Office, the Santiago Conference proposed that the Office should, in collaboration with the International Bureau of Education at Geneva, investigate the conditions under which members of the teaching profession engaged in primary and secondary education in public and private schools live and work.

The Governing Body instructed the Office to carry out this study, and the Office got into touch with the International Bureau of Education. A Liaison Committee, including representatives of both institutions, was established early in 1937. It began by discussing the procedure to be followed in organising and carrying out the enquiries. It thought it best to limit these in the first place to the living and working conditions of teachers in primary schools. As regards the study relating to secondary schools, the Committee decided to wait until the results of the enquiry concerning primary schools were available.

The Liaison Committee drew up two questionnaires, the first of which deals mainly with working conditions, and the other
with the living conditions of teachers in primary schools. In June 1937, the questionnaires were sent simultaneously by the International Labour Office to the teachers' organisations and by the International Bureau of Education to Governments. The Office questionnaires were sent in the national tongue to 84 organisations in various Latin-American countries.

Although reminders were sent out in November 1937, the International Labour Office has only received a few replies from the teachers' organisations; both the number and the substance of the replies are quite inadequate for the purposes of a report. The International Bureau of Education, on the other hand, received from Governments enough information to draw up a report which it published in 1938 under the title: *La Rétribution du personnel enseignant primaire*. In the introduction, the Bureau mentioned the origin of the enquiry. The report was submitted to the Seventh International Conference on Public Education at Geneva in July 1938.

The consultation of Governments with regard to primary schools having yielded satisfactory results, the International Bureau of Education sent Governments a new set of questionnaires during 1938 with regard to secondary schools. The results of the second enquiry were embodied in a report published by the Bureau in July 1939.

**Weekly Rest**

The Santiago Conference adopted on this subject a resolution which is as follows:

"The Labour Conference of the American States which are Members of the International Labour Organisation suggests to the Governing Body of the International Labour Office the desirability of including in the Agenda of the International Labour Conference the question of the revision of Convention No. 14 and Recommendation No. 18, concerning the application of the weekly rest, so as to make the weekly rest comprise a minimum period of thirty-six consecutive hours, instead of twenty-four."

In submitting this resolution to the Governing Body, the Office pointed out that a large majority of existing legislative measures prescribed a weekly rest of less than 36 hours, and that under these circumstances it was doubtful whether the procedure of revision proposed by the resolution could be undertaken immediately with any real prospect of success. It was only if the efforts which were at that time undertaken with a view to the international adoption
of the 40-hour week were successful that it would be possible to contemplate the revision of the Convention and Recommendation concerning the weekly rest.

However, the action taken by the Conference in June 1939 postponing the consideration of the generalisation of the reduction of hours of work in industry, commerce and offices makes clear that the present time is still not opportune for the revision of the weekly rest Convention and Recommendation. When the international situation permits a further consideration of the question of the reduction of hours, it may also be possible to take up internationally the question of lengthening the minimum period of the weekly rest.

While it has not yet proved possible to give direct effect to the resolution of the Santiago Conference, it should be pointed out that the Governing Body, at its Eighty-sixth Session (January 1939), placed the question of weekly rest in commerce and offices upon the agenda of the 1940 Session of the International Labour Conference.
CHAPTER IV

RESOLUTIONS CONCERNING ECONOMIC QUESTIONS

The Santiago Conference adopted several resolutions dealing with purely economic problems, and others concerning problems the economic aspects of which were particularly important. There were thus a number of resolutions which were to some extent connected and which drew attention to the interest attached by the States of the American Continent to questions relating to nutrition, urban and rural housing, the cost of living and minimum wages.

**Popular Nutrition**

In connection with this problem the Santiago Conference, on the proposal of the Chilean Government delegation, adopted a very detailed resolution setting out the results of the work on this subject which had been done up to the time of the Conference. The text of this resolution was as follows:

"Considering that other biological factors apart, nutrition is a factor of capital importance in determining the physical productive power of the worker;

Considering that technical bodies such as the technical organisation of the League of Nations, the British Ministry of Health, the Committee on Nutrition of the British Medical Association, the United States Public Health Service, and the Tokyo Institute of Nutrition and experts such as Tizka, von Norden, Starling, Bottazzi, Saiki, Aykroyd, Burnet, etc., are in agreement that the daily nutrition requirements of a working adult amount to about 3,000 calories per day, that is to say, foodstuffs productive of 3,000 calories distributed according to the following principles of nutrition: 100 grs. of proteins of which approximately one-third should be of animal origin (meat and milk); 70 to 80 grs. of fat chiefly of animal origin in order to ensure that it contains Vitamin D (fat, butter, margarine, etc.); and 500 grs. of hydro-carbon consisting chiefly of starch (cereals, bread, vegetables, fruit, green vegetables); the ration should also include the following indispensable mineral substances: calcium 0.70 grs.; phosphorus 2.10 grs.; iron 0.015 grs., and also Vitamins A, B, C, and D;"
Considering that these fundamental requirements, indispensable in the daily ration, are all met by the following ration compiled on biological principles: 125 grs. meat; 350 grs. milk; 100 grs. cereals; 100 grs. vegetables; 400 grs. bread, 200 grs. potatoes; 200 grs. green vegetables and fruit; 30 to 40 grs. fat.

Considering that the cost of such a ration implies the devotion thereto of an important part of the indispensable wages of the individual and that this part should not amount to more than about 50 per cent. of such wages if other necessary expenses such as housing and clothing are to be covered with the remainder without any encroachment on the part reserved for nutrition;

Considering it to be evident that the present world crisis has had a serious repercussion on the nutrition of working-class families owing to the effects of unemployment and the failure of wages to increase proportionately to the increase in the cost of foodstuffs;

Considering that the conditions of production, transport, and exchange of foodstuffs which are of primary necessity have a manifest influence upon their cost;

Considering that the problem of nutrition, viewed from the social angle, is aggravated by popular ignorance of the fundamental principles of rational nutrition which makes it difficult to secure concentration upon the most necessary foodstuffs and the best use of the part of wages devoted to nutrition;

The Labour Conference of American States which are Members of the International Labour Organisation:

Requests the Governing Body of the International Labour Office:

(a) To transmit to the technical organs of the League of Nations its desire that they will continue their scientific work in this branch of social medicine; and

(b) To include in the Agenda of an early Session of the International Labour Conference the question of workers’ nutrition.

The Conference also notes the following as possible bases for a policy intended to bring about an improvement in nutrition:

(a) the periodical determination in each country of the average cost of a ration of 3,000 calories composed of a variety of products fulfilling the conditions described above;

(b) the determination within each country and in the light of its economic characteristics of the percentage of the indispensable minimum wage which this ration should represent, it being understood that this percentage should be fixed at about 50 per cent. of the wage;

(c) the fixing by each State of maximum prices for the foodstuffs which are the basis of workers’ nutrition, it being essential to include among these, on account of their absolute necessity, meat, milk and bread;

(d) the establishment of workers’ restaurants to supply adequate foodstuffs at moderate prices, under the control of health authorities;

(e) the establishment in each country of organs or technical commissions to assist the Government with measures on nutrition policy, to co-ordinate investigations on the subject and direct the educational campaign which ought to be undertaken in connection with the matter, etc.;
(f) the orientation of the economic policy of States in such manner as to take account of the primordial character of biological necessities in the sense of subordinating production, transport and distribution, both national and international, of foodstuffs of primary necessity to the nutrition requirements of the population;

(g) the adoption in so far as possible of international health legislation on nutrition questions."

A second resolution on the same subject was as follows:

"The Labour Conference of the American States which are Members of the International Labour Organisation, recommends the Governing Body of the International Labour Office:

(1) To instruct the Office:

(a) To take steps, in collaboration with the countries concerned and by methods such as the distribution to them of standard forms or instructions, to achieve the greatest possible measure of uniformity in the methods of investigation into the conditions and costs of the nutrition of workers in the different countries, both in urban and rural areas;

(b) To consider the desirability of collecting information with a view to subsequent action concerning the provision of food for workers and the utilisation of holiday camps, school meals, workers' restaurants and similar establishments as a basis for the study of nutrition and a means of educating the workers in matters of hygiene;

(2) To invite the Members of the Organisation:

(a) To communicate to the Office the results of their investigations into conditions and costs of nutrition with a view to the formulation of a common policy on the subject;

(b) To put such a common policy into force, in so far as possible, by means of commercial treaties under which States with an abundance of certain foodstuffs would place them at the disposal of other States which lack them.

The Conference further recommends:

(1) That the method of investigation employed should be that of enquiries covering a large number of families in various milieux and parts of the country at different seasons of the year, the data being noted daily over a certain period and including the resources of the family and a detailed account of the quantity, quality and cost of all food; similar data should be collected concerning the nutrition of children in crèches, in other similar institutions and in schools; a comparison being made between scholars in varying economic situations; special attention should also be given to the study of diseases due to malnutrition, such as rickets, etc.;

(2) That the method adopted in these enquiries should follow as closely as possible that proposed by the Chilean Delegation, and that the collaboration of the technical organisations of the League of Nations be invited;

(3) That the examination of the results of the enquiries and investigations should bring out whether the defects of nutrition are due to
insufficient remuneration; if so, the State should agree to take all necessary steps to ensure that wages are such that the workers can provide healthy and adequate food for themselves and their families."

In giving effect to these resolutions the Governing Body transmitted to the Secretary-General of the League of Nations for communication to the technical organs in question the desire expressed by the Conference that the investigations being carried out on some of the scientific aspects of the nutrition problem should be continued. The resolutions were also referred to a Committee on Nutrition set up by the Office and brought to the notice of the International Labour Conference in June 1936, when a report of the Office on the nutrition problem came before it.

The report submitted to the International Labour Conference was published in May 1936 under the title, *Workers' Nutrition and Social Policy*. In 1937 the Office published a report entitled, *The Co-operative Movement and Better Nutrition*, which included a treatment of the standard definition of foodstuffs and the problem of the education of producers and consumers. It also published in the *Revista Internacional del Trabajo* a summary of the report on popular nutrition in Chile which had appeared in the Bulletin of the Health Organisation of the League of Nations. In 1938 a more general report, though preliminary in character, was published by the Office under the title, *The Workers' Standard of Living*. In this report considerable attention was given to the problem of nutrition, methods of measuring diet adequacy and descriptions of nutrition standards. To illustrate these methods in using available materials for the study of the problem a partial survey of actual levels of family living was presented for the United States, Poland, India and Japan. There is no doubt that the methods used in this report and the illustrations given can be of value for the study and description of living standards in Latin-American countries as well.

In the *I.L.O. Year-Book* increasing attention has been paid to the work being done in various countries with regard to nutrition, and in the 1938-1939 issue special attention has been given to efforts made during the year in Latin America to improve popular nutrition. In this connection the Office has studied with interest recent developments in minimum wage legislation in the Latin-American countries, which provides for allowance being made for certain basic nutritional requirements when fixing minimum rates of wages.

The Office is at present preparing a survey of nutrition policies
in Latin-American countries and will continue to follow with the greatest attention the trends and developments of the economic and social aspects of popular nutrition in general and with particular regard to American countries.

In carrying out its studies the Office remains always in close touch with the various organs of the League of Nations which deal with different aspects of the nutrition problem.

