THE I.L.O. AND HUMAN RIGHTS


Report Presented by the International Labour Organisation to the International Conference on Human Rights, 1968

INTERNATIONAL LABOUR OFFICE GENEVA, 1968
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INTRODUCTION

I whole-heartedly welcome the decision by the General Assembly of the United Nations to designate 1968 as International Year for Human Rights and, as evidence of the unstinting support of the International Labour Organisation, I have decided to take the I.L.O.'s programme and activities in the field of human rights as the central theme of my Report to the 52nd (1968) Session of the International Labour Conference.

With their growing consciousness of their right to a way of life consonant with human dignity and their growing desire and impatience for conditions and guarantees that will secure them such a life, the peoples of the world are coming to attach greater importance to human rights. The work of the international organisations has not been without influence on this trend in public opinion, especially in the developing countries, through their practical activities of international technical co-operation and through dissemination of the ideals embodied in their constitutions and in the many international declarations, charters and other texts adopted over the years—ideals that have found their loftiest expression in the Universal Declaration of Human Rights and the two International Covenants drawn up by the United Nations, one on economic, social and cultural rights and the other on civil and political rights.

At the national level as well, there has been a natural trend towards greater emphasis on human rights under the influence of such factors as the new prospects opened up by technical progress, higher standards of education, the growth of mass media, the shrinkage of distance due to improved communications, the spread of the ideals of social progress and human betterment—in a word, the general upsurge of expectations which has affected all the peoples of the world in varying degrees and in different ways according to their stage of economic development and the political and social system under which they live. There are other no less powerful influences which have made the question of human rights a topical issue throughout the world—among them a new awareness of the serious consequences of ignoring or openly infringing these rights, or simply of failing to take resolute action to promote them. Examples of such consequences are the explosive effects of neglecting the
right of poverty-stricken populations to an elementary standard of well-being and security, and the outbreaks of violence which result sooner or later from denial of fundamental freedoms or thwarting of the demand of certain social groups for equality, with all the resultant dangers for the internal stability of States and the maintenance of world peace. Other examples are the failure of experiments in economic and social development conceived in essentially "technocratic" terms, without sufficiently considering the contribution required from the peoples themselves and the need to enlist their support by means taking proper account of human dignity. But while human rights at last seem likely to take their proper place among the major objectives of national policy, the fact remains that the urge to dominate, eagerness for gain and the forces of hatred, selfishness, prejudice and inertia still represent such serious obstacles that more effective ways of combining the efforts of all men of goodwill seem still to be needed.

My decision to devote this Report to human rights is only one reflection of the I.L.O.'s desire to make its contribution to the International Year for Human Rights. In the resolution that it adopted on the subject at its 50th (1966) Session, the Conference recorded its support in a number of different ways. In the first place, it emphasised that the protection and advancement of the human rights proclaimed in the Universal Declaration were of fundamental importance for the fulfilment of the objectives of the I.L.O., which should pursue its standard-setting activities in conformity with the articles of the Declaration lying within its competence and should meet the new challenge of rapidly changing conditions in all parts of the world. It also pointed to the urgent need for concerted and increased efforts at the international level, including increased allocations for technical co-operation projects as well as staff and financial resources to enable the I.L.O. and the United Nations to achieve their objectives in the field of human rights and ensure respect for these fundamental rights everywhere. The Conference then gave an undertaking to continue co-operation between the I.L.O. and the United Nations in the field of human rights. In addition, it took certain decisions concerning action to be taken by the I.L.O. itself. It appealed to member States which had ratified or would subsequently ratify the international labour Conventions relating to human rights to implement them fully and invited those that had not done so to ratify them before 1968. This appeal followed similar requests from the General Assembly of the United Nations and also from the General Conference and regional conferences of the I.L.O., and is in my view of the utmost importance because it reinforces the Organisation's own constant efforts to promote
acceptance and implementation of international labour Conventions. The Conference also called upon the employers’ and workers’ organisations in the member countries to intensify their efforts during the International Year for Human Rights to achieve the implementation of the objectives of the Universal Declaration, thus emphasising the important role of these organisations in the defence and promotion of human rights—a role in which they should, in my view, be assisted by this Organisation by every means in its power. Finally, the Conference invited the Governing Body of the International Labour Office to take the following action with respect to human rights questions falling within the competence of the I.L.O. : to promote the observance of fundamental human rights in all member States; to review and assess the role, objectives and activities of the I.L.O. in the field of human rights, including the possibilities of extending standard-setting activities in this field; to encourage technical co-operation projects and advisory missions designed to promote human rights objectives everywhere; and to consider the possibility of co-ordinating research, publicity, technical co-operation projects, advisory missions and standard-setting activities into a significant, concerted programme and of allocating adequate financial resources and staff to carry it out. I hope that my Report and the discussion of it by the Conference will be of assistance to the Governing Body, in carrying out the tasks so assigned to it by the Conference.

The activities of the International Labour Organisation in the field of human rights will henceforth be guided both by the Universal Declaration and the two Covenants on human rights, and by the Organisation’s own past work and experience in the discharge of its special responsibilities.

In the first place, the adoption of the Universal Declaration and the Covenants constitutes a recognition of the general trend towards inclusion among human rights of all forms of protection that can free man from fear and want—not only civil and political freedoms but economic, social and cultural rights as well. This has brought the human rights aspect of all the I.L.O.’s activities into particularly sharp relief. The clear recognition in the Universal Declaration that economic and social rights are the corollary of civil freedoms is largely due to the existence of the Constitution of the I.L.O., which preceded it by nearly 30 years and of the Declaration of Philadelphia, which did so by nearly five years. As the Organisation also took an active part in their preparation, the same can be said of the Covenants. Their great value, in my view, is that they combine in a single detailed statement all the rights and safeguards which world opinion regards as essential to ensure human
dignity. The I.L.O. has undertaken a comparative study of the provisions of the Covenants and of its own international labour Conventions and Recommendations so as to provide guidance for its future standard-setting activities.

A second point is that the principle of international supervision of the implementation of human rights, including fundamental economic and social rights, is now generally accepted and this gives a new dimension and unity of purpose to the efforts being made in this sphere, where the I.L.O. will continue to play a key part. In view of the number and importance of the rights recognised in the Covenant on economic, social and cultural rights which concern the I.L.O. directly, this Organisation will be, under the terms of the Covenant, one of the principal agents for carrying out its provisions—a task in which it will be assisted by its experience, standards, structure, powers under its Constitution, and procedures. As regards the rights and guarantees of particular concern to it in the Covenant on civil and political rights, namely freedom of association and the prohibition of forced labour, the I.L.O. will no doubt continue to provide the protection afforded under the relevant international labour Conventions since the Covenant specifically states that none of its provisions shall be interpreted as impairing the provisions in the Charter of the United Nations and in the constitutions of the specialised agencies which define the respective responsibilities of the organs of the United Nations and of the specialised agencies in regard to the matters dealt with in the Covenant. This is all the more important since the protection provided under the Covenant, which is necessarily general in character, is more specific under the relevant Conventions. Of course, the application of the Covenants will create some major problems of co-ordination between the various organisations concerned, which have already started to tackle this difficulty. The I.L.O. for its part will do everything to ensure that this co-ordination is as effective as possible.

In the third place, the I.L.O. will derive added support, which it greatly needs, from any measures that the organisations concerned may take, on the basis of the Covenants, to draw up a comprehensive set of obligations converting the juridical standards of the Universal Declaration into obligations which are formally binding on States. It is very much in its interest that, for example, rights which are not within its sphere but undoubtedly help to ensure the practical exercise of the rights and freedoms that do concern it should be protected as fully as possible at the international level. Thus, from the standpoint of safeguarding many of the rights and freedoms of direct concern to the I.L.O., it would be extremely helpful if the United Nations and the
specialised agencies were to enlarge their sphere of responsibility to include such rights as fundamental civic rights, freedom of thought, opinion and expression, freedom of information, the right of any person to take part in the conduct of public affairs in his country and the right of the people to express their will in honest elections. All these rights and freedoms are, in a general way, such as to assist in creating the conditions needed if individuals are to want to improve their lot and to be able to do so, while the international guarantee of the right to freedom from hunger and the right to health is obviously an essential preliminary to the achievement of satisfactory living conditions for all. The immediate practical value of the Covenants will, however, depend on the extent to which they are promptly and extensively ratified without reservations curtailing the scope of the obligations incurred, and also on the extent to which the procedures for implementation they provide for are in fact applied.

Whatever mutually complementary measures and concepts may mark future progress in the international promotion of human rights within the general framework afforded by the Universal Declaration, the I.L.O. will be able to give the other organisations the benefit of its experience. If the United Nations considers it desirable to encourage the adoption of a series of special Conventions, either on questions for which it is directly responsible or under the auspices of the specialised agencies, then the extensive network of international labour Conventions and the I.L.O.'s experience in matters concerning application (reports from governments, regular supervisory machinery, constitutional provisions concerning claims and complaints, special procedures for examining allegations of breaches of trade union rights, etc.), may be instructive, even though they may not always be applicable outside the tripartite structure of the I.L.O. If action at the regional level seems calculated to reinforce or replace world-wide measures, the I.L.O.'s co-operation with the Council of Europe in drafting and applying the European Social Charter and the European Social Security Code may also be worth studying.

Nevertheless, while the I.L.O. has already accumulated valuable experience on the measures that are needed to promote respect for fundamental human rights, it is still seeking the best way of fitting its operational activities into a properly concerted programme designed to promote human rights in general. This point was emphasised by the Conference in the resolution adopted at its 1966 Session, when it invited the Governing Body to devote special attention to this question. At a time when the I.L.O. proposes to focus its efforts more closely on the problems of the practical application of international labour standards
and of the effective realisation of the rights and freedoms with which it is concerned, the establishment of such a concerted programme obviously becomes a matter of the highest priority. I, for my part, would like to help in establishing this programme by calling attention to the exact nature and scope of the task awaiting us in this field.

To begin with, however, one should not forget what has already been accomplished as regards fundamental human rights. This is a sphere in which technical co-operation projects will have an expanding role, particularly under the programme to combat discrimination in employment and occupation and the special youth employment and training schemes. Our workers’ education activities also contribute towards the same result. These important directions of effort have already been decided upon and the main task now is to strengthen them in practice. In addition there are our major technical programmes, in which operational activities play a large part. These programmes, which are not normally regarded as falling directly within the sphere of action in favour of human rights, are nevertheless essential elements in such action, and this for two reasons.

In the first place, the material fulfilment of economic, social and cultural rights with which these programmes are mainly concerned, also helps—sometimes decisively—to realise fundamental aspirations to freedom and equality. No one, for example, will deny the importance of economic security in freeing man of fear in exercising his freedoms in every field by lessening the risks of doing so. To take only the freedoms of direct concern to the I.L.O., it is only in conditions of full employment that a worker can have a real opportunity of choosing his job freely. The right to work and to living and working conditions compatible with human dignity presupposes the right to vocational training and education in the broadest sense of the term (including trade union and co-operative education), which at the same time helps those who receive it to give a more positive form to their aspirations to freedom and to equality. A free man is more willing to share his advantages with his fellow men; any general improvement in the employment situation and living standards enhances each person’s chances of overcoming obstacles caused by his being initially disadvantaged.

Again, economic and social rights, while an end in themselves, cannot be achieved without promoting fundamental rights and freedoms. The essential justification for freedom of association is thus the defence of the economic and social rights of those concerned. The aim of freedom of labour is to enable workers to choose employment providing them with satisfactory conditions and economic security,
while at the same time affording them real opportunities of improving their living standards. The promotion of equality is only fully effective if it creates opportunities compatible with the requirements of human dignity in everyday life.

I think that it can safely be said that all the activities of the International Labour Organisation—whether standard-setting or operational—contribute, in accordance with its mission, to translating the rights and freedoms within its sphere into reality for the great mass of mankind. I feel that the main need now is to examine how to achieve closer co-ordination and a better balance between these activities so as to achieve the four principal objectives (freedom, equality, economic security, and dignity) forcefully stated by the Declaration of Philadelphia in the following terms: “All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.” But this can only be done if we have a clear picture of the relationship between the different spheres or activities of the I.L.O. from the standpoint of these objectives, and that is why I have tried to draw certain broad conclusions on this subject, even though aware that in so doing I could hardly avoid certain simplifications and must often confine myself to very general statements. The very existence of these relationships creates the difficult problem of setting each question against the background of the objective to which it is mainly related, while bearing in mind that in some respects it is also related to one or more other objectives (if so, I have usually mentioned the fact in passing). It has also been necessary to make allowance for the close interdependence of the major objectives themselves; that is why I have dealt with the promotion of dignity last, as I believe that it depends on the achievement of the other three objectives, while also entailing additional specific requirements which are largely dealt with in the relevant chapter. Thus, I have often had to make a choice in preparing the present Report and I hope that my endeavours will not have been in vain, if only because a discussion by the Conference of the very choices that arose will help to define the concept of man which the I.L.O. must endeavour to make prevail in all its operational activities.

This clear concept of man which must underlie our approach to each problem—no matter how apparently “technical” in character—is increasingly important to us because we all realise that the promotion of human rights cannot be left to itself and is not brought about automatically by development or economic growth. There must be a conscious and well-thought-out policy, which, while giving due weight to
the absolute need to raise standards of material wealth all round, will ensure that this wealth is devoted to ends that serve the freedom and dignity of man. Of course there can be no question of immediately realising our ideal of man in all respects, if only because man must first transform himself if he is to rise to his own ideals. This will no doubt be a lengthy process. But we must persevere in our efforts to make this idea a reality and keep it before us at all times, if only to be aware, whenever circumstances compel us to deviate from it, that we have done so; failing this we shall be reduced to making day-to-day compromises which will end by losing all purpose. Constant alertness to human rights is all the more important because full-scale programmes of economic and, above all, social policy will increasingly be needed to secure these rights. It is already difficult to enforce legal safeguards of rights and freedoms. It is even more difficult to promote rights which depend for their effective exercise on the carrying out of programmes involving a variety of forms of action. In the latter case it is more a question of designing as a whole the society best calculated to favour the fulfilment of these rights.