Although the time has not yet come to include a question relating to nutrition in the agenda of the International Labour Conference, as the Santiago Conference desired, the Office is keeping such a possibility in view for consideration in the future as the study of nutritional problems progresses and as the basis for international action is prepared by the growth of national policies on the subject.

Urban and Rural Housing

In a general resolution suggesting the study of various questions by the International Labour Office the Santiago Conference drew special attention to the question of investigating the problem of workers' housing in town and country. In the Latin-American countries interest in housing questions has increased greatly since the Conference in Chile. In all of those countries housing questions are being studied and projects of various kinds being set up to improve the workers' living conditions. Evidence of the attention being given to housing problems in Latin America since 1936 is indicated by recent congresses in which the American countries have collaborated. In August 1938 the International Congress of Housing and Town Planning was held in Mexico. The problem of workers' housing was dealt with again by the first Pan-American Congress on Housing and Town Planning held at Havana in November 1938. The Eighth Pan-American Conference of American States held in Lima in December 1938 recommended that the Governments of the American countries appoint delegates to the Pan-American Conference on Popular Housing, which is to be held at Buenos Aires on 2-7 October 1939. This proposed Conference will study such questions as the fundamentals of housing policy, the elimination of slums, industrial housing, financing of housing projects and architecture and construction of low-cost housing.

In its work on housing questions the International Labour Office has been in close collaboration with the competent organs
of the League of Nations. Also in carrying out its studies on working class rents the Office obtained the co-operation of several American countries. At present a report on the problems and policies of housing entitled "Low Cost Housing for Workers" is being prepared by the Office. This report will be made up of national monographs, several of which will relate to Latin-American countries. Special chapters will be devoted to subjects which have had an important influence on workers' housing conditions during the last decade, such as housing standards and the changes which they have undergone, population policy in relation to housing, long range economic planning programmes as they relate to the utilisation of the unused resources in housing projects and the effects of the decentralisation of industry on workers' housing. It is proposed to treat these various aspects of housing policy in such a way as to make the report of practical value to all countries, including those of Latin America, in the formulation of housing policy.

Cost of Living

The Santiago Conference adopted the following resolution concerning the cost of living in American countries:

"The Labour Conference of the American States which are Members of the International Labour Organisation:

Considering the importance of enquiries concerning the cost of living of the working class in town and country alike and of the subsequent calculation of periodical indices of fluctuations in the cost of living, from the point of view of social policy in general;

Considering that systematic studies concerning the cost of living have not yet been carried out in all countries on the American continent, and that the indices at present calculated for certain items in the cost of living in some of those countries are based on theoretical estimates of the probable consumption of typical families and not on actual family budgets obtained as a result of adequate previous investigation;

Considering that the variations that are constantly taking place in the cost-of-living indices of the said American countries deserve special attention and study on the part of the International Labour Office, which is at present the body best fitted to stimulate and direct such enquiries;

Decides to request the Governing Body of the International Labour Office:

(1) To take such action as may lie within its competence in order to have enquiries carried out simultaneously in all the American countries in the cost of living;

(2) That the above-mentioned Office should prepare uniform questionnaires for the various groups to be studied, and should decide what, in its opinion, and subject to conformity with the desires of each Government, would be the right period to fix for the enquiries, and that it
should also determine the scale of units of consumption to be used for each country;

(3) That the above-mentioned Office, after making a special study of the subject, should determine the basis that it may consider most appropriate for such enquiries, and should undertake to direct those enquiries, bearing in mind that separate studies should be devoted to town workers, the various categories of agricultural workers, and, where these exist in a particular country, the various ethnical groups whose organisation in respect of social economics is relatively undeveloped; on the understanding that the enquiries should cover not merely food and clothing, but more particularly conditions as to housing, health and culture, including education and recreation;

(4) That the above-mentioned Office, should, in so far as it is competent to do so, promote the publication by the said countries and within a specified time limit of the results of their respective enquiries, which will be summarised by the International Labour Office in a comparative survey;

(5) That the Office should propose basic principles for the subsequent calculation of cost-of-living indices based on the family budgets recorded as a result of the enquiries;

(6) To consider the possibility of having adopted a Draft Convention by which the States Members of the International Labour Organisation shall undertake to carry out simultaneously every five years or every ten years enquiries concerning the cost of living in accordance with plans to be drawn up for the purpose by the International Labour Office.”

As a result of its previous work the Office was in a position to make suggestions to the countries of America with regard to the enquiries which they intended to carry out. It had already published a study on methods of conducting family budget enquiries. Moreover, the International Conference of Labour Statisticians which had been convened by the Office had in 1926 adopted a number of resolutions on the best method of carrying out such enquiries. More recently, analyses of the family budget enquiries carried out in recent years in various countries have been published in the International Labour Review. Among the countries dealt with are three Latin-American countries: Mexico, Argentina and Brazil. An International Survey of Family Living Enquiries covering 26 countries has recently been published in the International Labour Review for May and June 1939. It appeared difficult, however, to arrange to have enquiries of this kind conducted simultaneously in the different countries, as the development of the statistical services which are necessary for investigations of this kind was far from being the same in the different countries. Even now it would be premature to attempt to carry out the desire of the Conference completely by arranging for periodical and simultaneous enquiries and contemplating the adoption of a Draft Convention.
on the subject. Nevertheless, very appreciable progress has been made in the direction desired by the Santiago Conference and the suggestion that a Draft Convention might be adopted on this subject has been submitted to the Office's Committee of Statistical Experts for opinion.

Similar views were again expressed at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in 1936. As a result of a resolution adopted by this Conference, the Pan-American Union decided to organise an enquiry into family budgets in all the American countries, and asked for the collaboration of the International Labour Office. Schedules to be used in this enquiry have been prepared by the International Labour Office and communicated to the Pan-American Union for transmission to its members.

The Office has also prepared a new report to replace the 1926 report on methods of conducting family budget enquiries. This will probably be published and can be utilised shortly by the countries of America in organising their work in this sphere.

The Office has also drawn up a report on standards of living which uses the information available in a number of Latin-American countries and studies the social policies which affect standards of living in those countries.

**Minimum Wage and Family Allowances**

The Santiago Conference completed the series of resolutions on the economic aspects of the living conditions of the workers by adopting a resolution on minimum wages.

This resolution was as follows:

"Considering:

1. That the Preamble to the Constitution of the International Labour Organisation, and Article 41 of that Constitution, point out the necessity of improving conditions of labour with respect to the provision of an adequate living wage, and lay down the principle of the payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country;

2. That the Convention concerning minimum wage fixing machinery and the Recommendation concerning the application of such machinery, which were adopted at Geneva in 1927, provide for the fixing of minimum wages based mainly on the rates paid for similar work in industries in which the workers are organised and in which they have concluded effective collective agreements, and that these texts also adopt the general standard of wages in the country or locality as a term of comparison;"
3. That, even though the above-mentioned Convention undoubtedly aims at raising low wages, and the Recommendation mentions the necessity for securing an adequate standard of living for the workers, it would undoubtedly be desirable that the International Labour Organisation should once more examine the problem of fixing or regulating wages, with the main object of meeting the material and cultural requirements of the workers, taking into account the cost of living;

4. That the aspect of the problem which is connected with family wages has not yet been studied with a view to international regulations, and that it is most important to investigate it on account of its important social effects;

The Labour Conference of the American States which are Members of the International Labour Organisation:

Requests the Governing Body of the International Labour Office to place on the Agenda of an early Session of the International Labour Conference the question of the minimum wage and that of family allowances, to be considered primarily from the point of view of their adequacy to meet the essential needs of the worker and his family, these being taken to include food, clothing, housing and general and vocational education, rest and cultural recreation."

As the resolution pointed out, the International Labour Conference had already in 1928 taken an important step toward the improvement of methods of fixing wages by adopting the Draft Convention (No. 26) concerning the creation of minimum wage fixing machinery and the Recommendation (No. 30) concerning the application of such machinery. As regards the level at which minimum wages should be fixed, Part III of the 1928 Recommendation provides that:

"For the purpose of determining the minimum rates of wages to be fixed, the wage fixing body should in any case take account of the necessity of enabling the workers concerned to maintain a suitable standard of living. For this purpose regard should primarily be had to the rates of wages being paid for similar work in trades where the workers are adequately organised and have concluded effective collective agreements, or, if no such standard of reference is available in the circumstances, to the general level of wages prevailing in the country or in the particular locality."

If the Conference is to be called on to consider in greater detail the criteria by which the adequacy of minimum wages should be judged, the way for such consideration must be prepared by detailed studies of the theory and practice of wage regulation and wage policy.

For some time past the Office has been engaged on a detailed study of minimum wage legislation, and its application in practice. One of the results of this study is the volume: *The Minimum Wage — An International Survey*, published in 1939, which gives an account of the experience of nine of the countries which have minimum wage
laws, including the United States of America and Peru. Similar analyses of the experience of other countries will, it is hoped, be published at a later date, together with a general survey of the principles and problems of minimum wage regulation.

Other results of the Office's work on the problems of the minimum wage have been published from time to time in the *I.L.O. Year-Book*, and in articles in *Industrial and Labour Information* and the *International Labour Review*, and a series of articles dealing with some of the more general problems of wage theory and wage policy was also secured for the last named publication. Certain of the specific points mentioned in the Santiago Resolution have also been the subject of articles and reports—e.g. Reports on *Workers' Nutrition and Social Policy* (1936) and *The Workers' Standard of Living* (1938)—and others, such as housing accommodation, are now being studied.

From such studies as these, which the Office proposes to pursue actively in the future, it is hoped that conclusions may be drawn which will assist the Governing Body and the International Labour Conference in their consideration of the various points concerning minimum wages, which were mentioned in the Santiago Conference Resolution.

In the case of one important field of economic activity not mentioned in the Minimum Wage-Fixing Machinery Convention—i.e. agriculture—it may be noted that the permanent Agricultural Committee of the International Labour Office at its meeting in 1938 agreed to the principle of minimum wage regulation in this field. The Committee asked the Governing Body to examine the desirability of placing the question of a system of wage-fixing machinery for agricultural workers on the agenda of one of the next sessions of the International Labour Conference.

The question of minimum wage-fixing machinery will also come before the Conference in a limited form in 1940 when the first ten-yearly report on the working of the 1928 Convention will be submitted for its consideration.

As regards the question of family allowances with which the Santiago resolution also deals, the Office has continued (since its study on the subject in 1924) to follow the development of family allowance systems in various countries and especially the new legislation which has been adopted in this field. During this period legislation with regard to family allowances was adopted in Belgium, France, Australia (New South Wales), New Zealand, Italy and Chile. The last-named was the first American country to adopt.
family allowance legislation covering all workers in private enterprise and in semi-official institutions. These developments have been described and analysed in articles appearing from time to time in the *International Labour Review*, as well as in the *I.L.O. Year-Book*.

Increasing interest has been shown in the question of family allowances in most countries in recent years. In July 1937 a meeting of several countries was held in Paris to discuss family allowances and in December 1938 the Pan-American Conference held at Lima, Peru, considering that remuneration for work should be based not only on the value of services rendered but also on the real needs of the workers and their families, recommended the establishment of family allowance systems by the Governments of the various American countries.

The Office is at present making plans for a new and broader study of the subject to be carried out in the near future. Before the question of family allowances can be made the subject of general discussion by the International Labour Conference further studies will be necessary on such questions as the principle of the family allowance system, the methods of establishing and putting such a system into operation and the relation between family allowances and minimum wage-fixing machinery.

**Co-ordination of the Economic Policy of States**

The Santiago Conference adopted a resolution on this subject which was as follows:

"The Labour Conference of American States which are Members of the International Labour Organisation invites the Governing Body to draw the attention of the competent international bodies to the question of the measures to be taken to prevent the economic policy of States from destroying the beneficial effects of protective labour legislation."

The Governing Body considered that this question should be dealt with at the same time as the question raised by the Government representative of the United States of America, regarding the relationship between the volume of international trade, unemployment and wages. During the past 12 months further work has been done along these lines. A memorandum by an expert on international trade is in preparation which will bring out the
relationship between the fluctuations in international trade, the extent of unemployment and the wage levels in the various countries covered.

**Private Monopolies**

The resolution adopted by the Santiago Conference on this subject was as follows:

“The Labour Conference of American States which are Members of the International Labour Organisation resolves to ask the Governing Body of the International Labour Office to consider the possibility of suggesting to the competent international bodies the examination of the problem of private monopolies over sources of power, raw materials and industries of vital importance in relation to social interests and especially the interests of the working class.”

The Governing Body instructed the Office to communicate this resolution to the Secretariat of the League of Nations, which had already done work on some aspects of the problem.

During the last year this question has grown in importance rather than diminished. It has, in particular, a special bearing upon questions concerning the control of business cycles and upon the prevention of the quasi-permanent unemployment which is becoming an increasingly disturbing problem in a number of countries. Work done in this field by the Economic and Financial Organisation of the League of Nations has related more especially to business cycle control. In particular, the Delegation on Economic Depressions which held a number of meetings in 1938, and again in 1939, and in the work of which the I.L.O. has collaborated, has taken into account the economic influence of monopolies. The ground covered by the report which the League Delegation is now preparing includes consideration of monopolistic principles and practices, and notably of certain price policies, and rigidities in the economic system generally, as also the control of prices, production, stocks and export of raw materials.

The final report of this Delegation will it is expected be published late in 1939 or early in 1940. As the data contained in this report become available, it will be possible for the Office to map out concrete problems in this field which may form the subject of further study and of policy, with special regard to the issues raised in the resolution of the Santiago Conference.
CHAPTER V
UNEMPLOYMENT, PLACING, PUBLIC WORKS AND MIGRATION

With regard to these questions, the Santiago Conference adopted two very important resolutions, the first dealing with unemployment and the means of preventing and remedying it, and the other with immigration.

Unemployment

The text of the resolution on unemployment adopted by the Santiago Conference reads as follows:

"The Labour Conference of American States which are Members of the International Labour Organisation:

Having considered the Office Report concerning the problem of unemployment in the countries of the American continent and the measures adopted for combating unemployment;

Notes that these measures have failed in many cases to yield their full results owing to the absence of a permanent organisation of the labour market, which is an important element, not merely for the immediate struggle against unemployment, but in general for the proper development of production and the better organisation of the economic system in its human aspects in each country;

Requests the Governing Body of the International Labour Office, as suggested by Mr. Uñsain, Government Delegate of the Argentine Republic, Mr. Rebagliati, Government Delegate of Peru, and the Workers' Group;

(a) To call the attention of the American countries which are Members of the Organisation to the necessity for developing a complete system of free public employment agencies, as provided for by the Unemployment Convention, 1919, with due provision, so far as is possible, for the association of the workers' and employers' organisations concerned in the management of such agencies, and to the necessity for strict supervision of the activities of fee-charging employment agencies, not merely in order to prevent the exploitation of the workers to which employment-finding on a commercial basis is liable to give rise, but also in order to secure the uniform co-ordination of supply and demand on the labour market, which is frequently rendered difficult by the activities of such employment agencies, on the understanding that the object to be aimed at should be the complete abolition of private agencies in accordance with the conditions laid down
by the 1932 Convention concerning fee-charging employment agencies;

(b) To recommend to those American countries which have not instituted a system of compulsory unemployment insurance and do not consider that the time has come to institute a more or less complete system of compulsory insurance that they should stimulate the development of voluntary unemployment insurance by granting adequate financial assistance to the workers' mutual funds, the joint funds or other institutions for provision against unemployment, and at the same time organising a national system of relief distinct from the ordinary arrangements for the relief of destitution and which, in accordance with the 1934 Convention ensuring benefits or allowances to the involuntarily unemployed, may take the form of remuneration for employment on relief works organised for the purpose, for the relief of unemployed persons falling within the categories covered by the 1934 Convention and not covered by voluntary unemployment insurance;

(c) To give special attention to a systematic public works policy intended to reduce unemployment, to raise the standard of living of the workers, and, with special reference to the American countries, to facilitate and multiply means of communication between these countries.

The Conference further recommends the Governing Body of the International Labour Office to instruct the Office to study the conditions and extent of unemployment in the countries of the American Continent, as well as the means adopted by national legislation to prevent unemployment and remedy its consequences, to organise for this purpose enquiries into all aspects of the problem, the enquiries being carried out by the various Governments, with a view to preparing with the data thus collected and the co-operation of experts from the American countries a technical report on the social aspects of the solution adopted for the problem of unemployment in the American States."

The action taken by the Office and by the various American countries in pursuit of each part of the resolution is summarised briefly below.

Employment Agencies

As will have been seen above the first part of the resolution requested the Governing Body to call the attention of the participating American countries to the necessity for developing a system of free public employment agencies, as provided for by the Unemployment Convention, 1919, with the ultimate objective of complete abolition of private agencies in accordance with the principles laid down by the 1932 Convention concerning fee-charging employment agencies.

Several American countries have taken steps to ensure a more effective organisation of their national labour markets. In Peru, a Decree of 2 September 1938 lays down the basic principles and
details relating to the regulation and control of all types of employment agencies and exchanges by the Department of Social Welfare. In Uruguay, an Order of 18 February 1939 establishes special Committees in all the Government Departments for the purpose of co-ordinating the supply of and demand for labour; these Committees will function until the public employment service, authorised by the Act of 11 June 1934, is organised. In the United States of America, the Employment Service has expanded rapidly into a nation-wide system serving every locality in the country and its work has taken on fresh importance in connection with its obligations under the new unemployment insurance system. It has at the same time been developing specialised placement services to cope with the particular placement problems of such groups of workers as young persons, ex-servicemen, and agricultural workers. Various States in the United States of America have taken action to control the operations of fee-charging agencies. In Venezuela, the Labour Act of 16 July 1936 provided for the organisation of a system of employment exchanges, with a national exchange at the capital and branch exchanges in the more important industrial centres. Several other countries have given considerable attention to the problems involved in labour market organisation. In Canada, for example, the National Employment Commission, in its final report, emphasised the importance of a reorganised, modernised Employment Service in any scheme for relieving unemployment and urged that immediate action be taken to place the Employment Service of Canada under Dominion control as regards policies and principles, in order that the Service might be equipped to handle placement problems from a national point of view. The National Unemployment Conference held in Argentina in March 1939 stressed the need for a better organisation of the nation's employment market and suggested, as one important contribution to improved organisation, the immediate establishment of the necessary number of branch employment exchanges throughout the country, as provided for by recent national legislation.

Unemployment Insurance

The second part of the resolution asked the Governing Body to recommend to those American countries which have not instituted a system of compulsory unemployment insurance to stimulate the development of voluntary unemployment insurance and to organise, in accordance with the 1934 Convention, a rational system of
unemployment relief distinct from the ordinary arrangements for the relief of destitution.

The Governing Body communicated these suggestions to the countries of America, and drew their attention to the Conventions already adopted, the provisions of which were of a nature to ensure the application of the measures recommended at Santiago.

Although the problem is engaging considerable attention in various American countries, few concrete results can be recorded. The outstanding development has been the launching of a Federal-State system of unemployment insurance in the United States of America which covers approximately 27,500,000 workers. The scheme is now in actual operation and benefits are being paid in every State. Canada is still confronted with constitutional difficulties as regards the introduction of unemployment insurance on a national basis, but the Government is persevering in its efforts to obtain the agreement of the provinces to an amendment to the British North America Act which would bring unemployment insurance within the Dominion jurisdiction. The Dominion Government has announced that legislation has been prepared and will be introduced as soon as the co-operation of the remaining three provinces has been secured; and two provincial legislatures have recently enacted legislation authorising their respective Lieutenant-Governors in Council to enter into agreements with the Dominion Government regarding the introduction of a system of unemployment insurance.

The development of systems of unemployment relief distinct from ordinary local poor relief has continued in the United States of America and in Canada along the same general lines which had already been marked out by 1936. Efforts have been directed towards making these Federal-State relief systems function as efficiently as possible and various administrative improvements have been made. However, in view of the introduction of unemployment insurance in the United States and the possibility of its introduction in Canada in the near future, considerable reorganisation of the unemployment assistance schemes in these two countries is regarded as likely in the near future.

**Public Works**

In the third part of the resolution, the Santiago Conference pointed out the value of a systematic public works policy intended to reduce unemployment, to raise the standard of living of the
RESOLUTIONS CONCERNING AMERICAN COUNTRIES

workers and, with special reference to the American countries, to facilitate and multiply means of communication between these countries.

In connection with this paragraph of the resolution, it should be noted that the question of the planning of public works in relation to employment was placed on the agenda of the 1937 Session of the International Labour Conference. As a conclusion to its discussions on this problem, the Conference adopted two Recommendations dealing respectively with the national planning of public works and with international co-operation on the question. If these Recommendations are accepted by the States of America, they will do much to facilitate the attainment of the ends mentioned in the resolution.

Moreover, the Governing Body has taken steps to give effect to the resolution adopted by the Conference, which proposed the setting up of an International Public Works Committee, composed of Members which give effect to the Recommendation concerning international co-operation in respect of public works. In view of the urgent character of the Committee's work, however, the Governing Body decided that the delay consequent upon following the normal procedure of acceptance of the Recommendation would be most regrettable and that all States Members should be convened to a preliminary meeting without delay. Accordingly, a first preparatory meeting of the Committee was held in June 1938, at which five American countries (the United States of America, Brazil, Canada, Mexico and Panama) were represented. The Committee drafted a uniform plan for the supply of information on public works, and the Governing Body, in October 1938, decided to invite those Governments which have approved the Recommendation on international co-operation and which consequently are members of the Committee on Public Works, to communicate to the Office the information referred to in that Recommendation in accordance, so far as possible, with the Committee's plan. Twelve countries have since decided to give effect to the Recommendation, including two American countries (the United States of America and Colombia) and several other American countries have indicated that the Recommendation is being examined by the competent national authorities.