The I.L.O. is deeply committed to the struggle for economic development, and especially for industrialisation. In many of its activities it is doing all it can in its own sphere to hasten the development of the economically less advanced countries and so help to set the promotion of human rights on a solid foundation. But while it is increasingly engaged in operational activities directed towards very concrete ends, it has never lost sight of the fact that it is defending the concept of man embodied in its own constitutional instruments. It is from these that I have derived the surest guidance in preparing my Report.
PART ONE

I.L.O. MEANS OF ACTION IN THE HUMAN RIGHTS FIELD
CHAPTER I

FORMAL RECOGNITION OF HUMAN RIGHTS AND OF THE CONDITIONS FOR THEIR REALISATION

One of the objectives assigned to the I.L.O. under its Constitution is to encourage formal recognition of the human rights that lie within its field and of the conditions for their realisation. From the beginning it set itself the task of building up a body of international labour standards and of achieving their widest possible acceptance throughout the world.

The international standards established by the I.L.O. are set forth in a large number of Conventions and Recommendations; by 1 January 1968 the Conference had adopted more than 250 of these texts, which may be said to cover the fundamental freedoms and most of the economic and social rights now regarded as essential elements in the enjoyment of human dignity. At present over 4,500 ratifications of Conventions and declarations of application have created a closely woven network of legally binding international commitments between member States on a great variety of subjects connected directly or indirectly with those human rights that lie within the competence of the Organisation. Among the Conventions that have obtained the greatest number of ratifications are those concerned with freedom of association and with the prohibition of forced labour and of discrimination in employment and occupation. These Conventions all deal with fundamental freedoms to which the Organisation gives a special place among the human rights with which it is concerned.

In its standard-setting activities the I.L.O. has endeavoured to build, in successive stages, a solidly based structure capable of giving concrete results. The standards it has adopted are most commonly in the form of detailed (and sometimes highly technical) instruments; different texts deal separately with different questions and their inter-relationship is not immediately obvious. The general approach of the I.L.O. to its task has been to tackle problems in succession, framing the general aspirations in its sphere of activity in broad terms and breaking them down into a series of precise and definable problems in order to attack each of these in the light of its particular characteristics. The somewhat
empirical nature of its approach can also be seen in the way in which the I.L.O. has defined, outside the framework of its Conventions and Recommendations, numerous other principles of social policy, by way of decisions, resolutions, conclusions or reports of the International Labour Conference, of committees of experts, of regional or special conferences, or of bodies bringing together spokesmen of specific industries or categories of workers, etc. It is obvious that these principles, expressed in various ways, are not comparable with the Conventions and Recommendations adopted by the Conference since they do not entail the same obligations for the Members of the Organisation; nevertheless, they supplement in many ways the provisions of these international instruments. At the same time, the I.L.O. has realistically adopted a gradual approach towards the various rights and freedoms coming within its competence. Thus, it has on each occasion devoted a number of years to the patient elaboration through lengthy consultation and negotiation between governments, employers and workers, of measures designed to obtain the broadest possible acceptance. It has also taken a series of steps to permit periodic revision of Conventions after the passage of time and, more recently, also revision of Recommendations. Extensive use has been made of the procedure for the revision of Conventions, sometimes to make their provisions more flexible so as to facilitate their coming into force and sometimes to take account of changes that have occurred in economic and social conditions or to raise the existing standards in accordance with the progress achieved since their adoption. In other cases, the I.L.O. has been able to broaden the scope of a Convention or Recommendation, to supplement its provisions or to increase the protection provided, through the adoption of a new instrument that, while formally independent of the first, must be read parallel with it for proper understanding of the standards established by the I.L.O. Hence, in certain fields, such as hours of work and social security, political and historical circumstances have created what might be regarded as successive strata of I.L.O. instruments and standards.

Nor has the I.L.O. endeavoured to maintain an artificial uniformity in its manner of dealing with different problems in the field of human rights. The obligations placed on member States have been formulated with the degree of flexibility called for by the nature of each question. Thus the I.L.O. has often formulated general principles in Conventions and placed provisions of a more practical or detailed nature in supplementing Recommendations which are without binding force. As I pointed out in my Report on the programme and structure of the I.L.O., submitted to the 1963 and 1964 Sessions of the Conference, many
Recommendations are now worked out with such care and precision that they have as much value for the guidance of national action as the provisions of a Convention. Taken as a whole, the Recommendations exercise a definite influence as practical standards, even though they are not binding on the States. The I.L.O. has also been able, where experience has shown that this is possible and desirable, to make the provisions of the instruments adopted sufficiently flexible to take account of differing national conditions. Such flexibility may relate to objectives, the range of persons covered, the standards to be achieved, the regions covered or the methods or stages of implementation.

There is one last feature of the standard-setting activity of the I.L.O. for the promotion of human rights that seems to me worthy of special mention. The existing body of standards covers both individual freedoms and rights as such, and the means of ensuring that they can be effectively exercised. The latter may be covered by provisions for guarantees additional to the recognition of fundamental principles, for the establishment of suitable procedures and institutions to safeguard or promote all or some of the rights recognised or for the development of comprehensive policies to create the practical conditions for effective exercise of a number of rights. The rights and freedoms within the competence of the I.L.O. that have been proclaimed as such represent different aspects of the four main objectives in the Declaration of Philadelphia relative to human rights. While certain rights, such as the right to work, the right to conditions of work and life compatible with human dignity or the right to equality of opportunity, are essentially goals to be reached, others, such as freedom of association and the right to collective bargaining are not only objectives but also represent means of action that can render great service to the cause of all the rights and freedoms that concern us. The guarantees required to enable the individual to enjoy these rights are not the same in the case of rights to be achieved through specific programmes of action, as the guarantees required in the case of rights giving rise to definite legal procedures. By the very nature of things, all existing provisions need to be reconsidered at regular intervals to take account of changing needs and conditions. International labour legislation, like every other branch of law, must be constantly adapted to a changing world.

As regards the institutional framework required for safeguarding of the rights and freedoms with which the I.L.O. is concerned, the international labour standards naturally give a leading place to effective systems of labour inspection, for these are a means equally important both in promoting and in defending all the rights in question. The body of standards in this field is constantly growing, as may be seen from
the discussion at the present session of the International Labour Conference of a proposed instrument concerning labour inspection in agriculture.

A comparatively recent trend in the standard-setting work has been towards a more comprehensive approach situating the action required within an over-all policy. This is most clearly seen in the instruments concerning employment policy and is an encouraging development. It introduces an element of systematisation that is the necessary final stage of the long years of practical standard-setting since the foundation of the I.L.O. and that is a necessary condition for effective redeployment of its efforts on behalf of human rights. Perhaps the suggestions made below concerning the various rights and freedoms that must be promoted if the great objectives of the Declaration of Philadelphia are to be attained will lead the Conference to consider laying down standards to be observed in the formulation of comprehensive policies in fields other than that of employment policy.

Throughout its endeavours to build up a really comprehensive system of international labour standards, the I.L.O. has been acutely aware of the fundamental need to ensure that these standards are as broadly accepted as possible. It has sought to apply the lessons learned from its long experience in this field by employing various methods to assist in having the standards accepted as part of the normal order in each country. Apart from the provisions intended to provide flexibility in the Conventions, which have already been mentioned and which are, of course, intended to enable member States to attain certain essential objectives more easily while taking account of the specific characteristics of each, various appeals have been addressed to member States by, on the one hand, the Conference, the Governing Body, regional meetings and various technical bodies, and, on the other, by the General Assembly of the United Nations itself in resolution No. 2081 (XX), calling on them to ratify international labour Conventions. To ensure that public opinion can support the standard-setting activity of the Organisation, the Constitution of the I.L.O. has, ever since its inception in 1919, placed an obligation on member States to submit within a specified period the instruments adopted to the competent authority or authorities so that they may be incorporated into the law or other action taken. The I.L.O. has also endeavoured to assist member States in deciding on the possibility of applying and ratifying certain instruments both through direct provision of technical advice from the Office and by means of the general survey now undertaken every year by the Committee of Experts on the Application of Conventions and Recommendations of the position in respect of certain
selected instruments, both in countries that are bound by them and in those that are not. Finally, as many examples given below will show, all the technical co-operation activities of the I.L.O. are intended in the long run to establish the material conditions for the exercise of the various human rights and freedoms with which the I.L.O. is concerned and so to promote the application and ratification of its instruments.

The number of ratifications of international labour instruments has increased very considerably during the past ten years, and has now reached an imposing total, as can be seen from the table enclosed with the present Report. In considering such progress, however, regard must be had to the growing number of Conventions and of States Members. Viewed in this light, the results obtained may still be regarded as falling short of what might seem possible and desirable on the basis of the possibilities available to the countries and of international objectives. The practice resorted to increasingly in recent years of introducing flexibility into international labour standards—for example provisions enabling ratification to be limited to only certain Parts of an instrument or flexibility in the very wording of the standards (as in the instruments concerning discrimination, equal remuneration, and the more recent ones concerning employment and occupational safety)—has served its purpose. It is apparently only in exceptional cases that other and older formulas for introducing flexibility convinced the governments concerned that the latitude allowed them should encourage them to accept the instruments in question. Moreover, although the efforts made to promote the acceptance of the standards by the large federal States have been successful in such cases as those of Australia and Canada, it is obviously necessary to take account of the extent to which the federal authorities deem it appropriate and politically desirable to encourage action by the constituent units of the federation on the basis of international standards.

It may doubtless also be asked whether the I.L.O. has succeeded in achieving a reasonable balance between the desire to advance the cause of human rights and freedoms through the adoption of provisions as close to the ideal as possible and the concern to adopt standards that are not too high to secure acceptance by the greatest possible number of States—in short, whether the I.L.O. has succeeded in solving the fundamental problem of formulating standards that, while themselves representing a minimum, can nevertheless stimulate further progress. Has it, in particular, ensured that the I.L.O.'s concern for realism and flexibility does not jeopardise its essential objective, which is to raise labour standards in all countries? In some quarters the I.L.O. is the subject of reproach because of the modest results obtained, and the
flexibility of its standards is regarded, for example, more as a mark of ambiguity than of realism. It is difficult to give a final judgment in this connection, for the experience of the I.L.O. is unique and no basis for comparison exists to guide us.

Certain international labour standards which guarantee rights recognised in the Covenants are contained only, at least where certain sectors are concerned, in Recommendations. While the standards contained in Recommendations can prove very effective guides to national action and are invoked in the various countries in the same way as the standards contained in Conventions as precedents or examples by workers' organisations, government departments or members of Parliament calling for or recommending reforms in labour legislation, only the Conventions are genuine treaties entailing specific obligations for the countries ratifying them.

Even though the international labour standards are in many ways more complete and more detailed than the Covenants and already cover to a very great extent the various rights recognised by these Covenants in the fields with which the Organisation is concerned, the full consequences of certain principles set forth in the Universal Declaration of Human Rights and the two Covenants still remain to be drawn in detailed international labour Conventions and Recommendations, and, as I pointed out in 1963 and 1964, gaps certainly remain to be filled by new I.L.O. standards.

In its future work for the promotion of human rights, the I.L.O. must continue to develop a body of international labour standards that is as complete and as widely accepted by member States as possible, for these standards are the foundation for the protection that the I.L.O. can bring to workers and the Conventions remain the only means of creating a system of legal obligations having a real binding effect on States. To meet the wishes expressed by the Conference Committee on the Application of Conventions and Recommendations the I.L.O. will have to carry on its standard-setting activities with constant regard to human rights and the two Covenants of the United Nations. To this end it is important that close co-ordination should be established between I.L.O. standard-setting activities and those of all the other agencies of the United Nations family.

The various international agencies concerned must act together to establish in greater detail, referring wherever possible to existing international standards, the content of the rights enshrined in the two Covenants. The I.L.O., for its part, established some years ago a system of continuing co-operation with the other agencies of the United Nations family in the field of human rights.
In future, our standard-setting activities must be inspired by a desire for coherence and a spirit of realistic vigilance. At the same time it is to be hoped that the adoption of the United Nations Covenants will give a new impetus to the ratification of our Conventions. The Conference, associating itself with the hope expressed by the General Assembly of the United Nations, has invited the States Members of the I.L.O. to consider the possibility of an early ratification of, or accession to, these Covenants and to ratify and put into effect as soon as possible the Conventions already adopted by the I.L.O. on human rights. The ratification of the Covenants could not but advance the cause of human rights in that, even where the corresponding instruments of the I.L.O. were not ratified, it would enable I.L.O. organs to strengthen their own conclusions by referring to the principles contained in the Covenants.
CHAPTER II

GENERAL ACTION TOWARDS THE EFFECTIVE REALISATION OF HUMAN RIGHTS

INTERNATIONAL SUPERVISION OF THE APPLICATION OF STANDARDS

International supervision of the application of standards continues to be an essential element among the I.L.O.'s means of action in the field of human rights. Experience over several decades and the needs imposed by the solution of new problems have shown that innovations were necessary from time to time, and improved and more varied procedures and methods have thus been introduced, some of them being the natural consequence of growth in the membership of the Organisation and of the ever-increasing volume of reports on the application of Conventions and Recommendations that require examination by the supervisory bodies. Thus, certain procedures provided for in the original Constitution of the I.L.O. have been supplemented either through amendments to the Constitution or as experience was gained in implementation, while additional arrangements for supervision have been instituted to supplement the general procedures in cases of special importance such as the protection of trade union rights, which called for the establishment of parallel procedures in agreement with the United Nations. Moreover, when conflicts or divergences of view on questions within the purview of the I.L.O. arise between member States or between a member State and one or more organisations of employers or workers, recourse is being had with greater frequency to an impartial inquiry into such conflicts or divergences with a view to their solution.