Various countries in the American continents are paying increasing attention to the planning of public works with a view both to reabsorbing the unemployed and to constructive national development, and several countries are beginning to plan their programmes
with the aim of lessening fluctuations in national economic activity. In Argentina, a newly established National Public Works Council, composed of the heads of various Government Departments, has been charged with co-ordinating the planning, approving, financing and execution of public works. By a Decree of 19 January 1939, the President of Brazil appropriated a large sum of money for the carrying out of a special five-year plan of public works and national defence equipment. The Canadian National Employment Commission, in its final report, recommended the planning of public works in relation to the trade cycle. During the last two Sessions of Parliament there has been a visible tendency toward the elaboration of a long-range nation-wide works programme of conservation and national development. In the United States of America, considerable progress has been made toward effective public works planning, both in the national sphere and in the various States. The continuing programmes of the Public Works Administration and the Works Projects Administration constitute large-scale examples of national public works activities designed, to some extent, to counteract cyclical declines in private construction and general economic activity, as well as to give work to the able-bodied unemployed. A start has been made both toward advance planning of public works programmes, and towards co-operative planning among Federal, State and local public works agencies. The President recently announced the establishment of a Federal Fiscal and Monetary Advisory Board charged with advising the President on a Federal policy designed to permit the most effective use of public works and other government expenditure in raising the national income to a level appropriate to the resources of the country. In Mexico, Venezuela and Uruguay, steps have been taken to put national development programmes into operation, in connection with various aspects of which some of the principles of the international Public Works (National Planning) Recommendation may be useful.

Unemployment in the American Countries

Finally, the resolution recommended that the Governing Body instruct the Office to study the conditions and extent of unemployment in the countries of the American Continent, as well as the means adopted by national legislation to prevent unemployment and remedy its consequences.
While the Office has, of course, been continuing as in the past to collect information on the various aspects of the unemployment problem in the countries of America, it considered that the best means of arranging for the collaboration of experts, as proposed in the resolution, would be to set up a Correspondence Committee on Unemployment Insurance and Placing. The Governing Body accordingly decided to set up such a Committee in 1937. It is now in being and has begun its work. The existence of this Committee will give the Office the opportunity gradually to enlarge its contacts with experts in the American countries who are engaged in work on unemployment problems and, with their collaboration, to expand its studies of the unemployment problems of these countries, in accordance with the views expressed by the Santiago Conference.

Migration

As the second regional Conference of American States has on its agenda a special item concerning immigration, it seemed desirable to deal in the report on that question with the effect given to the resolution concerning immigration adopted at Santiago. Accordingly all the available information on that subject will be found in the report on the third item on the agenda.
CHAPTER VI

AGRICULTURAL QUESTIONS

The special importance which agricultural problems present at the present time for the countries of America was emphasised by the Santiago Conference in three resolutions dealing respectively with the study of agricultural work in America, an enquiry into agricultural statistics in the American countries, and the question of stimulating the formation and development of agricultural co-operative societies.

Agricultural Work in America

The first of these resolutions was as follows:

"The Labour Conference of the American States which are Members of the International Labour Organisation:

Considering the nature, in general, of agricultural work in America from the standpoint of fixing hours of work and legal holidays, of the payment of a minimum wage to the agricultural worker, of the regulation of agricultural work for women and minors, of the form in which agricultural labour contracts are to be drawn up, of the suspension, cancellation or termination of such contracts, of the formation of agricultural associations and trade unions and of combinations, strikes and lock-outs;

Recommends to the Governing Body that the International Labour Office should undertake an enquiry into the conditions of agricultural work in America covering, in conformity with the particular circumstances of each country, questions such as the economic and social structure of agriculture, the conditions under which agricultural work is carried out and the general principles upon which labour contracts in rural districts are based, the relations of such contracts with the minimum wage and with share-farming contracts and in general the examination of any other problem directly connected with the conditions of agricultural work in the American countries."

It will be seen that the study proposed by the Santiago Conference was an extremely wide one. It referred to a subject on which the Office had not up to that time collected very much information. The first thing was therefore to secure as much
information as possible on the various aspects of the conditions of agricultural work in the various countries concerned.

Shortly after the close of the Santiago Conference, missions were carried out by an official of the Agricultural Service of the Office which enabled him to collect information concerning Argentina, Brazil, and Mexico in order to serve as a basis for more detailed studies.

The Office has already published in the *International Labour Review* an important study on agricultural problems in Mexico. This article has been very well received, more particularly in Mexico itself.

Side by side with this, the Office was able, in connection with the enquiry which it had been instructed to carry out into the conditions of work of indigenous populations in the countries of America, to secure a good deal of information on the conditions of work of native workers in agriculture. The Office has since made efforts to complete this information with a view to preparing a general study which cannot be undertaken until it is in possession of all the elements of the problem.

The setting up of the Permanent Agricultural Committee and its first meeting, which was attended by a number of experts from the countries of America, provided an opportunity of increasing the information in the possession of the Office and arranging for future co-operation with experts from Argentina, Brazil, Canada, the United States and Mexico. The reports submitted to the Committee by these experts on conditions of agricultural work in their respective countries form an extremely useful basis for supplementary research and represent a substantial step forward in the proposed study.

At the same time, when carrying out international studies on special aspects of the agricultural social problem, the Office pays the closest attention to conditions in the countries of America. The series of studies on migration for settlement has further contributed to increase the knowledge of the Office with regard to agricultural conditions in this part of the world.

In so far as the limited means, and especially the limited staff at its disposal allow, the Office intends to continue its studies in the direction indicated by the Santiago Conference. It will go through the large body of information which it already has as rapidly as possible, and will publish articles or pamphlets embodying the result of its studies on the various aspects of agricultural work in the countries of America.
Agricultural Statistics

The second resolution adopted by the Santiago Conference on agricultural questions was as follows:

"The Labour Conference of the American States which are Members of the International Labour Organisation:

Considering the necessity for providing statistics on agricultural work and for perfecting and co-ordinating agricultural statistics in the greater part of the American countries;

Considering the competence and the interest of the International Labour Organisation as regards the economic and social conditions in America in respect of agriculture;

Recommends to the Governing Body:

(1) That the International Labour Office should study the possibility of carrying out an enquiry among the Governments of all the American countries concerning the form, the motives, the periodicity and the scope of the various statistics concerning agricultural work already in existence and also concerning the possibility for each Government of instituting, collecting, extending and co-ordinating internationally such statistics in regard to agricultural work, including both crop raising and cattle-breeding;

(2) In general, that the International Labour Office should draw the attention of the Governments of the American countries to the desirability of making permanent provision for the supply of uniform agricultural statistics, covering the rural population, the population economically active in agriculture, the various agricultural occupations pursued by the wage earning classes (whether those classes be of a permanent or of a casual character, and with due regard for the average number of days worked by each wage earner) and also by non-wage earners;

(3) That the International Labour Office should study the possibility of determining basic principles for the calculation of agricultural statistics with regard to rural occupations based on the amount of labour employed per unit of area, and time per unit of area, per unit of weight and per operation, at least for the more important crops of each country."

This resolution was first of all brought to the notice of the States of America, which thus had an opportunity of taking it as a guide in developing their agricultural statistics. Moreover, the Office has already, in a study relating to the year 1934, made use of the available statistics concerning agricultural wages in these countries.

It should, however, be pointed out that the various aspects of agricultural statistics mentioned in the resolution do not fall solely within the sphere of the International Labour Office; some of them are matters for the International Institute of Agriculture.
The Office has collaborated in the work of the Committee of Agricultural Statisticians appointed by the International Institute of Agriculture to consider the questionnaires to be used in the World Agricultural Census of 1940.

With a view to ensuring future co-ordination between the work of the International Institute of Agriculture and that of the International Labour Office on this question the Governing Body submitted the question of agricultural statistics to a meeting of the Mixed Advisory Agricultural Committee, which consists of representatives of the two institutions. The meeting in question took place in December 1938. The Committee recommended that a memorandum drawn up jointly by the international institutions concerned (the International Labour Office, the Secretariat of the League of Nations and the International Institute of Agriculture) should explain what action these institutions had already taken in order to ensure that agricultural statistics should be compiled on uniform lines. The Governing Body approved this suggestion and it was decided that the memorandum should be circulated to all American States for information and observations. This has now been done.

Further, an International Conference of Statisticians called by the International Labour Office in October 1937 drew up proposals for the compilation of statistics of wages in agriculture and recommended that the Office should call a special Conference of Statisticians to discuss the special problems connected with the compilation of statistics of wages, hours of work and other factors in the remuneration of agricultural workers. It further recommended that a Draft Convention on statistics and hours of work should be put on the agenda of the International Labour Conference. This was done and led to the adoption by the Conference of 1938 of a Draft Convention which contains a special part devoted to statistics of wages and hours of work in agriculture. The relevant article of this Draft Convention is as follows:

Article 22

1. Statistics of wages shall be compiled in respect of wage earners engaged in agriculture.

2. The statistics of wages in agriculture shall:
   (a) be compiled at intervals not exceeding two years;
   (b) give separate figures for each of the principal districts; and
   (c) indicate the nature of the allowances in kind (including housing), if any, by which money wages are supplemented, and, if possible, an estimate of the money value of such allowances.
3. The statistics of wages in agriculture shall be supplemented by indications as to:

(a) the categories of agricultural wage earners to which the statistics relate;

(b) the nature and source of the information from which they have been compiled;

(c) the methods employed in their compilation; and

(d) so far as practicable, the normal hours of work of the wage earners concerned.

Practical effect has thus been given to an important part of the resolution adopted at Santiago.

Agricultural Co-operative Societies

In its resolution drawing the attention of the Governing Body to certain problems which were of special interest to the countries of America, the Santiago Conference pointed out the desirability of stimulating the formation and development of agricultural co-operative societies.

Agricultural co-operation is one of the central problems dealt with by the Co-operative Service of the International Labour Office. The work which the Office can do in the direction of the resolution adopted by the Santiago Conference consists in the supply of information and in suggesting the lines on which action may be taken.

Both in its publications and in response to requests for information the Office endeavours to supply Governments and others concerned with practical information on co-operative legislation, the experience acquired in different countries, the methods and possibilities of agricultural co-operation and, more generally, the contribution which co-operative organisation can make to the general problem of rural betterment.

In addition to the information regularly supplied on co-operative legislation, the Office has published in its bulletin *Co-operative Information* a certain number of notes dealing with agricultural co-operation in various countries, including some of the countries of the American Continent. It is worthy of note that owing to the issue of a Spanish edition, the circulation of this information bulletin has considerably increased during the last few years, particularly in American countries.

The Office has also published studies of the part played by agricultural co-operative societies in improving the quality of the
foodstuffs offered for sale, and the functions of agricultural co-operative societies and their relations with consumers' co-operative societies in the national and international fruit trade. These studies provide information on the work of the agricultural co-operative societies existing in certain American countries.

The Office is compiling extensive information on the contact between public action and co-operative action in the organisation of economic life. This information, which will, of course, be placed at the disposal of co-operative organisations, will lay special stress on the part played by agricultural co-operative societies and the way in which their work can be co-ordinated with public action.

Since the Santiago Conference the Office has received a certain number of requests for information from American countries relating to the co-operative movement, and more particularly to agricultural co-operation. It has made every effort to respond to those requests as fully as possible. Systematic relations have, moreover, been established between the Office and various American organisations dealing with agricultural co-operation, and there has been a mutual exchange of information on this question.

It is interesting to note that the articles and studies published by the Office on the subject of co-operation are very frequently reproduced, often in full, in the co-operative press of Latin America.
CHAPTER VII

RESOLUTIONS CONCERNING THE CREATION AND WORKING OF VARIOUS BODIES

With a view to facilitating the development and co-ordination of the study of social problems in the various countries, the Santiago Conference was naturally led to contemplate the institution of appropriate bodies or the improvement of their working. As has already been pointed out in connection with the resolution concerning the effective application of labour legislation, the Conference recommended the establishment in each country of bodies such as special Ministries, superior labour councils and labour inspection services. In a number of other resolutions the Conference expressed similar views.

Ministries of Labour, representation of Employers' and Workers' Organisations on the Higher Bodies responsible for Social Administration

In a resolution suggesting that the International Labour Office should study certain questions, the Conference once more emphasised the importance of creating Ministries of Labour in those American countries where they do not yet exist, as well as the direct representation of the employers' and workers' organisations in the various industries on the higher bodies responsible for social administration, with a view more particularly to supervising the execution of ratified international Conventions.

The Governing Body brought these recommendations to the attention of the countries of America as it had done in the case of the resolution concerning the effective application of labour legislation.

It may be noted in this connection that at the present time there are very few countries in America which do not possess a Ministry of Labour, or at any rate a labour department possessing a large measure of autonomy. It appears certain that the development of social policy which is noticeable throughout the American Continent
will shortly lead those States which have not already done so to set up a special institution to direct and co-ordinate their policy in this respect.

Central Bureaux of Social Statistics

In the same resolution the Santiago Conference recommended the creation or extension of central bureaux of social statistics particularly with regard to wages, cost of living, unemployment, industrial accidents, occupational diseases and labour disputes. This is a subject with which the Office has been constantly concerned ever since it was set up. The development of labour statistics, and consequently the creation and improvement of statistical services, is a problem of general interest. By correspondence, in its statistical publications, and in its direct contact with the statistical services of the various countries, the Office is continually drawing attention to the importance of compiling and developing labour statistics. It has also organised international Conferences of labour statisticians, and has thus for many years past endeavoured to exercise an influence in the direction recommended by the resolution of the Santiago Conference. Thus, in October 1937, the Office called an international Conference of statisticians in order to consider the general lines of a Draft Convention providing for the compilation of statistics of wages and hours of work on uniform lines. Several American countries were represented at this Conference.

The results of the work of the Conference of statisticians have been mentioned above, and if American countries agree to compile their statistics on lines laid down by the Convention adopted in 1938, they will have, ipso facto, provided an important development of their own statistical services.

The measures recently taken by the Pan-American Union referred to in Chapter IV above with regard to the cost-of-living statistics will also do much to realise the objects which the Santiago Conference had in view.

Free Legal Aid Services for Wage Earners

The resolution adopted by the Santiago Conference on this subject was as follows:

"The Labour Conference of the American States which are Members of the International Labour Organisation requests the Governing Body
to instruct the International Labour Office concerning the desirability of drawing up a draft Recommendation respecting the establishment of public services for giving legal advice to, and assuming the legal defence free of charge of, the wage earners, this being the most effective means of ensuring full recognition of their rights and the complete recovery of the compensation due to them, without the intervention of interested middlemen."

Before contemplating the possibility of placing this question on the agenda of the International Labour Conference, the Governing Body instructed the office to make a study of it. The Office took account of the recommendation of the Conference when preparing its study entitled Labour Courts which was published in English and French at the end of 1938.

The study gives such information as was then available on the subject of public legal aid services for the defence of wage earners' rights. It could record only five countries, namely Argentina, Brazil, Germany, Mexico and Peru, where such legal aid services existed, while three countries, namely Belgium, France and Italy give the workers engaged in legal proceedings before the labour courts the advantage of the regular procedure in forma pauperis which implies that free legal assistance is granted to the party who can show that he does not possess the means required to retain the services of an advocate.

Since the publication of Labour Courts, another country, namely Venezuela, has adopted special legislation providing for the institution of public legal aid services for wage earners.

It will be seen that only six countries have so far legislated in favour of special legal aid services for wage earners, and that five of the six countries belong to the American hemisphere. That fact will doubtless be taken into account when the inclusion of the question in the agenda of the International Labour Conference is being considered.

Employers' and Workers' Federations

It will be recalled that the Santiago Conference adopted the following resolution:

"The Labour Conference of the American States which are members of the International Labour Organisation, held at Santiago de Chile:
Considering that the States which have become Members of the International Labour Organisation have thereby signified their full agreement with the Constitution of the International Labour Organisation;
Considering further that it is of great importance for the successful participation of the States Members in the work of the International Labour Organisation that there should exist in the various countries national federations of employers and of workers, to facilitate the task of the Governments in fulfilling the obligation to appoint non Government delegates and advisers to the annual International Labour Conference in accordance with Article 3 of the said Constitution, which lays down that the nomination of such Delegates is to be carried out in agreement with the organisations which are most representative of employers or workpeople;

Considering, however, that in various countries of the American Continent no such central bodies of workers or employers exist;

Requests the Governing Body of the International Labour Office to appeal to the Governments of those countries where there are, as yet, no such bodies not to hamper any efforts which may be made to create such bodies by the existence of which the participation of the workers' and employers' movements in the activities of the International Labour Organisation may be furthered and facilitated, seeing that Article 41 of the Constitution of the International Labour Organisation recognises the right of association for all lawful purposes by the employed as well as by the employers."

The Office, in accordance with the instructions of the Governing Body, brought this recommendation of the Santiago Conference to the special notice of the Governments of the countries of America.

The action to be taken on this resolution is, of course, solely a matter for the Governments. It may however be of interest to mention certain developments which have taken place since the Santiago Conference, more particularly within the trade union movement of the Latin-American countries.

In the statute of the General Federation of Labour of Argentina, which has 300,000 members, a passage has been inserted indicating that the Council of the Federation is to see that Argentina regularly co-operates in the work of the International Labour Organisation by sending complete delegations to the sessions of the International Labour Conference, as well as by ratifying and applying the international Conventions adopted by the Conference.

In September 1938 a Congress of Latin-American Labour organisations was held under the auspices of the Mexican Workers' Federation (C.T.M.). This congress was attended by representatives of trade unions of the following Latin-American countries: Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Nicaragua, Paraguay, Peru and Venezuela. This Congress decided to establish a federation, viz. the Latin-American Workers' Federation with headquarters at Mexico City. The object was said to be to co-operate towards the progress of Labour legislation in Latin-America and co-operation with other organisations whenever it might be considered that such action was advisable.
in the interests of the labour movement. A resolution was also adopted by the congress reading as follows:

"With a view to obtaining the extension and application of labour legislation in the Latin-American countries, the Latin-American Labor Federation shall collaborate actively with the International Labour Organisation. At the same time, it shall endeavour by all possible means to ensure that complete delegations shall be sent to the annual Conferences, particularly those delegations from the most representative and bona fide organisations."

At the present time the Latin-American Workers' Federation has affiliated bodies in Argentina, Bolivia, Colombia, Costa Rica, Chile, Cuba, Ecuador, Mexico, Nicaragua, Paraguay, Peru, Uruguay, Venezuela.

The Cuban Federation of Workers is the outcome of a congress held in Havana from 23 to 28 January 1939. The convocation of the congress was the result of the conclusion of an agreement signed by members of the Cuba delegation to the Latin-American Labour Congress, mentioned above. According to reports, this congress was attended by 1,000 delegates representing organisations with an aggregate membership of about 400,000 workers.

Since the Santiago Conference, renewed activity has also been observed in the case of the Pan-American Federation of Labour whose headquarters are at Washington, D.C. According to the latest information received by the Office, the membership is stated to be 4,300,000 workers organised in 11 countries of the American Continent.

The last convention of the American Federation of Labor held at Houston, Texas, in October 1938, approved the advisability of reorganising the Pan-American Federation of Labour at as early a date as possible. The convention agreed that there should be "exploration by an observer or a commission, so that there may be accurate indications of genuine labour movements, where they exist."

In the report of the Houston Convention of the American Federation of Labor it is stated that "We believe that the encouragement of the American Federation of Labor should be carried to the workers of the Latin-American nations, not to influence them, but to assist them."

This interest of organised labour of the United States in Latin-American labour organisations might also be seen in the presence of the United States Workers' delegate at the Eighth Pan-American Conference held at Lima from 9 to 27 December 1938, where a
resolution on freedom of association and freedom of expression for workers was adopted. After recalling certain passages of the Constitution of the International Labour Organisation and of the resolution adopted by the Conference of American States which are Members of the International Labour Organisation, held in Santiago in January 1936, concerning freedom of association, and after affirming that the absolute respect of the right of association and free expression of thought is the essential basis of social progress of any kind, the resolution continued:

"The Pan-American Conference resolves to call upon the nations of America, if they have not yet done so, to incorporate into their labour legislation provisions which may facilitate free association of workers and the free expression of opinion."

A report stressing the desirability of collaboration in the building up of the trade union movement in Latin America was furnished by Mr. D. Tracey, representative of the American Federation of Labor at the Pan-American Congress to the Executive Council of the American Federation of Labor on his return from Lima, and representatives of this Federation have visited Latin-American countries in accordance with the recommendation of the Houston convention.

A list of national trade union federations which according to information available are now in existence in the Latin-American countries, is given hereunder:

<table>
<thead>
<tr>
<th>Country, name and address</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Argentina:</strong></td>
<td></td>
</tr>
<tr>
<td>Confederación General del Trabajo, 2880, Independencia, Buenos Aires</td>
<td>263,040</td>
</tr>
<tr>
<td>Federación de Asociaciones Católicas de Empleadas, 1272, Sarmiento, Buenos Aires</td>
<td>19,000</td>
</tr>
<tr>
<td>Unión Sindical Argentina, 1277, Almirante Brown, Buenos Aires</td>
<td>32,000</td>
</tr>
<tr>
<td><strong>Bolivia:</strong></td>
<td></td>
</tr>
<tr>
<td>Federación Obrera del Trabajo, 370, Chuquisaca, La Paz</td>
<td></td>
</tr>
<tr>
<td>Confederación Sindical de Trabajadores de Bolivia, 595, Ecuador, La Paz</td>
<td></td>
</tr>
<tr>
<td><strong>Brazil:</strong></td>
<td></td>
</tr>
<tr>
<td>União Geral dos Syndicatos de Empregados do Distrito Federal, 50, rua de Carioca, Rio de Janeiro</td>
<td></td>
</tr>
<tr>
<td><strong>Chile:</strong></td>
<td></td>
</tr>
<tr>
<td>Confederación Nacional de Trabajadores de Chile, 468, San Antonio, Santiago de Chile</td>
<td></td>
</tr>
<tr>
<td>Confederación General del Trabajo, Casilla 6018, Santiago de Chile</td>
<td></td>
</tr>
</tbody>
</table>
THE RESOLUTIONS OF THE SANTIAGO CONFERENCE

Country, name and address

Colombia:
Confederación Sindical de Colombia, Apartado 1805, Bogotá ............................................. 100,000

Cuba:
Confederación de Trabajadores de Cuba, 671, San Lazaro (altos), La Habana ............................ 400,000

Ecuador:
Unión Sindical de Trabajadores, Calle Coronel 2200 y León, Guayaquil .................................... —
Confederación Obrera del Guayas, Guayaquil .......... —
Confederación General de Trabajadores, Guayaquil .. 25,000

Mexico:
Confederación de Trabajadores de México, 74, Madero, Mexico City ....................................... 1,241,303
Confederación General de Trabajadores, 8, Independencia, Mexico City ................................. —
Confederación Regional Obrera Mexicana, 60, Rep. de Cuba, Mexico D.F. .................................. —
Confederación Regional Obrera Mexicana, Tacuba 50, Mexico D.F. ........................................ —

Nicaragua:
Obrerismo Organizado de Nicaragua, Oficina 3a, Avenida S.E. No. 216, Managua ....................... 3,000

Panama:
Federación Obrera de la Rep. Panamá, Panama ........ —

Paraguay:
Confederación de Trabajadores de Paraguay, 53, Estrella, Asunción ......................................... —

Porto Rico:
Federación Libre de los Trabajadores de Puerto Rico, Box 270, San Juan ................................. —

Salvador:
Confederación de Obreros de El Salvador, San Salvador. ......................................................... —

Uruguay:
Unión Sindical Uruguaya, 1180, Rio Negro, Montevideo. ......................................................... —
Federación Obrera Regional Uruguaya, 1361, Calle Yi, Montevideo ........................................ —

Venezuela:
Federación Obrera de Venezuela, Norte 10, No. 7-7, Caracas .................................................. —
Confederación Venezolana del Trabajo, P.O. Box 1501, Caracas .............................................. —

Industrial Relations

The Santiago Conference adopted on this subject the following resolution:

"The Labour Conference of American States requests the Governing Body of the International Labour Office to recommend to educational
institutions, and especially to the universities of the States which are Members of the International Labour Organisation, the study of relations between capital and labour in the light of modern thought, since such relations are equally important to the ideals of the workers and the security of capitalism and can contribute to improved conditions and social peace."