Broadly speaking, both the major systems of supervision based on the I.L.O.'s long experience—the normal system of periodic control on the basis of reports submitted by governments and the complaints procedures—have a number of features in common, among which special emphasis must be attached to: the legal obligations on which their structures and operation depend; the distinction between the quasi-judicial stages entrusted to independent bodies and the political stages of examination which are the responsibility of the legislative and executive bodies of the Organisation; and the participation of workers' and employers' organisations or their representatives at certain junc-
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tures. Taken as a whole, the supervisory arrangements constitute a complex mechanism in which the various parties concerned find support with a view to the attainment of a common objective: to ensure that the control of the application of international labour standards will be carried out with the maximum effectiveness and with due regard to essential considerations of objectivity, impartiality and respect for the rule of law. Since the inception of the I.L.O.'s supervisory arrangements, one of their most remarkable features has been the continuing process of adaptation to new circumstances and requirements, which has called for decisions sometimes of the supervisory bodies themselves and sometimes of the Governing Body. In the light of this tradition, it is only normal to expect that further ways will arise of perfecting the existing procedures and methods of supervision so that they may be of increasingly positive service to the cause of human rights.

Since 1926 the Conference has had a special Committee on the Application of Conventions; a year later, the report of the Committee of Experts on the Application of Conventions became the basis for the work of the Conference Committee. In the light of the constitutional amendments of 1946, the purview of these Committees was extended to cover the application of Recommendations. On the initiative of the Committee of Experts on the Application of Conventions and Recommendations, and normally subject to the general positive reaction or decision of the Governing Body or of the Conference Committee, a number of procedural improvements have been introduced since 1949: a special and searching review of the first reports received from Members after ratification by them of an international labour Convention; comprehensive surveys of the position in both non-ratifying and ratifying countries in respect of the subject-matter of instruments on which reports are called for in a given year; the direct communication to governments of requests for supplementary information or of comments on minor points; the submission of detailed reports every two years; close review of the manner in which international standards are incorporated in internal law and of their practical application, based on statistical and other information.

The effective working of the procedure for the examination of reports depends on governments' supplying the detailed reports called for and replying fully to the observations and requests of the supervisory bodies. This examination allows an over-all assessment of the application of standards to be made and it is gratifying that, as the Committee of Experts noted in 1967, during the previous four years governments introduced changes in their law and practice in some 300 cases in respect of which observations and requests had been made by the
Committee. When governments fail to reply or even to report, the task of supervision is jeopardised; the late submission of reports also has the effect of limiting the full value of the examination by the Committee of Experts and by the Conference Committee, particularly in the case of the first report due after ratification of a Convention. Another problem is that some governments do not submit Conventions and Recommendations to the national legislative bodies, while others fail to do so within the prescribed time limits, thus disregarding the obligation which they undertook upon becoming Members of the I.L.O. This is an area in which further progress can still be made.

In 1967 the Committee of Experts drew attention in its report to the possible advantages of introducing further improvements, aimed at making possible a more complete examination of certain questions and a more fruitful dialogue with governments. It suggested that various means might be tried to establish more direct contact between a government and the Committee so that the facts and issues involved in certain cases could be examined more fully before the Committee made its suggestions or comments in specific situations. The Conference Committee considered these tentative suggestions at the 51st (1967) Session of the Conference; as its report indicates, "the general view which emerged from the discussion was that these possibilities fully merited further exploration, in view of the positive contribution they might make to the harmonious functioning of the supervisory machinery" 1. The Committee of Experts is now expected to submit more precise and detailed proposals as regards direct contacts, which would seem to hold out significant prospects of increasing the impact of international labour standards and of resolving or avoiding difficulties in the application of ratified Conventions. The Committee will no doubt examine other measures designed to enable it to deal with its growing workload without impairing the effectiveness of its work, in accordance with its own practice of seeking continuously to adapt its procedures and methods of work to current needs and circumstances while strictly adhering to the terms of reference and principles which guide its activity.

For its part, the Office continues to apply its resources to efforts aimed at assisting governments to meet the requirements of I.L.O. procedures and at aiding the Committee of Experts and the Conference Committee in the discharge of their functions. Direct assistance is provided to governments in the drafting or revision of labour laws and codes; regional seminars, the fourth of which was recently held in

Bangkok, are organised with a view to assisting government officials dealing with national and international labour standards and the holding of a special seminar later this year for Arab States is envisaged; fellowships for study in Geneva are awarded for the purpose of familiarising the officials concerned with supervision and reporting procedures, and special missions are undertaken by I.L.O. staff. A special unit is available at all general and regional Conferences of the I.L.O. to provide information to any delegates seeking clarification and guidance concerning the ratification and implementation of Conventions.

Technical co-operation experts are carefully briefed on I.L.O. standards relevant to their field of specialisation. Furthermore, within the framework of the decentralisation of I.L.O. activities, there is potential scope for the provision of certain types of assistance by our regional and area offices; at I.L.O. regional conferences and regional advisory committees discussions can also take place on the progress achieved and the difficulties encountered in the implementation of international labour standards. Moreover, in response to a request made by the Workers' group of the Conference Committee on the Application of Conventions and Recommendations, I am contemplating the organisation of short study sessions for Workers' delegates to the Conference who intend to participate in the work of that Committee. Some of these forms of assistance can enhance, directly or indirectly, the contribution the Office itself makes to the work of the supervisory bodies, particularly as regards the more complete information which I.L.O. officials can acquire at first hand in their work of assisting governments.

The development of the I.L.O.'s technical programmes also provides opportunities for gaining general public acceptance of the concepts involved in international labour standards, for devoting constant attention to the promotion of human rights and for assisting governments in meeting the requirements of the I.L.O.'s supervisory procedures. Such opportunities are envisaged, for example, under our promotional and educational programmes relating to discrimination in employment and occupation and in our workers' education seminars. The decision by the Governing Body to invite the American States Members of the I.L.O. to contribute to the preparation of a technical report on the progress achieved in applying the Employment Policy Recommendation, 1964 (No. 122), and on national manpower programmes, is another valuable experiment in combining supervisory arrangements with technical and operational activities; similarly, the proposed Joint U.N./I.L.O. Meeting of Experts on Youth Services, to be held in 1968, and the discussion on special youth programmes which will take place at the 1969 Session of the Conference meet both a specific technical need and
the need for clarification of policy and principles on a highly important human rights issue.

The existing procedures provide a reasonable range of forms in which the parties concerned can bring up cases of non-observance of the provisions of ratified instruments. They provide for the possibility of comment by employers' and workers' organisations on the reports submitted by their governments on ratified Conventions, for these organisations to make representations to the Governing Body, and for complaints concerning non-observance of a ratified Convention to be filed against a Member by another Member which has ratified the Convention in question; such complaints may also be brought by a delegate to the International Labour Conference or by the Governing Body itself, and provision is made for their referral to a Commission of Inquiry. The fact that these arrangements have been invoked but rarely should not give rise to any misunderstanding; on the occasions when they have been invoked, they have been vigorously and effectively applied. The mere possibility that recourse may be had to these more formal procedures may frequently enable problems to be resolved either at the national level or through the I.L.O. reporting procedures; they remain at all times in reserve for cases which may prove to be of such gravity that they cannot be settled satisfactorily without recourse to them.

The current expansion of human rights protection through procedures coming within the purview of different regional or international organisations should make a useful contribution to strengthening I.L.O. action aimed at securing the application of its own standards, in so far as such expansion is accompanied by the establishment of supervisory machinery relating to rights and freedoms which, while not themselves within the province of the I.L.O., must nevertheless be realised if the rights and freedoms of concern of the I.L.O. are to be effectively exercised.

The I.L.O. and the United Nations already co-operate in the procedure for the referral of complaints to the Fact-Finding and Conciliation Commission on Freedom of Association, while the I.L.O., the United Nations, the F.A.O., the W.H.O. and U.N.E.S.C.O. also co-operate, within the framework of regular periodic supervisory procedures, in matters concerning the application of the Indigenous and Tribal Populations Convention, 1957 (No. 107), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117). Consultations are at present being held with U.N.E.S.C.O. with a view to instituting co-operation in action against discrimination, the latter organisation having adopted a Convention against discrimination in education, and in securing the application of the joint U.N.E.S.C.O.-I.L.O. Recommen-
dation concerning the status of teachers. At the regional level arrangements have been made to co-operate with the Council of Europe in the implementation of the European Social Charter and the European Social Security Code, and it is to be hoped that similar collaboration will be organised in other continents whenever the opportunity arises.

The application of the United Nations Covenants also presupposes collaboration among all the organisations in the United Nations family. Broadly speaking, the methods of implementation prescribed by the Covenants and the procedure for supervising the application of international labour Conventions differ considerably. In particular, the Covenants do not provide for such detailed and varied supervisory procedures as those applicable to international labour Conventions and Recommendations. Even the complaints procedure provided for in the Covenant on civil and political rights, which goes further in this respect than the Covenant on economic, social and cultural rights, differs from that of the I.L.O., mainly in that complaints may only be presented by States Parties which have recognised the competence of the Human Rights Committee to deal with such matters, whereas under the Constitution of the I.L.O. the complaints procedure may be invoked by one Member against another when both have ratified the Convention to which the complaint relates, by a delegate to the Conference or by the Governing Body acting on its own initiative; furthermore, under the Covenants a complaint may not be referred to an ad hoc Conciliation Commission without the prior consent of the States Parties concerned, whereas, under the I.L.O. procedure the decision to refer a complaint to a Commission of Inquiry is taken by the Governing Body alone, and such referral implies an obligation to co-operate with the Commission. The I.L.O. has undertaken to co-operate fully in implementing the Covenants as far as the rights and freedoms within its competence are concerned.

As with the elaboration of international standards, the I.L.O. has been a pioneer in the field of international supervision of the application of these standards. Its work has not been accomplished without difficulties. We need only recall the initial opposition to the very idea of supervision, and the objections raised when the Committee of Experts on the Application of Conventions was set up, to realise how far we have come since then. But it must also be clearly borne in mind that the I.L.O. supervisory machinery, thorough and effective though it may be, leads in practice to moral sanctions only, even though article 33 of the Constitution specifically states that in the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the
decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith. The readiness of governments to co-operate is, however, in the final analysis the decisive factor in securing the effective application of international labour standards. The Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations, for their part, have done their utmost to ensure, by persuasion as well as by exerting their moral authority, that governments make a constructive contribution towards bringing about fuller application of these standards, and it is encouraging to note that this has very often been the case.

OPERATIONAL PROGRAMMES

Operational programmes now play an essential role in I.L.O. action in favour of human rights, helping not only to protect these rights by eliminating the obstacles which prevent them from being realised but also creating the conditions in which they may be exercised. The rights concerned cannot be dissociated from the standard-setting activities of the I.L.O. On the one hand, operational programmes must be inspired by the principles enunciated in Conventions and Recommendations, while facilitating their effective implementation, and, on the other, in framing standards inspiration and guidance should be sought in the operational programmes, with due allowance being made for the circumstances peculiar to each country resulting from its degree of economic and social advancement and its general political system. While there are cases where it seems possible to combine successfully these two major forms of I.L.O. action, it cannot be said that integration has always been fully achieved. One way of helping to bring this about would be for regional conferences and technical meetings to discuss the difficulties encountered in the practical application of standards and to indicate how technical co-operation activities may best contribute to overcoming them.

Before reviewing the different types of operational programme through which the I.L.O. serves the cause of human rights, I should like to make a few remarks of a general nature. For instance, it should be stressed that a firm commitment to promote human rights presupposes above all a plan of action inspired by the principles of social justice set forth in the Constitution of the I.L.O. and the Declaration of Philadelphia, which should constitute the essential goal of all human society. Secondly, technical co-operation must be adapted to the needs expressed by the governments, which may or may not be willing to make a
conscious effort to gear their development policy to the requirements of social justice. If a government is unwilling to do so, there will result a risk that our operational programmes may make only a haphazard contribution to the cause of human rights and that their effects, far from being cumulative, may even nullify each other.

In this connection, I should like to draw special attention to two problems which relate to fundamental aspects of general policy. First, the promotion of the rights and freedoms within the competence of the I.L.O. is obviously governed in large measure by the level of material wealth attained by the countries. This introduces factors as apparently irrelevant to human rights as policies concerning investment, taxation, credit, the balance of payments, etc., which may in the long run play a decisive role in bringing about the material conditions necessary for the exercise of these rights and freedoms. It is therefore important that the I.L.O. should, when defining the limits of the standard-setting aspect of its action, make ever-increasing allowance for these factors, while situating them in the context of the promotion of human rights, and that, with this end in view, it should plan a joint approach with the other organisations in the United Nations family which are more closely concerned with these elements of national policy. Second, decisions still remain to be taken on such questions of fundamental importance in planning concerted action on human rights as, for example, the relationship between economic planning and human rights promotion or the possible need to establish priorities as between different rights so that they become effective at different times, thus taking account of limitations imposed by the availability of resources. Although divergent views were expressed on these issues during the seminars on human rights organised by the United Nations in Kabul in 1964, in Dakar in 1966 and in Warsaw in 1967, the participants were able to reach agreement on a number of essential points. For instance, at the Kabul Seminar on Human Rights in Developing Countries, the consensus of opinion was that civil and political rights could be accorded immediately by all countries, whereas the full exercise of economic, social and cultural rights was bound up with economic development; at the Warsaw Seminar on the Realisation of Economic and Social Rights Contained in the Universal Declaration of Human Rights, on the other hand, the participants considered that human rights could not be graded; it was noted that there was a close relationship between political and civil rights and economic and social rights, and it was also recognised that freedom and democratic development could only be secured on the basis of equality in social and economic life. As regards the I.L.O.—and partly by reason of the very nature of the matters
within its competence—it has never established priorities as between the different human rights and freedoms within its purview. At the seminars in Kabul and in Warsaw, where the question of the relationship between economic planning or programming and human rights received particular attention, divergent views were expressed concerning the extent to which intervention by the public authorities was called for in economic and social life in order to ensure the effective exercise of all human rights, but, by and large, the main emphasis was on the safeguards to be provided within the framework of planning. Whatever the economic and social system of a particular country, it is always important to provide guarantees of all kinds necessary to ensure that human rights and freedoms are not disregarded.

Certain methods of action which have been used successfully in the past may today be called in question, whether by reason of doubt as to the nature of the institutions called upon to shoulder different responsibilities—public, private or combined institutions—or as to the level—national, industry, undertaking—at which certain types of action may most effectively be taken. This is why the solving of many problems, particularly those encountered in fields such as employment or social needs, where no decisive influence may be expected from the inter-play of spontaneous forces, calls for an attempt at programming or planning, presupposing intervention on an increasing scale by the public authorities. Likewise, changes may take place in the role, structure and methods of action of the workers’ and employers’ organisations following the introduction of planning. Broadly speaking, the importance to be attached to legislation where protection of human rights is involved is a subject for special study. There is a growing tendency to include guarantees of human rights, including economic and social rights, in constitutions. Hence certain fundamental aims of social policy are an integral part of the political and social order, and it is thus for the public authorities to take or encourage practical measures designed to guarantee the achievement of these aims. Legislation serves to define general economic and social policy, in more or less close conjunction with the constitutional guarantees establishing legally enforceable rights, and to establish the conditions, appeal procedures and institutional framework designed to guarantee economic, social and cultural rights and freedoms. Even where its effectiveness is impaired by prejudice, tradition or outlook, as is particularly the case in the campaign against discriminatory practices, it is coming to be increasingly recognised that legislation can play a major role. But the influence it exerts needs to be extended in other ways; first, legislation is only one of the sources of the indispensable legal standards and, second, practical measures and
education are necessary to strengthen the effect of legal standards. In this connection I should like to quote a highly significant passage in a recent Office study which, while dealing with equality in respect of employment, is nevertheless applicable to all the rights and freedoms with which the I.L.O. is concerned:

While, however, legal standards of equality in employment must be set against the background of general national policy, the fact remains that such standards do constitute a particularly impressive and clear-cut expression of the national will, and their importance in such a matter as this cannot be underestimated.

Their public character and the fact that they emanate from the highest organs of the State or the economy, are usually the work of the sovereign representative body and draw their strength from an executive with wide powers over public and economic life, from the authority and prestige of the judiciary or from the will of the employers' and workers' organisations as expressed in their policies and negotiations covering wide sectors of economic and social life, gives these standards, irrespective of their actual legal content, an exceptionally great potential influence and ability to attract public support and approval for a national policy of equality in respect of employment. . . .

There can be no doubt that some of the key measures taken by public authorities may be—and to a large extent are bound to be—essentially practical or administrative in character, e.g. equality of opportunity in the public service or in the day-to-day work of official bodies concerned with training, employment and working conditions.

Apart from or in addition to statutory or other standards, information, education and propaganda measures can be highly effective in dealing with the general public and with the many aspects of employment relationships which are not subject to supervision by the public authorities.

The practical opportunities open to the public authorities in their dealings with employers' and workers' organisations and other representative or civic bodies by means of consultation, negotiation and other efforts to associate them with, or involve them in, a given policy are also important; nor should any voluntary work which these organisations may carry out on their own initiative be overlooked.

Lastly, the feelings and attitudes of individuals and the pattern and traditions of the society concerned are bound to affect the nature and extent of the problem in each country, and hence the relative importance of official practices and legal standards in solving them.\(^1\)

Whatever aspects of general policy are given the greatest prominence in individual countries, it is essential that all concerned should themselves be associated as closely as possible with our technical co-operation activities, this being in the long run one of the most effective means of ensuring that due account is taken of their aspirations concerning human rights. The I.L.O. has already given thought to the question of the participation of employers' and workers' organisations in technical co-operation, and as recently as last year the Conference

emphasised in a resolution concerning the I.L.O. and technical co-operation that the participation of such organisations in the framing of development policies and in the establishment of technical co-operation priorities, having regard to national practice, was essential to the success of projects and that the Office should seek means of bringing about such participation. The Office is constantly endeavouring to do so, but it is easier to solve the problem of ensuring participation at the implementation stage—many governments facilitate this by setting up tripartite committees at the national or regional level, for instance, or by introducing procedures for regular consultation—than at the planning stage, which is nevertheless even more important. "The Office does not decide on the content of projects and governments have the final say in this connection. In the last resort it is up to the employers and workers themselves, in consultation with the authorities, to devise ways and means of participating more actively in official decisions."1 In this connection the operational programmes of the I.L.O., which are designed to help workers and employers to associate themselves in ensuring that their interests are properly represented, and to exercise a genuine "right to social participation", may be expected to yield good results and governments should make a point of encouraging them.

Technical assistance in introducing and developing labour administration and inspection is also a factor of considerable importance in the general promotion of the rights and freedoms within the purview of the I.L.O.

Labour administration should be the instrument of an enlightened social policy, which it should help to define and implement harmoniously and effectively. In fulfilling its functions of promoting, safeguarding and defending economic and social rights its role in regard to them is preventive, executive and occasionally jurisdictional. It is hardly necessary to recall the part labour administration can play in the framing and enforcement of laws and regulations in the key areas of social policy. It should be particularly broad in scope and action where sufficient use is not made of other institutions with the same social objectives, such as collective bargaining procedures.

The I.L.O. considers it to be of the greatest importance that every country should have a labour inspection service worthy of the name, since it is obvious that labour legislation without inspection will represent far more a theoretical exercise than a body of binding social obligations. Its operational programmes in this field are guided by a

set of standards among which special mention may be made of the Labour Inspection Convention (No. 81) and Recommendation (No. 81) of 1947. The Conference is at present examining proposals for similar instruments covering agriculture.

Despite all the efforts made, labour administration, even in industrialised countries, is often not given the attention it deserves as a part of public administration. After some 15 years of operational activities in this field, the time has come for the I.L.O. to state the present situation in order to bring about throughout the world a better understanding of the essential part played by labour administration in the protection of human rights.

Turning to operational programmes in the field of research, it is obvious that these also have their place in I.L.O. action to promote human rights. The Office might, for example, undertake research into methods of protecting the rights of the individual as regards work, and seek—possibly with a view to the adoption of international standards—to determine the principles which should attach to administrative and judicial procedures, supervision and conciliation machinery, the possibilities of appeal, petition or expression, guarantees concerning participation and representation, etc. With more particular reference to appeal procedures open to individuals, emphasis should be laid on the important role of judicial institutions such as labour courts and the ordinary courts in the settlement of disputes concerning labour questions, either as the principal method of settling such disputes or complementing other methods, or as a last resort.

Informational and educational activities help the workers better to acquaint themselves with the rights to which they can lay claim, either in virtue of national law or of the international commitments entered into by their country, and with the facilities of all kinds (procedures for collective action, individual appeals, institutions for the safeguarding and defence of rights, etc.) available to them.

The organisation of meetings on problems relating to human rights may also serve a useful purpose. The I.L.O. has already taken an active part in the three United Nations seminars on human rights to which reference has been made above, as well as in the seminar on apartheid held in Brasilia in 1966. It is essential for it to continue to participate in the United Nations advisory services programme in the field of human rights; the I.L.O. interest in the subjects to be discussed at future meetings—freedom of association and racial discrimination, for instance, due for discussion in 1968—is such that there is no doubt that this type of activity will become a regular feature of its work in the future. The question arises as to whether the I.L.O. should itself contemplate
organising seminars or meetings on the human rights problems of more particular concern to it, destined for audiences appropriate to its structure, as has already been envisaged in connection with the achievement of equality in economic and social progress.

One of the chief requirements of any informational or educational activity is that it should reach as wide an audience as possible. The I.L.O. has begun to consider which large-scale publicity media are the most suitable for this purpose, bearing in mind recent technological progress and the difficulties peculiar to the developing countries. There is a wide range of means of disseminating information on the human rights with which the I.L.O. is concerned: lectures, broadcast talks, television programmes, the distribution of explanatory leaflets of a practical nature, elementary courses as part of the vocational training and technical education syllabus, posters, films, the press, etc.

The workers' education programme is one of the most important practical ways in which the I.L.O. takes action on behalf of human rights. Workers' education manuals are published in a number of languages and the Office encourages any initiative which may be taken by individual countries to make them available to a wider public by translating them into additional languages or by bringing out simplified versions. In this connection a useful contribution has been made by the series of seminars on teaching about the I.L.O. and its work (held in Geneva in 1965, in the Middle East in 1966, and in Asia in 1967). One of the subjects dealt with at these seminars was international standards, including the Conventions concerning the fundamental human rights. A detailed study was made of the way in which effect is given to them and the part the workers should play in this respect. It should not be forgotten, however, that workers' education either fails completely to reach the vast mass of unorganised workers or does so only in a very limited way, a point which is especially true of rural workers; this is a serious shortcoming which calls for remedial action.

Whatever the field with which they are concerned—technical assistance, research, information or education—the I.L.O.'s operational programmes should be fitted into the broader framework of the activities of the United Nations family as a whole for the promotion of human rights. Its special knowledge of the problems ofconcerting different forms of practical action with a view to the attainment of objectives laid down in standards may be of great value to other intergovernmental organisations striving to attain parallel objectives, while for the I.L.O. itself the support represented by the action of these organisations and the framework in which it is undertaken is indispensable.
PART TWO

THE MAJOR OBJECTIVES OF THE I.L.O.
UNDER THE DECLARATION
OF PHILADELPHIA
CHAPTER III

FREEDOM

FREEDOM OF ASSOCIATION

Among the basic human rights and freedoms of concern to the I.L.O., freedom of association is unique since for the I.L.O., based on tripartism, it represents an indispensable element for the proper functioning of the Organisation. Acknowledged as a principle in the Preamble to the Constitution of the I.L.O. and vigorously reaffirmed, together with the principle of freedom of expression, in the Declaration of Philadelphia, freedom of association is also an essential condition for steady advance towards the goal of social justice. It enables the workers to give expression to their aspirations. It strengthens their position in collective bargaining, by re-establishing a balance in the strength of the parties. By providing a channel for labour to participate in the framing and carrying out of economic and social policies, it constitutes a necessary counter-weight to the power wielded by the State in a modern economy. Finally, it helps to bring about a better climate of labour-management relations and thus contributes to social peace as well as to social justice.

Freedom of association was won in individual countries only after long and bitter struggles, including, at times, bloodshed. At an earlier stage—which has now generally been left behind—any attempt to organise, particularly by workers, was regarded as a form of conspiracy and punished as such. Thus there was no other escape from intolerable poverty except by resort to violence. As a result of past struggles, the right to organise by occupations is increasingly recognised, even where it is not set forth in constitutions or laws. Internationally, the principle of freedom of association with the right to organise was only embodied in the body of international labour standards at a relatively late date. Although the Right of Association (Agriculture) Convention (No. 11), adopted in 1921, laid down that agricultural workers shall enjoy the same rights of association and combination as industrial workers, for many years thereafter efforts to reach agreement on a general Convention guaranteeing freedom of association were unsuccessful. In 1948,
however, the Freedom of Association and Protection of the Right to Organise Convention (No. 87) was adopted and in the following year the Right to Organise and Collective Bargaining Convention (No. 98). These are the basic instruments concerning freedom of association adopted by the International Labour Conference.\(^1\)

The 1948 Convention provides that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. It also provides for certain rights and guarantees permitting these organisations, and any federations or confederations they may establish, to draw up their own constitutions and rules, to organise their administration and activities, and to formulate their programmes, without any interference from the public authorities which would restrict this right or impede its lawful exercise. The Convention also lays down that member countries ratifying it shall take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise. The 1949 Convention, which supplements these standards, contains provisions to protect workers against anti-union discrimination (especially as regards recruitment and dismissal), and also to afford workers' and employers' organisations adequate protection against acts of interference by each other or each other's agents or members in their establishment, functioning, or administration. Under this Convention, appropriate machinery must be set up to ensure respect for the right to organise and measures must be taken to promote voluntary negotiation of collective agreements. Of all the international labour Conventions, these two are among those which have been ratified by the greatest number of States.\(^2\)

These standards have been reinforced by a number of Recommendations and resolutions adopted subsequently concerning various aspects of labour-management relations (negotiation of collective agreements, voluntary conciliation and arbitration, co-operation at the level of the undertaking, consultations between employers and workers, and the right to strike). Special mention should be made of the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), which urges appropriate measures to promote effective consultation and co-operation between public authorities and employers' and workers' organisations with a view to developing the economy as a whole or in-

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1 The Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), provides among other things, for "the rights of employers and employed alike to associate for all lawful purposes" and that occupational organisations are entitled to conclude collective agreements.

2 As of 1 January 1968, 76 ratifications of Convention No. 87 and 83 ratifications of Convention No. 98.
dividual branches of it, improving conditions of work and raising standards of living. The Recommendation specifies that such consultation and co-operation should not derogate from freedom of association or from the rights of employers' and workers' organisations, including their right of collective bargaining.

There is no provision in any international labour Convention or Recommendation specifically recognising the right to strike or defining the extent to which it may be exercised. While the International Covenant on economic, social and cultural rights recognises this right it does so provided that the right is exercised "in conformity with the laws of the particular country"; this, quite clearly, constitutes an appreciable restriction on its scope. The case-law built up by the I.L.O. organs responsible for supervising observance of freedom of association defines the circumstances in which, and the extent to which, restrictions may reasonably be imposed on the right to strike (procedures to be observed before a strike is called, special restrictions on the right to strike when essential public services are involved, guarantees to compensate for these restrictions, and so on).

A resolution concerning freedom of association and protection of the right to organise unanimously adopted by the First African Regional Conference (Lagos, 1960) urgently appealed for recognition of "the right of all workers to go on strike in defence of their economic and social interests, after having exhausted all conciliation procedures provided for to this end by the legislation, or, failing legislation, by the practice of the country concerned."

In 1957 the General Conference, in a resolution calling for the abolition of anti-trade union legislation in member States of the I.L.O. (adopted by 89 votes in favour to 56, with 26 abstentions), urged the adoption of laws "ensuring the effective and unrestricted exercise of trade union rights, including the right to strike, by the workers."

These supplementary instruments and provisions are of interest for two reasons. First, if a guarantee of freedom of association is to offer any possibility of practical action, there must be effective machinery for settlement of disputes. Secondly, the encouragement given to collective bargaining and to the participation of occupational organisations in major decisions affecting the interests of their members helps to develop the effective exercise of freedom of association, particularly of the workers' right to establish occupational organisations, and thus highlight the practical advantages of such measures. These provisions, taken in conjunction with the I.L.O.'s activities in the field of labour relations (educational programmes, the work of the Industrial and analogous Committees and the technical assistance given to governments),
constitute a necessary counterpoint to the international guarantees of freedom of association.