The Governing Body instructed the Office to transmit this resolution to the Governments of all the States of the American Continent.

These Governments have also had an opportunity of taking into account a passage in one of the resolutions of the Santiago Conference which proposes the creation of special bodies for the protection of indigenous workers in the American countries with a view to improving their conditions of life and labour, with the permanent collaboration of representatives of the more important working-class bodies. The Office intends to take up the study of this problem in due course when its enquiry into the living and working conditions of the native populations of America has reached a sufficiently advanced stage.
CHAPTER VIII

VARIOUS RESOLUTIONS

Vocational Education

The Santiago Conference adopted a resolution worded as follows:

The Labour Conference of the American States who are Members of the International Labour Organisation, held in Santiago de Chile, recommends that the Governing Body of the International Labour Office should consider and study the following questions which are of special importance for the American countries...

(8) The question of investigating the problem of vocational education in the American countries.

The question of technical and vocational education and apprenticeship was on the agenda of the International Labour Conference in 1938 and 1939. In the grey report on law and practice, which served as a basis for the first discussion, the Office did not fail to make as wide a use as possible of its documentary material concerning American States.

In some of these countries, circumstances have been particularly favourable to constructive work in this connection, since rapid industrialisation made it necessary to train skilled workers in those countries capable of meeting the needs of production.

In the United States of America new problems arose when the minimum age for admission to employment was raised. Since this measure has now been carried out in nearly all the States, a large number of children have had the benefit of vocational training before entering employment.

The Federal Government encourages the development of vocational training by granting the States subsidies, subject to certain conditions, in virtue of the George Deen Act, which came into force on 1 July 1937. The enforcement of this Act in the 48 States, the District of Columbia and Puerto Rico during the financial year ending 30 June 1938 involved an expenditure of $425,000, the
RESOLUTIONS CONCERNING AMERICAN COUNTRIES

same amount being entered in the estimates for the following year.

Further, the President's Advisory Committee on Education recently recommended that the Federal Government should take a more direct part in framing vocational education policies; for instance, the Committee suggested that the fundamental Acts in virtue of which the Federal authorities make grants in aid of vocational education in the States should be revised.

The policy pursued as regards vocational education has consisted more especially in widening the curricula of vocational schools and training courses in order to ensure that young workers will in future be able to change their occupations more easily and so meet changes in the structure of the employment market. Another measure consists in bringing the training given in schools into line with the work actually done in industry, and organising continuation courses for the vocational training of apprentices.

As regards agricultural education, the various States are giving special attention to the preparation of curricula for young persons from the countryside who have left school but are not yet employed in agriculture.

Lastly, it may be mentioned that facilities are given to young persons in the Civilian Conservation Corps to complete their vocational education. During the year 1936-37, for instance, 47 per cent. of the young persons admitted to the C.C.C. camps received vocational training, and more than 300 different projects were carried out by them.

In Argentina, the Government has been taking special trouble during the last few years to promote practical vocational education so as to improve the training of technical workers in commerce and of experts for various industrial occupations.

With a view to co-ordinating secondary schooling with other types of education, the Government has divided the secondary schools into industrial, agricultural, regional adjustment, vocational, commercial and arts and crafts schools. The purpose of all these schools is to provide a suitable education for the various occupational activities in the country.

Further, since industry frequently has to employ skilled workers from abroad, owing to the lack of skilled labour in the country, the main efforts of the public authorities are designed to make good this deficiency so as to meet the urgent needs of national production.
In Brazil, under the new Constitution, which came into force in November 1937, one of the first duties of the State is to provide vocational education. Accordingly, the Government has undertaken to have new industrial schools built in the various States, and existing schools enlarged. When this programme has been completed, for which an amount of 10,000 contos (including more than 500 contos for the equipment of workshops attached to schools) was entered in the 1938 estimates, the country will have a network of vocational schools supervised by the Federal Ministry of Education, the central institution being the National High School in Rio de Janeiro.

In 1938, the Federal Government spent about 16,500 contos on industrial education. In accordance with the development plan mentioned above, vocational education will be given in three stages, at the end of which pupils will qualify as skilled workers, foremen, and teachers respectively. Under a Legislative Decree promulgated on 2 May 1939, establishments employing more than 500 persons will have to organise vocational continuation courses for adults and young persons, in accordance with regulations to be drawn up by the Ministries of Labour, Commerce and Industry, and of Education and Public Health.

In Canada, the competent authorities and the industrialists concerned have always attached great importance to problems of vocational training, since, in spite of unemployment, the dearth of skilled workers in the country has persisted.

On 12 November 1936, the Executive Council of the Canadian Manufacturers' Association adopted a report submitted by the Association's Committee on Industrial Relations, in which the Committee pointed out that the lack of skilled workers was serious, and that national production could not prosper unless such workers were recruited in sufficient numbers. Since then, the various provinces have taken a number of measures to organise and regulate vocational training and apprenticeship.

In Nova Scotia, an Act of 17 April 1937 regulates apprenticeship in the building industry and a few allied occupations, and provides for the institution of apprenticeship committees, the conclusion of written contracts, and similar measures. In the Province of Quebec, under an Act of 17 May 1937, the Ministry of Mines and Fisheries was given a credit of $25,000 to help young persons in the Province to enter a trade.

Further, the Dominion Government has concluded agreements
with all the provinces with a view to carrying out in 1938-1939 programmes for the vocational training of young persons, a credit of $3,000,000 being available for this purpose.

In Chile, a Decree issued in 1938 by the Ministry of Public Education promulgated a plan for the institution of a new kind of school, described as "crafts schools"; the heads of undertakings and the trade unions are to help in carrying out this plan. The new schools are to train workers in a comparatively short time (two to three years) for occupations in which manual work predominates. Young persons will be admitted to these schools after they have completed their fourth year at an elementary school, and on reaching the age of about 13 or 14. A number of these craft schools were opened already in 1938.

All the industrial and mining educational establishments are supervised by a general directorate in the Ministry of Public Education. The estimates for such education amounted, both in 1938 and 1939, to 13,000,000 Chilean pesos.

In Columbia, an Act was passed on 24 August 1938 to promote the development both of industries and of vocational education such as would provide for the training of the necessary skilled workers to meet the needs of national production.

Under the Education Act passed by the Cuban Parliament on 8 January 1937, reorganisation committees were set up to deal with the vocational, commercial, arts and crafts and industrial schools. The reforms provided for in the Act are still being carried out.

In Mexico, a vast educational programme drawn up by the Government during the school year 1935-36 covers vocational education as well, and provides for the institution of vocational and technical schools. In order to meet the many different needs of national production in this connection, the Government raised its estimates for technical education from $2,265,053 in 1934 to $7,101,472 in 1937.

Early in 1937 a National Polytechnic Institute was set up. This institution provides a complete education for technical careers in different stages.

These few examples suffice to show that the American countries attach considerable importance at the present time to vocational education for young persons and to the economic and social value of such education. This no doubt accounts for the very active part
taken by the representatives of those countries in the discussion of technical and vocational education and apprenticeship at the Twenty-fourth and Twenty-fifth Sessions of the International Labour Conference in 1938 and 1939.

In 1938, when the first discussion took place, nine American countries were represented. These countries had in all 14 representatives on the Committee of 60 set up by the Conference to consider the question, eight being Government, three employers' and three workers' delegates. The statements made by their delegates showed that the conclusions which the Conference was trying to reach were of special importance to the American countries. They also showed that the needs and anxieties of American and European countries were in this matter similar, if not identical. The Government delegate of the United States of America, for instance, stressed the need for co-ordinating efforts and for close co-operation between the competent vocational and educational authorities. The Government delegate of Uruguay pointed out that in his country an advisory committee had been set up which would be able to ensure such co-ordination in the future. The co-ordination of official and private institutions was unanimously recommended by the members of the Committee.

In 1939, when the second discussion took place, which led to the adoption by the Conference of two Recommendations, one concerning vocational training in general and the other apprenticeship, the delegates of the various American countries took no less active and fruitful a part in the proceedings. Nine American countries were represented in the Committee on this subject by 19 delegates, of whom eight were Government, five employers' and six workers' delegates. The Committee, which consisted of 56 members, appointed the Government delegate of the United States of America as its rapporteur.

The statements made by the American delegates in the course of the discussion, and various amendments submitted by some of them, were reflected in the texts adopted. The amendments included one submitted by the representative of the Venezuelan Government to introduce in the Recommendation concerning technical and vocational education a provision to the effect that in countries in process of industrialisation, in which a sufficient

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1 They were: the United States of America, Argentina, Brazil, Canada, Cuba, Mexico, Panama, Uruguay and Venezuela.

2 They were: the United States of America, Argentina, Brazil, Canada, Colombia, Cuba, Mexico, Uruguay and Venezuela.
number of technical and vocational schools have not been estab-
lished, the more important undertakings should to some extent
bear the cost of vocational training. The amendment in question
was seconded by the Government delegates of Brazil, Colombia,
Mexico and Uruguay, and adopted.

Thus, the Recommendations reflect the needs and anxieties of
the American Continent. The Committee's rapporteur was
justified in saying at the plenary sitting that the principles laid
down in the draft submitted were of universal utility, but would
nevertheless enable each country to allow for its own circumstances
when applying the Recommendations. The rapporteur went on
to say the Recommendations were calculated to raise considerably
the level of technical and vocational education in her own country.
The Cuban workers' delegate, speaking at the plenary sitting on
behalf of the workers in his country, asserted that the Recom-
mendation on technical and vocational education was a step
forward. The Government delegate of Brazil also supported the
Recommendations, only making a reservation in regard to his
delegation's amendment concerning the precedence that school
education should take over training in the undertaking; he thought
that the measures suggested were in line with what was already
being done or planned in Brazil.