It should also be noted that, in addition to recognising freedom of association, the Universal Declaration of Human Rights and the United Nations Covenants on human rights, respectively, recognise and guarantee civil and political rights and freedoms which are in practice closely linked with respect for the right to organise, but are not expressly mentioned in the international labour Conventions on freedom of association.

The I.L.O. has shown the considerable importance it attaches to the observance in practice of the principles and guarantees of freedom of association by providing a special procedure, to supplement the regular supervision of the application of international labour standards. Thus, an allegation of infringement of freedom of association, even when made against a State which has not ratified the relevant Conventions, can be examined in a constructive spirit, with the result that the Organisation is able to give valuable assistance in solving the difficulties encountered and in promoting general respect for its aims. The Fact-Finding and Conciliation Commission on Freedom of Association, which since its establishment has had to consider only two complaints, has hitherto been handicapped by the need to obtain the consent of governments before it can act. Nevertheless, where it has acted, it has produced extremely useful results. In the case of the Governing Body Committee on Freedom of Association, more than 500 complaints have so far been examined, and there has been a steady rise in the average number of cases considered by it each year. In almost all cases, this preliminary examination has been so effective that recourse to the Fact-Finding and Conciliation Commission has been unnecessary. In the light of the Committee's proposals, the Governing Body has frequently made recommendations urging countries to modify their legislation or their practice, and in numerous cases the countries have acted on such recommendations: the legislation in question has been repealed or amended, practices incompatible with the principle of freedom of association discontinued, situations giving rise to complaints put right, imprisoned trade union leaders released, and death sentences on trade unionists commuted. The jurisprudence developed by this Committee is largely based on the standards set out in the international labour Conventions on freedom of association, but also extends to certain matters not expressly dealt

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1 It should be noted, however, that in the case of a ratified Convention, the Governing Body may take the initiative in instituting the complaints procedure under article 26 of the Constitution without having to secure the prior consent of the government involved. It is fully entitled to do this on the basis of a complaint initially submitted to the Committee on Freedom of Association.
with in these Conventions and to questions which, while involving general human rights, also concern the effective exercise of trade union rights.

In a resolution on freedom of association adopted in 1964, the Conference invited the Governing Body to consider how best to strengthen the I.L.O. machinery for protection of freedom of association, which it considered to be still inadequate, and urged all governments to co-operate fully in strengthening the activities of the Organisation in this field.

The I.L.O. must continue to campaign for freedom of association, but it must not be blind to the harsh realities which are still a matter of everyday experience. Much remains to be done before freedom of association and the right to organise conform to I.L.O. standards. There are still numerous instances in which law and practice restrict the rights and safeguards provided for in the relevant Conventions. It is true to say that, although there are several countries where special restrictions imposed by law (chiefly on the workers' organisations) constitute a serious obstacle to the free exercise of the right to organise, and although certain forms of action, legitimate in themselves, were for long denied to workers or their organisations, the position today is that restrictions on trade union freedoms are more frequently encountered in cases where civil liberties in the general sense are also curtailed, e.g. the right of association in general, the right of assembly, freedom of thought and expression, freedom from arbitrary arrest, imprisonment or exile, or the right to a fair, public trial before an independent and impartial court, with a presumption of innocence until guilt is proved. As the Committee of Experts on the Application of Conventions and Recommendations pointed out in 1959, the exercise of freedom of association "necessarily reflects the more general background of the civil and political liberties enjoyed by the inhabitants of a country" and emphasised "the importance, in all countries, of maintaining the 'rule of law', which alone can ensure respect for fundamental human rights". It can only suffer, sometimes unduly, whenever exceptional measures are taken.

In some other countries, freedom of association is hampered by such factors as the multiplicity of small, scattered undertakings, with the result that the working class is widely dispersed; a high rate of labour turnover; open opposition by many employers to any strengthening of the workers' bargaining power; serious unemployment or underemployment, placing workers at their employer's mercy; illiteracy or a very low standard of education among the vast majority of workers, who are consequently unaware of their rights or of the value of combining in defence of their interests, and know little or nothing about
the nature and aims of trade unions; lack of solidarity between urban and rural workers; scarcity of trade union leaders, and so on. In such countries freedom of association often lacks a fundamental element for its promotion—the initiative of the workers themselves—and the situation as a whole is marked by the weakness of the trade union movement and the inadequate development of collective bargaining.

Where the economy is planned the relationship of the trade unions to the economy is inevitably changed. These changes are most far-reaching where the economy is planned completely. The effect of such changes may be to give the trade unions a new and important role in carrying out the economic plan, but to restrict substantially their freedom to act independently on behalf of their members. These are controversial questions to which different countries may give different answers. The Conference will no doubt discuss them and it must be expected that different views will be expressed. What must be regarded as vital, irrespective of the economic and social system, is that the trade unions should be in a position to voice effectively the views and interests of their members, when these diverge from the current policy of the State or of management.

In certain other countries the governments, anxious to avoid any dispersal of the effort for national development, strive to prevent a multiplicity of rival unions and to reduce the frequency of occupational disputes by taking various measures which at times may be incompatible with international labour standards. They may, for example, limit the right to establish organisations, dissolve some unions which already exist, force workers to join a single trade union organisation, supervise the choice of union leaders or the expenditure or other activities of trade unions, impose restrictions on the right of unions to join an international organisation, and so on. These are real problems which must be examined in the context in which they arise in the countries concerned. Once more, what is vital is the extent to which such arrangements leave the trade unions real freedom to express the views and defend the interests of their members.

Lastly, there are a good many countries, including some economically advanced ones, where trade union membership is often voluntary only in that the law does not require a worker to join or forbid him to do so and often does not define the rights of the individual respecting freedom of association. Yet practices which make employment dependent on whether or not he belongs to a union may impair his right to work and to equality of opportunity. Suffice it to say that as regards the vexed question of "union security" clauses and practices, which vary greatly from country to country, it was agreed, when
Convention No. 98 was adopted, that this instrument could not be interpreted as authorising or forbidding such clauses, and that such matters were to be settled by national regulation or in accordance with national practice.

The question of an individual's rights as regards union membership and union decisions becomes even more important when trade union membership is an important factor in security of employment and the workers' organisations have a special responsibility for ensuring that these rights are fully safeguarded. The importance of this problem was emphasised at the Fifth International Congress of Labour Law and Social Security (Lyons, 1963).¹

The promotion of freedom of association constantly encounters fresh problems. The new demands of efficiency, for example, may create genuine difficulties in this respect. This applies not only to developing countries but also to those that are economically advanced, where increased association of occupational organisations with major decisions of general economic and social policy involves greater concentration of efforts on their part. Whatever the difficulties we must not forget that the unions have a vital part to play in society in broadening and reinforcing the democratic system. It is all the more necessary that they should provide a genuine forum for all workers in a world where conflicts of interest between individuals and groups, and between these interests and those of society at large, show no signs of disappearing. While the denial of trade union rights invites violence, limitations on the freedom of individuals lead sooner or later to discontent with the trade union movement itself—which can only be harmful to the workers themselves and, in the long run, to society as a whole.

Every effort must be made to find ways of reconciling freedom and efficiency. It is certainly in the interests of the workers themselves to avoid the proliferation of occupational organisations and the State can help to promote a trend towards unity; it can, for example, promulgate legislation to encourage a broadening of union structure beyond the individual undertaking. It can grant the most representative unions certain special rights, chiefly in the field of collective bargaining. There must, of course, be impartial criteria and procedures for the granting of such rights and the determination of the “majority” trade unions should be periodically reviewed on the basis of these same criteria and procedures and without prejudice to the right of other unions to exist

¹ Clyde W. Summers: “Internal relations between trade unions and their members”, in International Labour Review (Geneva, I.L.O.), Vol. 91, No. 3, Mar. 1965, pp. 175-190. This article is based on the general report submitted to the Congress.
and operate in the ordinary way. The International Labour Office is
studying the safeguards that might be laid down to ensure an objective
choice of the “majority” union: for example, decision by an inde­
pendent body after a ballot among the workers concerned, other unions
being entitled to demand a further ballot after a certain period. Such
practices would encourage trade union unity without denying trade
union rights and without undue interference by the public authorities.
As I emphasised when replying to the discussion of my Report to the
Second African Regional Conference in Addis Ababa in 1964: “It is
the substance of representativeness rather than the form in which it
may be exercised that really counts. ... Rather, in recognising the
need ... for unity in the attack on poverty [the I.L.O.] would work
towards a real unity, the co-operation of real interests and not the
formal and fragile unity of a system imposed from above.”

As regards the further action of the I.L.O. to promote freedom of
association, consideration might be given to the holding of seminars to
study the problems to which the exercise of freedom of association gives
rise in the developing countries, and the relationship between trade
unionism, economic development and liberty. There are two other essen­
tial fields to which I should also like to draw special attention—workers’
education, and continued research with a view to overcoming certain
obstacles to the effective exercise of the right to organise.

Just as the mere fact of recognising the principle of freedom of
association does not in itself suffice to realise such freedom in practice,
the granting of specific rights and safeguards to those for whom this free­
dom is intended is not enough to ensure that they avail themselves of
it. If they are to be free to organise in accordance with their aspirations,
they must be aware of their rights and the ways of ensuring respect for
them, and they must have the material means and the qualifications
enabling them to establish well-organised occupational associations.
They must be able to defend these associations against undue encroach­
ment, and make effective use of them in the defence of their interests
during collective bargaining or when participating in the formulation of
national, social or economic policy. It is for this reason that the I.L.O.’s
workers’ education programme constitutes an essential part of its cam­
paign on behalf of freedom of association. All the assistance that the
I.L.O. provides in the training of trade unionists and of workers’ educa­
tion lecturers and organisers is designed to fit the workers to exercise
their trade union rights effectively.

Some of the inquiries and research undertaken by the Office may
indirectly assist this work of education in the interests of the right to
organise. I refer more especially to research into the reasons why some
categories of worker—women, young people, rural workers and non-manual workers more particularly—are apathetic in exercising their right to organise, and into possible remedial action. The demand for trade union rights for women and young workers in countries where the principle of such rights for all has long been acknowledged would seem to show that there are special problems involved in the exercise of these rights by such workers. This is by no means wholly attributable to external pressures or more or less tacit discrimination; it often means that to women and young workers the kind of trade unionism open to them appears unattractive. A recent meeting of consultants on workers' education placed special emphasis on ways of encouraging young workers to join and take a more active part in the trade union movement, while the workers' education programme itself devotes considerable attention to the promotion of trade unionism among women.

As far as the effective exercise of freedom of association is concerned, the usefulness of the research at present proceeding in the Office into ways of encouraging the creation of agricultural associations to represent the interests of independent and tenant farmers needs no elaboration. This research should enable us to make suggestions as to the kind of occupational association best suited to this particular class of workers, which may have the effect of encouraging them to make more effective use of their freedom to associate (in so far as certain groups having vested interests are not strongly opposed to such developments, as they frequently are). The practical details of how such encouragement should be given will also have to be worked out. It will be recalled that the various ways of encouraging the creation of such organisations considered by the Permanent Agricultural Committee at its Seventh Session included a suggestion to the effect that representatives of well-established organisations should be sent on brief missions to countries anxious to create such organisations or render those existing more effective by giving them the benefit of their experience. In addition, it was suggested that the I.L.O., in conjunction with certain inter-governmental or other organisations, could contribute more directly to the promotion of agricultural associations, either in conjunction with other technical co-operation activities (such as expansion of co-operatives or other aspects of rural development), or under separate projects. The Permanent Agricultural Committee, at this same session, urged that the I.L.O. and other United Nations agencies, especially the F.A.O. and the non-governmental organisations concerned, should collaborate more closely in order to bring about the establishment and the strengthening of the rights of rural organisations.
The Conference may also wish to consider whether more detailed standards could be drawn up in certain cases. There are as yet no such international standards in matters as vital to freedom of association as the protection of trade union funds, freedom in financial administration of unions (subject to safeguards in the interests of members), freedom in the holding of trade union meetings, guarantees of freedom in trade union elections, and ways of assessing the representative character of a union—although some of these guarantees are provided for in general terms, or implicitly, by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The adoption in due course of more detailed standards in these matters merits consideration, however, in view of the need to ensure that freedom of association, the recognition and promotion of which are among the primary objectives of our Organisation, is actually exercised in practice.

**FREEDOM OF LABOUR**

Steady progress in widening the concept of freedom of labour led recently to recognition of the right to freedom of choice of employment in the Employment Policy Convention (No. 122) and Recommendation (No. 122) of 1964, both of which stipulate that States should pursue an active policy designed to promote full, productive and freely chosen employment. These two instruments form the background against which problems arising in connection with the forced labour Conventions must be examined.

The Forced Labour Convention, 1930 (No. 29), was the first instrument in which the I.L.O. endeavoured to lay down a set of standards for the protection of a fundamental human right, and it is also the instrument which has obtained the largest number of ratifications (99 by 1 January 1968). This Convention provides for the abolition of forced or compulsory labour in all its forms, after a transitional period during which it may be used only for public purposes and as an exceptional measure, and subject to precise conditions and safeguards. When it was adopted, the I.L.O. was mainly concerned with the position in the colonial countries and certain independent States at a similar stage of development, and the Convention therefore deals mainly with the forms of forced labour for economic purposes employed in those countries. This instrument has now been supplemented by other Conventions and Recommendations on indigenous labour. However, it subsequently became clear that the cases covered by the Convention could also arise elsewhere.
At a later stage, the existence of systems of forced labour as a means of political coercion also attracted attention at the international level. Their abolition was one of the main objectives of the Abolition of Forced Labour Convention, 1957 (No. 105), which provides for the immediate and complete abolition of forced or compulsory labour for political purposes, as a method of mobilising and using labour for purposes of economic development, as a means of labour discipline, as a punishment for having participated in strikes and as a means of racial, social, national or religious discrimination. The Committee of Experts on the Application of Conventions and Recommendations will submit a comprehensive survey of the present position to the Conference this year in accordance with the request expressed by the Conference itself in 1965. Accordingly, I will confine myself here to noting a few points of special interest.

Some years ago, the Committee of Experts, noting the difficulty of making any accurate assessment of the present situation, called for a large-scale programme of research into the underlying reasons for certain measures which had created difficulties in practice and into the nature and objectives of recent legislation establishing various kinds of manpower mobilisation schemes, as well as into the actual working of such schemes. As a result of research carried out by the Office since then and the information contained in reports from governments, the general situation can now be seen much more clearly.

The schemes for mobilising human resources for economic development purposes that have been launched in the past few years are designed to make better use of the reserves of human capital available in the countries concerned, and to minimise the effects of acute shortages of financial, technical and administrative resources. Apparently, the tendency to make participation compulsory occurs mainly in youth services employed on economic and social development. In some instances, participation is imposed in the same way as an education programme or as a form of military service; elsewhere, individuals can volunteer for it during their period of military service or, more generally, are allowed to choose between different ways of performing a period of national service which they are required to serve in one way or another. Often several of these methods are combined.

In practice, it is common for schemes initially designed and described by law as a means of mobilising manpower on a large scale for development to be trimmed down, in the light of experience and the shortages just mentioned, to more modest dimensions, with the main emphasis on imparting to participants the rudiments of education and some vocational training which will be of use both to them when they
are subsequently resettled and also to the national economy. Many of the schemes also have a social purpose, such as enabling large numbers of jobless wishing to escape from forced unemployment or under-employment to make themselves useful while at the same time bettering their lot and learning habits of work which they have had little chance of acquiring otherwise; simultaneously, this human investment creates productive employment and therefore opportunities of lasting resettlement. In view of the state of the employment market, many of the "compulsory" schemes have attracted far more applicants than they needed. In cases where young graduates, technicians, etc., are mobilised to work in backward areas, there is another social purpose—the need to give the whole population the welfare, health, educational and other services to which it is entitled.

By and large, the Office research has shown that the question of compulsion to labour needs a fresh appraisal. For example, it is clear that recourse has often been had to various forms of compulsion in order to give as many people as possible the right to work or the right to certain social services; often these rights are recognised by the fundamental legislation of the countries concerned. Governments have usually acted in this way so as to cope with responsibilities which in their view were particularly pressing, and in economic circumstances where they could see no alternative. They presumably believed that these forms of compulsion were necessary to create conditions of full employment as soon as possible and need only be a transitional or emergency measure. These aims are fully understandable. Even so, the question must be asked whether formulas of this kind are not likely to endanger fundamental human rights, especially since they may sometimes progressively lose their transitional or emergency character. In the last analysis, it would seem that it is by giving suitable assistance in employment policy and by helping these governments to provide adequate opportunities of vocational training and employment that the I.L.O. can contribute most effectively to making freedom of labour a reality for all.

Thus, the priority given in I.L.O. action to human resources development represents a major contribution to the promotion of freedom of labour. The primary need is to devise ways and means of achieving full employment and speeding up economic development, while at the same time respecting human rights. This is the spirit governing the promotion of special youth employment and training schemes, which is on the agenda of the 1969 Session of the Conference with a view to the adoption of standards. The new standard-setting activities of the Conference in this field would have the twofold objective of encouraging
appropriate national policies and of suggesting guide-lines, making due allowance for national circumstances and practices, and for such safeguards as are necessary.

Another important aspect requiring our attention is whether, in the extremely difficult economic and social circumstances of the developing countries, the use of compulsion is justified in terms of efficiency. Investigations have already been made into the adverse results of compulsion solely from the standpoint of the economics of the schemes relying on it. It is well known, for example, that compulsory schemes may turn out to be more expensive and less efficient than voluntary schemes. Research is also going on into the kinds of incentives required to provide the necessary inducement to participate in human investment programmes or to work in conditions and places where there is a shortage of volunteers, whenever material benefits in the form of higher pay cannot be offered because of lack of resources. But it must be acknowledged that in this case a general political and social climate capable of inspiring the individual to contribute to the common effort is, in the last resort, the decisive factor.

It is also essential to clear up misunderstandings due to the fact that some legislation does not accurately describe the true nature of the schemes being established. Such legislation should be recast, not only in order to reflect the actual situation more precisely, but also to rule out the risk that it might be used for purposes which the governments themselves generally condemn. Some schemes now in operation are mainly training organisations, and seem to be based on considerations similar to those which led the I.L.O. to recognise, in various international labour Conventions, the need for compulsory education. In the case of young unemployed workers, in particular, the Unemployment (Young Persons) Recommendation, 1935 (No. 45), makes a distinction between employment centres, the main purpose of which is not vocational training but to provide work under other than normal conditions of employment, attendance at which should be strictly voluntary, and vocational training centres which unemployed young workers can be compelled to attend.

The I.L.O. has a duty to continue to look for constructive answers compatible with the maintenance of freedom of labour, while at the same time trying to create conditions which make it unnecessary to rely on compulsion. But we must not conceal from ourselves the extent and seriousness of the difficulties that can be invoked as a reason for resorting to compulsion. Even the industrialised countries have sometimes been unable to surmount them in any other way. It may be, therefore, that these difficulties may lead to further problems concerning
freedom of labour. One has only to think, for example, of the fresh problem, in the shape of an increase in the drain of highly skilled workers from the developing to the advanced countries, that might confront us if steps were to be taken to curtail their freedom to choose their place of employment.

Our future task in this field of freedom of labour is bound to grow more difficult, because there are so many spheres in which we shall have to strive ever harder in order to create the conditions in which freedom of labour, in its widest sense, can be effectively exercised.

In the first place, we shall have to endeavour to stamp out all forms of slavery, servitude and exploitation of workers which amount more or less openly to forced labour. An example of this is the labour imposed in many countries on thousands of workers, victims of their chronic indebtedness. Our Organisation has already dealt with this question; for example, the Protection of Wages Convention, 1949 (No. 95), contains a number of safeguards designed to eliminate such abuses, while the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), is particularly concerned to reduce forms of wage payment which foster indebtedness. As a recent I.L.O. report has shown, thousands of farm workers still live under systems of tenure entailing conditions akin to serfdom, especially in Latin America, but also in other parts of the world. This applies for instance to certain forms of tenure whereby agricultural workers, and often the members of their families also, are required to perform various services free of charge and to work for lower wages than other farm labourers in exchange for a plot of land for their own use. Such systems frequently give rise to abuse, even when legislation has been passed to abolish them. They continue owing to the farm workers' ignorance, the strength of custom and tradition, inadequate enforcement of the law and the inaccessibility of many areas. As was pointed out at the World Land Reform Conference in 1966, in some countries where land reforms have been undertaken which should help to abolish these forms of serfdom, political power is in fact in the hands of those who themselves exploit the tenants and it is rare for governments to make a real effort to enforce the land reform legislation they have passed. In this context it is worth quoting the point made at this conference by the Under-Secretary for Economic and Social Affairs of the United Nations Organisation:

"Land reform transcends even the distress we feel at the social plight

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of millions of the earth's workers whose life, to quote Gandhi's words, is nothing but 'a compulsory and eternal fast'. The problem is often placed in a context with which it is much more difficult to grapple: that of the actual structure of political and constitutional power, linked with certain features of the land tenure system."  

The campaign against the different forms of exploitation of other people's labour has still fallen far short of the results that were hoped for. For instance, the fact that slavery, the slave trade and institutions and practices similar to slavery had not yet been eliminated in all parts of the world, led in 1956 to the adoption by the United Nations of a Supplementary Convention on their abolition, which was designed to intensify the efforts being made, both nationally and internationally, to this end. The institutions and practices similar to slavery include debt servitude, serfdom and the exploitation of the persons or labour of children and young persons. In 1957 the I.L.O. adopted a Convention (No. 107) concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries, which included provisions to the effect that the exaction of compulsory personal services in any form, whether paid or unpaid, should be prohibited and punishable by law. Subsequently, in 1965, the Conference reaffirmed in a resolution on agrarian reform with particular reference to employment and social aspects, that personal services and other practices restricting the liberty of the individual should be abolished, together with any arrangements involving unpaid personal services in areas inhabited by indigenous and tribal groups. At the same time, it listed a whole series of measures needed to establish an economic, social and institutional framework within which the systems involving these forms of compulsion could be abolished. This year, the Conference will be holding its second discussion on the proposals for a Recommendation concerning the improvement of conditions of life and work of tenants, share-croppers and similar categories of agricultural workers; these include the need to protect such workers against the imposition by landowners of personal services in any form, whether paid or unpaid. Such imposition should be subject to appropriate penalties by the competent authorities.

In the second place, there should be a methodical survey of all the factors that may unduly curtail freedom in choice of employment, e.g. in the form of possible arbitrary decisions with no opportunity of appeal, or excessive restrictions on entry into or change of occupations, etc., quite apart from the overriding restriction on freedom of choice.

of employment entailed by lack of adequate training facilities and employ­ment outlets; this question is discussed at greater length in the section on the right to work in Chapter V. The fundamental problem here is to strike a happy medium between the need for a certain degree of organisation of the employment market, and the need for reasonable freedom for the individual in choosing his employment. There may be an arbitrary element at the stage of entry into employment in cases where, for example, it is made dependent on certain conditions as to age, completion of an apprenticeship, membership of a particular professional body, or approval by a professional or occupational body which is not required by law to justify its decision whether or not to permit an individual to exercise a particular occupation. Sometimes these decisions are not taken on objective grounds and it is important that there should be some machinery of appeal to appropriate bodies. Unwarranted restrictions on workers' freedom of employment may, for example, prevent them from leaving their jobs by requiring them first to obtain the consent of their employers or a public authority, or to give an unduly long period of notice. Although in the past few years there has been a tendency to relax or abolish restrictions of this kind, complete respect for the principle of freedom of choice in employment means that a worker must be at liberty to terminate a contract of employment of indefinite duration by serving a notice which represents a reasonable compromise between the interests of the two parties, having regard to the nature and responsibility of the job in question. The protection of workers against dismissal without good reason, which is provided for by the Termination of Employment Recommendation, 1963 (No. 119), and is increasingly recognised as a necessary form of social protection, cannot justify any restriction on the worker's right to leave his job at will. It would certainly be helpful to set precise standards to define and guarantee the exercise of this right. In fact, the whole question of labour discipline might well be made the subject of new standards so as to curtail possible infringements of individuals' freedom of choice in employment. The existing standards concerning the imposition of penal sanctions for breaches of contract of employment concern only indigenous workers, but as long ago as 1955, when the latest Convention on this subject was adopted, the Conference passed a resolution urging the desirability of adopting an instrument of extended scope as regards both the workers and the various types of breaches of contract of employment to be covered. No action has yet been taken on this Resolution.

The list of measures that should be taken to promote the effective exercise of the right of workers to change their employment, which is
an important aspect of freedom of choice of employment, is too long to be cited in detail here. It includes arrangements for transferring pension rights in the event of change of job, the building of living accommodation on a scale sufficient to eliminate tied housing, facilities for retraining in the event of lack of aptitude for a job, etc. These few examples show how action can involve the most varied aspects of social policy.

Nor is it possible to talk about genuine freedom to choose a job when would-be or existing workers are not able to choose their careers in accordance with their real desires and so cannot achieve personal satisfaction—a primary consideration if they are to feel free in their employment. Success in this direction, however, encounters exceptionally great difficulties, because, contrary to what happens in the case of most human rights and freedoms, where people usually have a fairly clear idea of what they want, even if not of how to achieve it, this is a field in which, although it is of fundamental importance, the overwhelming majority of individuals embarking on their careers are not aware of their own needs. Furthermore, the gap between the conditions required for self-fulfilment in work and the realities of the world of labour and the employment market is often so wide that those who would like to tackle this problem inevitably feel a certain discouragement. It is undoubtedly true that vocational and educational guidance, which could be one of the most effective approaches, is also one of the most neglected.

The I.L.O. has laid down the principles on which its efforts in the field of vocational guidance are based in the Vocational Guidance Recommendation, 1949 (No. 87), in which it emphasises that such guidance must be founded on the free and voluntary choice of the individual, and that its primary object is to give him full opportunity for personal development and satisfaction from work, with due regard for the most effective use of national manpower resources. The Recommendation states that vocational guidance is a continuous process, the fundamental principles of which are the same irrespective of the age of the individuals being counselled, and that facilities for vocational guidance schemes should be adapted to the needs peculiar to each country and should be adopted progressively. Some provisions of the Vocational Training Recommendation, 1962 (No. 117), are intended to ensure that the aim of vocational guidance—personal involvement—is continued at a later stage by emphasising that training is not an end in itself, but a means of developing a person’s occupational capacities, due account being taken of employment opportunities, and of enabling him to use his abilities to the greatest advantage to himself and the community; it should be
designed to develop personality, particularly where young persons are concerned. It adds that, irrespective of the method adopted, training schemes should respect freedom of occupational choice of the candidates.

Vocational guidance is not a priority objective of the economically less advanced countries, where it is still in an embryonic stage, and such services as are gradually evolving cater almost entirely for young people. In these countries, achievement of the objective of the right to work for all tends to be considered as far more urgent. Nevertheless, not only is the need being increasingly felt for fuller information about careers to prevent the many mistaken choices that are made through unawareness of the actual or potential outlets, but it is becoming more and more clear that to ignore workers’ inclinations and aptitudes is a very serious source of waste. In recent years there has been an increase in the number of countries obtaining aid from I.L.O. experts in such matters as aptitude testing and other selection techniques, especially in choosing individuals for large-scale vocational training schemes. This tendency, which is only just beginning, is reminiscent of the realisation by certain far more advanced countries of the disadvantages resulting from neglect of vocational and educational guidance and the placing of too much stress on the needs of society as a whole in order to hasten economic growth.

These countries, which usually have comprehensively planned economies, are now placing greater emphasis on methods of vocational and educational guidance which make it possible to reconcile the inclinations of young people with society’s need for various skills. In the economically less advanced countries the introduction of manpower forecasting, hastened by schemes for the development of human resources, is already yielding material which will be useful in any future expansion of educational and vocational guidance for young people, but it is essential to devise methods and techniques that are better suited to the special conditions of these countries.