It seems, therefore, that the various countries on the American
continent might, when organising or reorganising vocational
training, bear in mind the principles contained in the two Recom-
mendations adopted by the International Labour Conference at its
Twenty-fifth Session.

Calendar Reform

In this connection the Santiago Conference adopted a resolution
worded as follows:

"Considering that the Eleventh Session of the International Labour
Conference, held in Geneva in June 1928, passed a resolution in favour
of calendar reform, drawing attention to the interest which this question
has for the workers on account of its relation with the rationalisation of
work and labour statistics and the regularisation of public holidays;
Considering that the Secretariat of the League of Nations has asked
the International Labour Office to communicate to it periodically any
information which it can obtain concerning the attitude to this question
of the workers;
Considering that it is a well-recognised fact that the present calendar
is very unsatisfactory from economic, social and religious standpoints,
and that recent studies, investigations and reports have shown that there is a marked trend of opinion in favour of its revision;

Considering that calendar reform on the basis of twelve months and equal quarters would be of great advantage to commercial life, to businessmen, and also for the well-being of the working class and would be of inestimable advantage to all the nations; and

Considering that this point will be further studied by the League of Nations in 1936;

The Labour Conference of American States which are Members of the International Labour Organisation, meeting at Santiago in January 1936:

Resolves to recommend the approval of the perpetual calendar of twelve months and equal quarters, and requests the Governing Body of the International Labour Office to send copies of this resolution to the Secretary-General of the League of Nations and the Governments of all the American countries."

This resolution was transmitted by the Governing Body to the Governments of all the American countries and, in view of the fact that the question was to be considered by various bodies of the League of Nations during 1936, to the Secretary-General of the League.

Subsequently, the International Labour Conference, at its session of June 1936, and the Governing Body in November 1936, adopted further resolutions on calendar reform which were communicated to the competent bodies of the League of Nations. The Council of the League brought these various resolutions to the notice of the Advisory and Technical Committee for Communications and Transit.

The Advisory and Technical Committee at its meeting in September 1937 considered that calendar reform could not be contemplated unless it met with quasi-unanimous approval. It pointed out, however, that according to the replies so far received, that quasi-unanimity among Governments had not been attained, and did not seem to be near attainment, more particularly as 37 out of the 69 Governments consulted had not replied. The Committee therefore expressed the view that it was not expedient for the time being to contemplate convening a conference to carry out a reform which in present circumstances would seem to have no chance of being accepted. The Committee therefore expressed the view that under such conditions it was unnecessary, until further notice, to retain the question on its agenda.

The Council of the League of Nations, at its session of September 1937, endorsed this view and withdrew the question from its agenda. This fact was pointed out in the report submitted by the Second Committee to the Assembly of the League of Nations in 1937, and the Assembly took note of it.
Resolution concerning Various Questions

In addition to the resolutions on specific subjects, the Santiago Conference adopted a resolution suggesting the study of various questions by the International Labour Office. The effect given to this resolution has been dealt with in the different chapters of this report, but, it seems desirable to give the full text of this resolution for the information of the Conference.

"The Labour Conference of the American States which are Members of the International Labour Organisation, held in Santiago de Chile, recommends that the Governing Body of the International Labour Office should consider and study the following questions which are of special importance for the American countries:

(1) The question of ensuring that wages shall be paid in cash, and of supervising the truck stores (proveedurias) with a view to eliminating the existing abuses of the truck system in many American countries;

(2) The question of creating Ministries of Labour in those American countries in which no such Ministries at present exist;

(3) The question of the direct representation of the employers' and workers' organisations in the various industries on the higher bodies responsible for social administration, with a view more particularly to supervising the execution of ratified international Conventions;

(4) The question of creating or extending central bureaux of social statistics, particularly with regard to wages, cost of living, unemployment, industrial accidents, occupational diseases and labour disputes;

(5) The question of investigating the problem of workers' housing in town and country, with a view to putting an end to the lamentable conditions at present existing in many American countries;

(6) The question of stimulating the formation and development of agricultural co-operative societies;

(7) The question of creating special bodies for the protection of indigenous workers in the American countries, with a view to improving their conditions of life and labour, with the permanent collaboration of representatives of the more important working-class bodies;

(8) The question of investigating the problem of vocational education in the American countries;

(9) The question of investigating, in collaboration with the International Bureau of Education at Geneva, the conditions under which members of the teaching profession engaged in primary and secondary education, in public and private schools, live and work."
Since the Santiago Conference the wishes of the American countries have had an opportunity of finding expression, more particularly in resolutions moved at successive sessions of the International Labour Conference.

In the course of the sessions held in the years 1936 to 1939 the Conference adopted nine resolutions moved by delegates from American countries.

In order to give a full idea of the extent to which the International Labour Organisation has met the wishes of the American countries, it would no doubt be well to review these resolutions and to state what effect has been given to each of them by the competent bodies of the Organisation.

### Twentieth Session — 1936

**Resolution concerning Diseases due to Dust, submitted by Mr. Winant and Miss Miller, Government Delegates of the United States of America**

The resolution is worded as follows:

"Whereas the International Labour Office in 1930 convoked the first international conference of experts on silicosis, in conjunction with the Chamber of Mines, Johannesburg, and in other ways has sought to promote and stimulate research in several countries; Whereas the International Labour Conference, by inscribing silicosis in the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934, has already recognised its importance; Whereas there is need to draw up a plan of action for the protection of workers from silicosis and other respiratory diseases due to dust in numerous occupations in all countries;"
RESOLUTIONS CONCERNING AMERICAN COUNTRIES

Whereas the International Labour Conference is convinced of the expediency of submitting the various aspects of the question to fresh investigation in the light of further knowledge acquired in the course of recent years in the medical as well as in the technical sphere; Therefore, the International Labour Conference requests the Governing Body to consider the desirability of convoking a new international meeting of experts which should be asked, after examination of available data, to propose a programme of national and international action to achieve (a) early diagnosis of these diseases; (b) adequate compensation for injuries due to them; and (c) maximum prevention of dust risks in the industries involved."

In pursuance of this resolution the Governing Body decided that the Office should call a meeting of experts on silicosis. The meeting was held from 29 August to 9 September 1938 and was attended by specialists on pneumoconiosis from ten different countries, including three doctors from the United States and one from Canada.

The upshot of the meeting was a report on recent advances in the knowledge of the pathology, diagnosis and prevention of silicosis. In accordance with the wish expressed by the Meeting, the Record of its proceedings will be published by the Office for the information of all concerned, including Governments and persons engaged in research on this subject.

Resolution concerning Freedom of Association, submitted by Mr. Winant and Miss Miller, Government Delegates of the United States of America

The resolution is worded as follows:

"Whereas the Constitution of the International Labour Organisation truly declares that 'conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required as, for example, by the recognition of the principle of freedom of association'; and

Whereas the Governing Body, pursuant to a resolution adopted by the Conference at its Nineteenth Session and to a report of the Committee of the Governing Body on Freedom of Association, has decided that it would be desirable to include in the Agenda of an early Session of the Conference 'the question of safeguarding the right of association of individual workers'; and

Whereas the Conference desires soon to enter upon the consideration of this subject with a view to taking some formal decision;

Therefore, the Conference requests the Governing Body to consider including in the Agenda of an early Session of the Conference the item of the safeguarding of individual workers in the exercise of their freedom of association from pressure by private employers on account of their joint participation in labour activities which are lawful for individuals acting singly."
At its Seventy-seventh Session in October 1936 the Governing Body of the Office, when considering the questions that might provisionally be placed on the Agenda of the 1938 Session of the Conference, discussed the possibility of selecting the question of freedom of association. Some doubts having been expressed as to the exact scope of the question, the matter was referred to the Committee on Freedom of Association set up by the Governing Body.

The Committee has before it a report by the Office including a statement of the practices which are considered to infringe upon the right of freedom of association and which should therefore be prohibited.

The Committee is proceeding with its work, confining its attention to the protection of the individual worker’s freedom of association.

Resolution concerning Unemployment, submitted by Mr. Winant and Miss Miller, Government delegates of the United States of America

The resolution is worded as follows:

Whereas the presence of a large body of unemployed workers throughout times of prosperity was recognised as a major social problem in many industrial countries even before the present depression;

Whereas in the economic recovery now proceeding in many countries re-employment appears to be lagging behind rising production, thus pointing toward a continuance of serious unemployment of a structural rather than a cyclical type;

Whereas many countries concerned about the extent and persistence of this type of unemployment and interested in taking measures to combat it are desirous of obtaining more knowledge of the character and causes of unemployment in general and of so-called 'technological unemployment' in particular;

Therefore, the Conference requests the Governing Body to direct the International Labour Office, in proceeding with its systematic studies of unemployment, especially to enquire into the effects of technological progress upon employment, and to indicate the different measures used or proposed which might be worth undertaking nationally and internationally in order to assure the security of workers, and so to harmonise the economic and social structure and the progress of technology that the economic order shall be put on the sound basis of participation in its benefits by the whole of the working population."

In the course of its systematic investigation of the problem of unemployment, the Office has constantly borne in mind the suggestions contained in this resolution. The results of the investigation have so far appeared in various publications.

In 1938-39 the Office published a Report by Professor Lederer
on Technical Progress and Unemployment (Studies and Reports, Series C, No. 22).

Further, in two general studies, each dealing with a great industry, namely the textile and the coal-mining industries, the Office has not failed to devote a chapter to the problem of the effects of rationalisation and technical improvements on the employment of workers: The World Textile Industry—Economic and Social Problems, Vol. I, Chapter XII (Studies and Reports, Series B, No. 27); Report prepared for the Technical Tripartite Meeting on the Coal-mining Industry, Part II, Chapter III, May 1938).

Resolution concerning Calendar Reform, submitted by Mr. Garcia Oldini and Mr. Gajardo, Chilean Government delegates

The resolution is worded as follows:

“Considering that the Eleventh Session of the International Labour Conference, held in Geneva in June 1928, passed a resolution in favour of calendar reform, drawing attention to the interest which this question has for the workers on account of its relation with the rationalisation of work and labour statistics and the regularisation of public holidays; Considering that the Secretariat of the League of Nations has asked the International Labour Office to communicate to it periodically any information which it can obtain concerning the attitude to this question of the workers; Considering that it is a well recognised fact that the present calendar is very unsatisfactory from economic, social and religious standpoints, and that recent studies, investigations, and reports have shown that there is a marked trend of opinion in favour of its revision; Considering that the resolution concerning calendar reform adopted by the Labour Conference of American States which are Members of the International Labour Organisation, at its Session held at Santiago in January 1936, recommends the adoption of the perpetual calendar of twelve months and equal quarters; The International Labour Conference at its Twentieth Session:

Requests the Governing Body of the International Labour Office to call the attention of the Council of the League of Nations to the question of calendar reform and to ask it to recommend the Committee on Communications and Transit of the League of Nations to continue to study the whole of this question very closely at its meeting in 1936; and Requests that copies of this resolution should be communicated to the Secretary-General of the League of Nations and to the States Members and non-Members of the International Labour Organisation.”