While this problem, which is vital from the standpoint of the right to freedom of choice in employment, of achieving a reasonable balance between the demands of economic and social development and the preferences of individuals for certain careers, is still very far from having been solved satisfactorily in most of the developing countries, the same is not true of the industrialised countries. It is worth noting that the right of all, including the handicapped, to vocational guidance is embodied in the European Social Charter, which stipulates that help should be given free of charge not only to young people, including schoolchildren, but also to adults. Even so, a good deal still remains
to be done even in these countries as regards setting up educational and vocational guidance systems worthy of the name and providing the entire community with genuine freedom of choice in employment.

This rapid survey of the points that should be covered by any policy designed to give each individual effective freedom of choice in employment would be incomplete if I did not end by mentioning the need to abolish all the obstacles to this freedom, in the form of discrimination and inequality of opportunity or treatment, that still survive in every country in a wide variety of forms, such as family financial circumstances, social or geographical origin, race, sex, etc., which still determine the destiny of most individuals and give them only an extremely narrow range of choice—assuming they have any at all. This brings us to a new aspect of the work of the I.L.O., namely the fight against discrimination and the promotion of equality of opportunity.
CHAPTER IV

EQUALITY

The two major concerns of the I.L.O. in this sphere are the elimination of inequality of treatment and the promotion of equal opportunity, which are obviously closely inter-related. Indeed the body of interlocking measures called for in connection with these two problems should provide for the protection of individuals and groups against arbitrary actions by other persons or groups motivated by prejudice or hostility, the removal of de facto inequalities in the case of certain sections of the community, and the creation and maintenance of conditions which will enable all groups of society to enjoy increasing equality of opportunity and prospects of self-fulfilment and of improving their social and economic status.

The most comprehensive international labour standards on the subject are the Discrimination (Employment and Occupation) Convention (No. 111)—which had received 63 ratifications by 1 January 1968—and Recommendation (No. 111) adopted by the Conference in 1958. The stated object of these instruments is to secure the declaration and pursuance by Members of national policies designed to eliminate "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin", or such other distinction, exclusion or preference as may be determined by the Members concerned, "which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation", including access to vocational guidance and placement services, vocational training, access to employment and to particular occupations, advancement, security of tenure of employment, remuneration for work of equal value, and conditions of work, including hours of work, rest periods, annual holidays with pay, occupational safety and health and social security and welfare in connection with employment.

Other texts adopted by the Conference, including some 30 international labour Conventions and Recommendations and the Declaration concerning the Policy of Apartheid of the Republic of South Africa contain provisions of general scope regarding equality of opportunity and treatment or general anti-discrimination clauses, while others speci-
fically cover discrimination on such grounds as race (for instance *apartheid*), trade union affiliation, tribal association, nationality, marital status, age or disablement or in respect of particular categories of workers or particular groups of the population, such as indigenous and tribal populations, women and foreign workers and migrants.\(^1\)

**Elimination of Discriminatory Measures**

The persistence of artificial, irrelevant or arbitrary distinctions between individuals and social groups is a problem with many ramifications, to which a number of organisations of the United Nations family have devoted much attention. From the viewpoint of the I.L.O., the major factors in bringing about equality of treatment and opportunity are the elimination of policies and legal standards which establish or tolerate discrimination in employment and occupation, the removal of discriminatory practices and the institution of promotional and educational action aimed at changing attitudes and combating ignorance, intolerance and prejudice, which are agents of open or latent discrimination.

Discrimination on the basis of race or colour is one of its most malignant forms and has been categorically denounced in the international Convention on the elimination of all forms of racial discrimination adopted by the United Nations. It was also singled out for strong condemnation by the I.L.O. in 1938 when it rejected the Nazi doctrine of racial superiority and in 1964 when it adopted the Declaration concerning the Policy of *Apartheid* of the Republic of South Africa. Problems of this kind arise, however, not only in countries deliberately resorting to policies and measures of racial differentiation and segregation but also in countries pursuing a policy expressly designed to eliminate racial barriers and to achieve the recognition, enjoyment or exercise of human rights for all persons without distinction. As the Committee of Experts on the Application of Conventions and Recommendations observed in its report in 1963, “although, in its most elementary form, discrimination on account of race or colour stems from prejudice, it is often the result of differences in the degree of social and economic advancement, and may be complicated by conflicts of economic and sometimes political interests”. Indeed racial prejudice

is often observed where there are such conditions as great disparity of power and property in society, deprivation of socially disadvantaged groups living in urban ghettos, and stratification of economic tasks on the basis of considerations of caste and class.

Prejudice and irrationality can be so strongly entrenched that this type of discrimination can be adduced as the condition for the preservation of a rigid social order. Even considerations of self-interest are put aside when racialism is allowed to prevail, as I have pointed out in successive special Reports to the Conference on the policy of separate development or apartheid followed in the Republic of South Africa. These Reports show that the economic loss resulting from the policy of apartheid has been widely appreciated in South Africa, but that the policy has been deliberately maintained in the belief that greater prosperity should not be bought at the expense of the social pattern of the country.

In the United States the adoption, under the Civil Rights Act of 1964 and Executive Order 11246, of a complex set of provisions on equal opportunity, combined with the launching at many levels of the War on Poverty, is perhaps the most revealing contemporary example of action on a wide scale to combat discrimination based on race and colour, of the stubbornness of the underlying prejudice and intolerance, and of the explosive nature of the reaction of the populations discriminated against towards any groups or institutions which may persist in harbouring discrimination and denying equality. The reactions have, indeed, taken such a dramatic form and have shocked the social, political and economic system to such an extent that other countries, alert to the consequences of belated action, are increasingly turning their attention to the strengthening and further development of the statutory and voluntary measures needed to prevent the spread of racial intolerance and discrimination within their own boundaries and to contain or eliminate their most harmful manifestations.

While such problems are of major importance in countries where large groups of differing race or colour live together, they are no less serious when they affect the relations between different ethnic groups in immigration countries. Much needs to be done to broaden our knowledge of the effects of ethnic, religious and other factors on the real possibilities of assimilating small or large minorities of immigrant origin.

Whereas in certain advanced countries ethnic minorities constituting an unassimilated migrant group are giving cause for concern, in some developing countries new problems are arising. For example, Africanisation, as a means of eliminating the inequalities which existed before
the African nations became independent, can have the effect of cur­
tailing the educational and occupational opportunities previously open
to immigrant groups; tribal and ethnic communities can become rivals
in the battle for economic and political power, and differing degrees of
social and cultural advancement may expose certain individuals and
groups to the consequences of discrimination.

When special protection is given, or preferences and advantages are
established, in order to correct previous inequalities of treatment, it is
important that they should not give rise to a new type of discrimination,
for example through the perpetuation of such measures. Anticipating
the disadvantages which could result from the continuation of protec­
tion beyond the period necessary to remove the causes of inequality, the
Indigenous and Tribal Populations Convention, 1957 (No. 107), for
example, specifies that care should be taken to ensure that special
measures of protection will be continued only so long as there is need
for them and that they are not used as a means of creating or pro­
longing a state of segregation. Furthermore, all such measures should
be based on objective rather than ethnic, racial or other criteria, and
should take due account of the desirability of preserving different
cultures and hence the languages or religions to which they are related.
This is a complex problem in countries where minority languages
exist and may even be numerous and where the language in which
training is imparted or which is needed for communication in work
places may be quite outside the linguistic range of many individuals
and groups.

Differences of treatment on grounds of nationality present a different
but potentially difficult and serious problem. Under Article 6 of the
Migration for Employment Convention (Revised) 1949 (No. 97),
immigrants lawfully within the territory of a country are, in particular,
to be treated no less favourably than its own nationals in respect of a
number of matters, including conditions of employment, training, trade
union membership, and enjoyment of the benefits of collective bargain­
ing and accommodation, “is so far as such matters are regulated by
law or regulations, or are subject to the control of the administrative
authorities”.

That Convention also provides for substantial equality of treatment
in respect of social security benefits, except in as far as they are financed
on a non-contributory basis, i.e. from public funds. The Recommenda­
tion (No. 86) supplementing Convention No. 97 suggests that restric­
tions on employment should cease to be applied to migrants who have
regularly resided in the country for a minimum period not exceeding
five years.
Equality of treatment for non-nationals has been facilitated by the contemporary trend towards regional integration, as may be seen, for example, from the agreements concerning the conditions of work and the social security of Rhine boatmen, the interim European social security agreements concluded under the auspices of the Council of Europe in 1953, the European Convention on social security for workers engaged in international transport (1956), the European Social Security Convention (1957), subsequently transformed into Regulation No. 3 of the Council of the European Economic Community concerning social security for migrant workers, and the Social Security Convention approved in 1965 by the Labour and Social Welfare Council of the Organisation of Central American States. The I.L.O. made a substantial contribution to the technical aspects of the elaboration of these various instruments. The European Social Charter, in the preparation of which the I.L.O. also participated, goes further than Convention No. 97 both as regards the protection it assures in such matters as expulsion and the regrouping of family units and as regards scope, which is extended to self-employed workers.

A number of international labour Conventions, notably the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Equality of Treatment (Social Security) Convention, 1962 (No. 118), already provide for equality of treatment between nationals and non-nationals, subject to reciprocity or to the completion of periods of contribution, occupational activity or residence. The grant of medical assistance to migrant workers without discrimination on grounds of nationality is also provided for in Recommendation No. 86 and in the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100). A number of Conventions—the Repatriation of Seamen Convention, 1926 (No. 23), the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55), and the Social Security (Seafarers) Convention, 1946 (No. 70)—provide that in the event of unemployment, sickness, injury, death or repatriation, seamen should receive equal treatment, irrespective of nationality.

It may not be possible, in the near future, to succeed in establishing new or revised international standards on the subject of equal treatment for foreigners. This, however, should in no way discourage bilateral and multilateral negotiations in the various regions of the world, to which the I.L.O. will continue, as in the past, to lend any necessary support in the form of technical co-operation, drawing to the full on the experience it has gained through the important standard-setting and technical activities it has already undertaken in Europe and Latin America.
As regards discrimination based on sex, even before the adoption in 1958 of Convention and Recommendation No. 111, the I.L.O. had already taken action on certain aspects of this specific form of discrimination when it adopted, in 1951, the Equal Remuneration Convention (No. 100) and Recommendation (No. 90). Convention No. 100, which lays down that the principle of equal remuneration requires that rates of remuneration be established without discrimination based on sex, has been ratified by 60 States. Recommendation No. 90 provides, among other provisions designed to facilitate the application of this principle, for equality of opportunity and treatment for women workers in such matters as vocational guidance, vocational training, placement and access to various occupations and posts. In adopting these instruments the Conference thus took action in one of the fields in which discrimination is most widespread, as may be seen, for example, from the fact that, although the principle that "men and women should receive equal remuneration for work of equal value" was specifically included in the original text of the Constitution of the I.L.O. in 1919 among the general principles "of special and urgent importance", it was not until 1951 that the Conference adopted the Convention on the subject, which requires ratifying States to promote this principle, "by means appropriate to the methods in operation for determining rates of remuneration", and to ensure its application "in so far as is consistent with such methods". One of the main problems in eliminating this type of discrimination is the existence of so-called "women's jobs", or occupations in which only women are employed, so that there is no basis for direct comparison of rates of remuneration for men and women. The solution provided for this problem in the Equal Remuneration Convention is an "objective appraisal of jobs on the basis of the work to be performed". However, the issue is further complicated by the fact that "women's jobs" involve routine repetitive tasks and that the allegation that women are better suited to such jobs is often correct, because in many cases the education given to girls does not prepare them even for work requiring vocational training, much less for jobs calling for initiative or independent thought.

The job evaluation advocated by Convention No. 100 in this particular case could well be applied more widely with a view to eliminating discrimination on other grounds as well. Apart from contributing to a better organisation of work, such evaluation can also help to secure the application of two fundamental principles of equality of treatment, namely equal remuneration for work of equal value, and the principle that the structure of remuneration should reflect any differences ascertainable in the job content of different occupations and in the effort they
require in terms of education, training, personal diligence and adjustment to unfavourable working conditions. Viewed in this light job evaluation can serve as a starting point for the establishment of criteria which, being based on common principles, will promote equality in the relationship of any worker to any particular job, by taking account of differences between various operations or functions each of which requires different treatment, including special compensation for the discharge of exceptional responsibilities. In other words, job evaluation and classification imply that different individuals should be treated in the same manner to the extent that the requirements of their employment are equal, but in a different manner to the extent that they are not. The action taken by the I.L.O. towards the promotion of scientific management includes the contribution it made to an understanding of various job evaluation systems by publishing an international survey in this field. However, the usefulness of this method is still disputed, mainly by trade unions, which maintain that the principal result is to hamper collective bargaining and freeze the wage structure, and that it does not make enough allowances for rapid technological change.

Discrimination against women is also to be found in fields other than that of remuneration. I.L.O. surveys have shown that not only is the employment of women generally restricted, but the practice of not employing married women is accompanied by that of dismissing them on marriage; restrictions to their occupational advancement are imposed more or less openly; their participation in economic life is discouraged by the double taxation of the incomes of married couples; and different rules are applied for determining the eligibility of dependants for survivors' benefits. Although the improving status of women is helping to overcome the obstacles placed in their path, the different treatment to which they are subject is often sufficiently well concealed to avoid contravening constitutional and legal guarantees.

Discrimination is particularly difficult to expose when, instead of being open and unashamed, it takes the guise of special "protection". In some cases the discriminatory character of such so-called protection may be due to the arbitrary nature of the criteria used to determine its scope. A typical case is the prohibition of the employment of women on certain jobs, where their alleged inability to do the work, or the undesirability of having women perform it, is based on sex only and not on really objective criteria (medical, ergonomic, etc.).