Chapter VIII in the Third Part of the present Report mentions the conclusions reached in this connection by the competent bodies of the League of Nations, to which the above resolution and the resolution adopted on the same subject by the Santiago Conference had been transmitted by the Governing Body.
Resolution concerning Seamen’s Wages, submitted by the Government Delegates of the United States of America

The resolution is worded as follows:

"Whereas the preservation of equitable competitive conditions in international shipping requires comprehensive current information on wages paid to seamen on vessels engaged in international trade; and

Whereas the International Labour Office has made an excellent beginning in the collection and publication of such information, notably in the Maritime Statistical Handbook printed for the use of this Conference;

Therefore, the Conference requests the Governing Body to consider the advisability of directing the International Labour Office to continue and to extend its work in this direction by the periodic collection and compilation of information on the wages of seamen currently employed on sea-going merchant vessels of the principal maritime countries of the world, and all other matters relating to competitive conditions."

As the resolution states, the Office published in 1936 an important study of the salaries and wages of merchant marine personnel. The part of the Maritime Statistical Handbook which deals with wages covers about 100 pages and shows the rates of wages paid during the summer of 1936 or as near that date as possible.

Since then the Office has been publishing new information in articles which appear from time to time in Industrial and Labour Information and in successive issues of the I.L.O. Year-Book. It is intended to publish a second edition of the Maritime Statistical Handbook as soon as circumstances permit.

The words "other matters relating to competitive conditions" no doubt refer more especially to such questions as trade reserved to vessels flying the national flag, maritime subsidies, and discrimination between flags. The Office has some information on these subjects and intends to consult the Joint Maritime Commission at its next session on the plan and scope of an international study.

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1 Maritime Statistical Handbook, Studies and Reports, Series N, No. 21.
2 The Joint Maritime Commission was set up in 1920 and is a permanent body consisting of 9 representatives of the shipowners, 9 representatives of the seamen, and one representative each appointed by the employers' and workers' groups in the Governing Body. It is regularly consulted by the Governing Body in regard to all questions affecting maritime labour.
Resolution concerning Women Workers, submitted by Mr. McGrady and Miss Abbott, Government Delegates of the United States of America

The resolution is worded as follows:

"Whereas, in view of the social and political changes of recent years and the fact that women workers have suffered from special forms of exploitation and discrimination in the past, there is need to re-examine their general position; and

Whereas it is for the best interests of society that, in addition to full political and civil rights and full opportunity for education, women should have full opportunity to work and should receive remuneration without discrimination because of sex and be protected by legislative safeguards against physically harmful conditions of employment and economic exploitation, including the safeguarding of motherhood; and

Whereas it is necessary that women as well as men should be guaranteed freedom of association by Governments and should be protected by social and labour legislation which world experience has shown to be effective in abolishing special exploitation of women workers; therefore be it

Resolved, that the Twenty-third Session of the International Labour Conference, while recognising that some of these principles lie within the competence of other international bodies, believes them to be of the greatest importance to workers in general and especially to women workers; and therefore requests the Governing Body to draw them to the attention of all Governments with a view to their establishment in law and in custom by legislative and administrative action."

This resolution was, in accordance with its own terms, communicated to the Governments of all Member States of the International Labour Organisation.

The Office has received from several Governments very interesting replies, showing that the Governments in question agree with the views stated in the resolution and setting out what has been done in this connection in their various countries. Since then the Office has followed the suggestion contained in the resolution and published a detailed study on "The Law and Women's Work" (Studies and Reports, Series I, No. 4).

Resolution concerning the Fixing of the Maximum Weight of Loads to be Transported by Workers, submitted by Mr. Dominguez Aspiazo, Cuban Workers' Delegate

The resolution is worded as follows:

"The Twenty-fourth Session of the International Labour Conference, Considering that it is still the practice in certain countries to require men to carry on their backs sacks or other packages so heavy as to
THE RESOLUTIONS OF THE SANTIAGO CONFERENCE

require an effort exceeding human strength or likely to injure the health of the workers;
Considering that some of such sacks and packages are sent all over the world and that consequently the fixing of their maximum weight is a matter of international interest;
Requests the Governing Body of the International Labour Office to consider the desirability of placing on the agenda of an early session of the Conference the question of the fixing of the maximum weight of loads, packages and sacks to be transported by workers."

At its Eighty-fifth Session in October 1938, the Governing Body had before it an Office report on this subject, from which it appeared that at the time very few national laws and regulations contained definite provisions limiting the weight of loads; the only provisions which were fairly common were those concerning loads carried by women or children. Since, on the other hand, scientific studies concerning the physiological optimum load have led to results which are inapplicable in practice, one might secure an empirical limit of 75 kg., as desired by certain workers' organisations.

Pending the submission of definite proposals to which there would be some chance of securing the general agreement of Governments, the Governing Body decided to place the question of fixing the maximum weight of loads to be transported by workers on the list of questions proposed for the agenda of the Conference; the Governing Body examines this list whenever it draws up the agenda of a given session.

Resolution concerning the Question of the Indemnities due to Workers in case of Dismissal, submitted by Mr. Alamo Ybarra, Venezuelan Government Delegate

The resolution is worded as follows:

"Considering that the question of the indemnities due to workers in case of dismissal has given rise to considerable difficulties in certain countries:
The Conference requests the Governing Body to consider the desirability of instructing the International Labour Office to make a special study of this question with a view to placing it on the agenda of an early session of the International Labour Conference."

This question, like that dealt with in the preceding resolution, has been placed by the Governing Body on the list of problems to be considered whenever the agenda of a given Conference session is drawn up.

The competent services of the Office are engaged in research on the subject, which has already been dealt with in a study concerning
contracts of employment, published in the *International Labour Review* (June, July and August issues, 1935) and, with reference to salaried employees, in a report on notice of and compensation for dismissal of salaried employees, submitted to the Advisory Committee on Salaried Employees in November 1936.

**Resolution concerning the Convening of a Second Regional Conference of American States which are Members of the International Labour Organisation, submitted by the Delegates of Several Countries**

In consequence of this resolution, signed by a great many delegates from American countries, the Governing Body decided to call at Havana the Second Labour Conference of American countries which are Members of the International Labour Organisation.

**Twenty-fifth Session — 1939**

**Resolution concerning Judicial Bodies for the Enforcement of Labour Legislation and the Rapid Functioning of such Bodies, submitted by Mr. Ramirez MacGregor and Mr. Diez, Government Delegates, Mr. Canejo, Employers' Delegate, and Mr. Armand, Workers' Delegate, of Venezuela**

The resolution is worded as follows:

"Whereas it is desirable that, parallel with the development and standardisation of labour legislation, the judicial bodies entrusted with its enforcement and the procedure followed for this purpose should develop on the same lines, since these various aspects of labour law play equally important parts in social questions;

Whereas, although the judicial systems and their procedure must necessarily be based on the legal conceptions and circumstances peculiar to each country, special courts for the enforcement of labour legislation and the procedure they follow may well be based on certain general principles, without interfering with those conceptions and special circumstances;

Whereas the existence of special courts and of a speedy and adequate procedure has given satisfactory results in the decision of questions relating to the enforcement of labour legislation:

The Conference requests the Governing Body of the International Labour Office to consider the desirability of placing on the agenda of one of the next sessions of the Conference a question concerning special courts for the enforcement of labour legislation and the functioning of such courts in a speedy and adequate manner."

At its Eighty-ninth Session, to be held at Oslo in October 1939, the Governing Body will have to consider the effect to be given to this resolution.
CONCLUSIONS

The preceding pages show in brief the action which the International Labour Organisation has taken on each of the resolutions adopted by the Santiago Conference. Obviously this does not give a complete picture of the effect of that Conference on the work of the Organisation. Apart from its direct consequences, an indirect influence was exercised by this first Labour Conference of the American States which are Members of the Organisation. But, as has been shown, it is extremely difficult to distinguish between the measures which result directly from the resolutions of the Conference and those which were adopted after the Conference had been held, and might not have been adopted at all if it had not taken place. It will be sufficient to point out, after the brief survey given above, that almost every aspect of the activity of the International Labour Organisation has been influenced more or less profoundly by the results of the Santiago Conference. The valuable contacts for which it provided an opportunity have made themselves felt not only in the work of the International Labour Office, but also in the International Labour Conference and the Governing Body.

It has been shown above how, in the most varied spheres, the recommendations put forward by the Santiago Conference have, in the last three years, gradually become incorporated in the life of the Organisation. In connection with international labour legislation, social insurance, migration, economic problems, the conditions of work of women and children, and many other subjects, it will be noted that in these three years the part played by the countries of America in the Organisation has become much larger than in the past, and that at the same time these States are able to avail themselves more fully of the services which the international Labour Organisation can render them.

The Santiago Conference, which represented the first opportunity of formulating the desires of the States of America, has been the starting-point for far more systematic and comprehensive cooperation than in the past. It has done more than the attendance of delegations from those countries at the International Labour Conference for many years to show what the States of America
expected from the Organisation and what were the special characteristics of social problems as they arose in these countries. The direct contacts established at that time have since been greatly amplified. Owing to the collaboration of a large number of experts from the countries of America, the engagement of more officials who are nationals of those countries, and the development of the network of branch offices and national correspondents on the American Continent, the Office is now in a position to secure detailed information on the development of social problems in the countries of America. Moreover, the development of its publications in the various languages used on the American Continent makes it easier for those concerned to utilise the results of its studies, both of general problems and of questions of special concern to American countries.

This progressive adaptation of the work of the Office to the needs of the countries of America coincides with an increasingly marked desire on the part of those States to achieve continuous social progress. Throughout the Continent, labour legislation is being developed on a really modern basis, and efforts are being made to protect the workers as effectively as possible against insecurity of employment, accident and sickness. From one end of the Continent to the other, social reform takes a prominent place in the preoccupations of the Governments, and administrative services to deal with social problems are created or adapted to new tasks. In some cases the International Labour Office has been asked by the national authorities to help in carrying out the work of social justice, and the Office is glad and proud to be in a position to do so.

The ratification of international labour Conventions and the incorporation of their provisions in national legislation is becoming more and more general. In view of these tendencies, which are noticeable throughout the whole continent, the Office cannot fail to congratulate itself on the fortunate circumstance that it was found possible to convene the Santiago Conference at so opportune a time. The proposal to hold the Conference was, moreover, in itself a manifestation of this widespread movement, which is showing no sign of slackening but is indeed continuing to develop.

Nothing should be neglected in order to ensure that the cooperation of the American countries with the Organisation, which entered into a new phase with the Santiago Conference, may produce its full results. It has been shown that the Office is, in its daily work, constantly endeavouring to carry its investigations further in the directions indicated by the Santiago Conference.
It was no doubt necessary, after an interval of three years, to review what had been done to carry out the recommendations put forward at Santiago. In certain spheres it has not yet been possible to go as far as had been intended. There is still much ground to be covered; certain enquiries have still to be completed and certain reports to be published. A glance back over what has been accomplished in the last three years will, however, show that the progress made in a comparatively short time is considerable and augurs well for the future.

It will now be for the Havana Conference to give a new impetus to the work begun at Santiago, by defining the problems and aspirations which at the present time are occupying the attention of the American States in the social field. Its task will doubtless be facilitated by the account in which the Office has endeavoured to sum up the fruitful results of the Santiago Conference.