There is much to be learned from the similarities and the differences between the most far-reaching kinds of discrimination—which are the

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most dangerous and the most difficult to eliminate—and the kinds that occur chiefly in employment and in respect of which we already know what action is called for, even though, unfortunately, it is not always possible to undertake it. Discrimination in employment tends to be open and to be justified by alleged general disabilities which, when they do exist, are in fact often no impediment for the purposes of the employment or occupation in respect of which they are invoked. Obvious examples are discrimination against disabled workers, which tends to be based on insufficient knowledge of the real effect of the handicaps in question, and discrimination against older workers, which, significantly enough, tends to disappear in situations of full employment. In a number of countries scientific and objective analysis of the relative abilities of the individuals concerned, combined with an objective assessment of occupational requirements and followed by action to bring the results to the attention of the general public and of the authorities responsible for counselling, training, placement and employment, has brought about a marked improvement. Opinion is somewhat divided on the value of legislation to prevent discrimination against such workers, but there is general agreement that a wider understanding of the facts provides the best foundation for effective action. The lesson to be drawn from the results achieved is that research and publicity on matters connected with this kind of discrimination are effective because it is based on assertions that can be fairly easily verified, whereas the more intractable kinds of discrimination tend to be based on sentiments which often are not openly expressed and may be accompanied by an obscure feeling that rational justification is not necessary; alternatively, assertions that cannot be easily verified may be advanced as justification for such discrimination.

A major obstacle to the effectiveness of any action the I.L.O. can take is that the roots of discrimination often lie so deep that by the time the individual begins his vocational training or enters apprenticeship or employment, which is the stage at which the I.L.O. can exert some influence, most of the harm has already been done, and may in fact be so far-reaching that those discriminated against become the unwitting accomplices of those who expose them to inequitable treatment.

Some of the most dangerous forms of discrimination arise when one nation is in open conflict with another and when particular political, religious or other beliefs are more closely identified with one nation than with the other. Nevertheless, intolerance and hatred cannot be conjured forth overnight; in general, they evolve gradually, starting from a foundation of pre-existing prejudice. Conversely, publicity campaigns aimed at eliminating discrimination, will be ineffective, no matter how well mounted and powerful they may be, unless the transmission of the
underlying prejudice itself is effectively combated. Not only must there be no transmission of prejudice; it is necessary to foster tolerance, which is largely an understanding of the features and aspirations common to all mankind and a recognition of the comparative unimportance of differences in physical characteristics or of the varying approaches which our fellow men, individually and collectively, adopt in their pursuit of basic objectives to which we all subscribe. This approach has already inspired Article VII of the United Nations Convention on the elimination of all forms of racial discrimination.

Discrimination relies on fear of differences between individuals or groups—fear based on ignorance of the real extent and implications of such differences—and usually becomes more pronounced where there are disparities in standards of living between the groups concerned, those with a higher standard having recourse to discrimination in their endeavours to defend their way of life. Such factors as more uniform living conditions, greater social mobility, changes in residential stratification and a common educational approach can materially help to reduce this fear. There will, however, always be some differences, and if people want to discriminate they will continue to do so, if necessary on the basis of differences which are constantly less objective. As regards upbringing, it will often be necessary to standardise the basis of education, and, more generally, the material conditions in which education is imparted should be sufficiently similar to give all children equality of opportunity.

Great importance must clearly be attached to the implementation of the Convention against discrimination in education adopted by U.N.E.S.C.O. in 1960. In their own field, international labour standards also provide some safeguards: the Vocational Training Recommendation, 1962 (No. 117), provides that training should be free from any form of discrimination on such grounds as race, colour, sex, religion, political opinion, national extraction or social origin. (The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) had already established similar provisions concerning access to vocational training).

Action to eliminate sub-standard housing is also of great importance. In this field the Workers’ Housing Recommendation, 1961 (No. 115), provides that public authorities giving financial assistance to housing programmes should ensure that tenancy or ownership of the houses shall not be refused on grounds of race, religion, political opinion or trade union membership.

In calling on States to act “by methods appropriate to national conditions and practice”, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), takes account of the diversity of forms of discrimination, of the problems particular to different societies and of
the variety of measures likely to be necessary and practical in coping with them. The Convention requires ratifying countries to “declare and pursue a national policy designed to promote... equality of opportunity and treatment”, but does not impose any inflexible obligation to introduce legal standards, leaving the choice and combination of possible measures for the formulation and application of such a policy to the government concerned. It is therefore not surprising that national legal standards vary widely, perhaps as much as does the manner of enforcing legislation against discrimination. The provisions contained in such legislation may introduce obligations or prohibitions or directly create rights for individuals, or they may be concerned essentially with setting objectives, establishing programmes of action and allocating resources to them. In view of the recognised principle that public authorities should be model employers, and because national legislation constitutes the most obvious safeguard against discrimination by them, the national authorities directly in control of employment or responsible for directing vocational guidance, vocational training and placement activities have precise obligations under the Convention, and the standards governing the action of such authorities can provide effective guidelines for voluntary action. For example, in many matters not covered directly by the public authorities, the opportunities which arise for co-operation with employers’ and workers’ organisations and other non-governmental bodies offer ample scope for associating them in the task of promoting the acceptance and observance of national policy on non-discrimination. Nor should the possibilities open to such organisations acting on their own initiative be underestimated, at least in so far as they may contribute to making the absence of discrimination a reality for their own members. Where discriminatory attitudes are particularly widespread and certain categories of persons risk being deprived of suitable employment opportunities or denied admission to trade unions, it may be necessary to impose the observance of specific non-discriminatory standards in private recruitment or to require trade unions, like employers, to apply non-discriminatory policies concerning equality of treatment and opportunity.

Collective or other agreements adopted by joint accord between management and labour can make an important contribution to the wider application of existing national legislation and can establish standards in such matters as recruitment, training and promotion, the organisation or allocation of work, discipline and dismissal, which are not always covered by legislation. The practice of inserting anti-discriminatory clauses in collective agreements first resulted from the desire to protect all workers in an undertaking against possible discrimination on
grounds of trade union membership, but has since been extended to include other possible grounds such as opinions, beliefs and social or racial origin.

Although it may be relatively easy for governments, if only by their example, greatly to reduce discrimination based on sex or nationality, a number of factors make it particularly difficult for them to take action against discrimination on such grounds as race, colour, belief, opinion, national extraction or social origin. For one thing, it is not always easy to identify discrimination as such if the grounds for it are not openly stated. Again, any democratic government must be able to rely on a substantial measure of public support, and the general public is often unaware of the existence of some kinds of discrimination, or indifferent to them or even favours them openly or secretly. As a result, the government may be unable to take direct action against discrimination without endangering the support on which it relies. It would therefore seem that in many cases priority must be given to educating public opinion and to affording the greatest possible encouragement to voluntary efforts. However, even when public opinion is generally favourable, governments may have to act with great caution in seeking to translate such a consensus of opinion on public policy into the practical and, possibly, far-reaching measures that may be required to combat a particular form of discrimination. On the other hand, non-governmental organisations, many of which are directly inspired by moral principles, may be expected to provide a salutary impetus to the awakening of the public conscience, and thus to play a very positive role in rallying public opinion in support of effective action. It is therefore important that promotional and educational programmes should be launched and pursued in close co-operation with any non-governmental organisations concerned.

Information, education and publicity can be of great value in disseminating awareness of the forms that discrimination takes and knowledge of positive methods of dealing with them; they can also serve to uncover some forms of inequality of treatment and opportunity that still escape notice and to draw attention to others which are at present outside the scope of action by the public authorities. As regards action at the international level, the I.L.O. is firmly convinced that, in order to strengthen the normal arrangements for supervising the application of the relevant instruments, it must undertake an intensive promotional and educational programme aimed at making non-discrimination an accepted policy and at increasing and spreading knowledge about the forms which national action in support of such a policy can take. As I have already pointed out, many forms of national action do not neces-
sarily require to be based on specific legal standards. Furthermore, the I.L.O. is endeavouring to bring about a change of emphasis in such promotional and educational activities and to accentuate the positive approach rather than dealing with the purely negative aspects of the existence of discrimination. For situations likely to breed discrimination often exist at a stage preceding individual arbitrary acts and it is therefore important that I.L.O. action, particularly in the field of technical co-operation, should assist member States to elaborate and implement appropriate policies and measures aimed at the positive promotion of equality of opportunity.

**Equality of Opportunity**

In the vast majority of countries the principle of equality is today a fundamental element of public law. But even if the public were unanimous in giving proof of its opposition to discrimination, in deed as well as in conviction, in most countries people would still be unable to avail themselves in conditions of equal opportunity of the freedoms and rights to which they should be entitled. This is often the result of failure to create conditions enabling all members of society to enjoy a growing measure of equality of opportunity by providing them with comparable prospects of advancement in all fields and, to mention the spheres of more direct concern to the I.L.O., in such matters as training and employment, conditions of work, productivity, the raising of personal incomes and the improvement of ways and standards of living. Differences in equality of opportunity can be traced to such factors as individual aptitudes or shortcomings (the most difficult to compensate as time passes), the variety of environments in which people grow up and live, which in certain cases can destroy real potentialities, the education, training and guidance they receive, and natural, accidental or exceptional events such as maternity, aging, sickness and injury. It has been found that persons from all sections of society, if assisted in their development without any artificial stress being laid on the real effects of various differences, have considerable capabilities in reserve and it is therefore important that governments should strive to help them by all possible means, however limited the resources may be, all the more so because those who must permanently face the most serious consequences of neglect are frequently the weakest elements in society, namely those groups characterised by more or less serious economic and social disadvantages from the outset. They are to be found not only in the less advanced areas of each country, but often in or near large and, generally, more affluent urban centres in which—as the Meeting of
Experts on Discrimination in Employment and Occupation emphasised in 1966—"this 'sub-culture of poverty' represents a monumental challenge with respect to equality of opportunity".

The redressing of inequalities, while avoiding the creation or perpetuation of differences which may result in or favour discrimination, is not alone a question of justice but a need which society as a whole is to a growing extent coming to recognise as a condition for its own stability and progress. The achievement of equality of access to and enjoyment of all human rights for all groups and individuals in society clearly requires a vast array of measures of economic and social policy—many of which are discussed in this Report—which go well beyond the framework of national legal standards; these measures have either already been incorporated into positive programmes of practical action or must find expression in such programmes if the right to equal opportunity is to be effectively enjoyed.

A basic factor which must be fully appreciated at the outset is that inequality has its deepest roots in poverty; poverty not only impairs opportunities generally, but often aggravates the consequence of inequalities due to individual characteristics or handicaps. Thus the promotion of equality of opportunity starts with the elimination of excessive inequalities in economic and social conditions among individuals or groups of individuals, with the intention at least of opening up better opportunities for the younger generations. Different levels of equality of opportunity can be attained, however, at various stages of development, and even when developing countries have not achieved high levels of economic growth the prospects of widening opportunities they offer are often no less encouraging than in most of the economically advanced countries. However difficult the realisation of economic equality may be, the improvement of the lot of the poorest sections of the population should clearly be our aim. In fact, income policies, to the extent that they are directed towards bringing about a redistribution of wealth, definitely include this aim. But, more generally, as a United Nations group of experts on social policy and the redistribution of income in the nation recently declared 1, it is important that equality of opportunity to acquire income at a given level and mobility in going from one income level to another be retained as feasible and desirable objectives in national policies regarding income distribution. Furthermore, every possible step should be taken to correct the maldistribution of social services among different classes or regions in a country and to ensure greater equality in the utilisation of such facilities as soon as they are

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more equitably distributed, since these two factors impede both mobility and equal opportunity and are largely responsible for the unfavourable circumstances which perpetuate inequalities of treatment and opportunity.

Barriers to equal opportunity are of many kinds. To overcome them, sustained and balanced economic growth is necessary. The policies adopted in different countries for this purpose may include measures to redistribute manpower, decentralise industry, promote agrarian reforms and changes in land tenure systems, and to employ fiscal policy and social security as instruments of income redistribution, reinforce action concerning education, training, health and social welfare and orient wage policies towards the establishment of adequate minimum wage rates and wage differentials for rural and urban occupations and for various regions. These measures may form part of a comprehensive national plan involving general control of the means of production, but are no less common in market economies. They are unlikely to be successful if population growth is so rapid that the necessary adjustments cannot be made. If development strategy favours industry over agriculture, if it does not make sufficient allowance for maximum development of employment and if it neglects the traditional economic sectors, it is certain that disparities in welfare will persist and that the application of the principle of equal opportunity will be delayed, at the very least by the time required to raise the lowest income to levels which will stimulate growth in the domestic market for goods and services. These and other problems must be faced in over-all development planning, since it is increasingly evident, both in economically advanced countries and in developing countries, that the implementation of the principle of equal opportunity requires the anticipation and solution of many of the problems to which it may give rise, including possible conflict of various rights and the problem of reconciling social considerations with economic and political imperatives.

A special effort needs to be made to promote equality of opportunity for rural populations as compared with the rest of the national community. This implies the promotion of rural development generally, with a view to improving both conditions of work and levels of living. Rural development is the greatest challenge facing most countries and all the international organisations today and is one to which the I.L.O. has yet to devote much of its own resources and ingenuity. In most cases what is needed is an integrated approach allowing the inter-related economic, institutional and social aspects of the problem to be tackled simultaneously through both co-ordinated national efforts and concerted action by international organisations. While seeking all possible ways
in which the I.L.O. may increase its contribution to rural development, we should examine whether new or revised standards applicable to rural and agricultural workers are needed with a view to bringing the existing standards into line with the modern approach and to eliminating any appreciable shortcomings they may reveal.

Existing international labour standards concerning agriculture are substantially less complete and up to date than those concerning industry, and it is not altogether surprising that this should be so; to some extent it is due to the nature of agricultural work and employment, the complex problems involved and the relative slowness with which trends in one of these sectors come to influence the other. In recent years, however, the problems of agricultural labour have again attained considerable prominence in I.L.O. standard-setting activities. The discussion at the 1965 Session of the Conference which led to the adoption of a resolution concerning agrarian reform, with particular reference to employment and social aspects, reinforced the trend and was followed by the examination at the 1967 Session and again this year of the question of the improvement of conditions of life and work of tenants, sharecroppers and similar categories of agricultural workers with a view to the adoption of a Recommendation. The Co-operatives (Developing Countries) Recommendation, 1966 (No. 127), represents another step in this direction. A particularly important contribution towards giving practical effect to the existing standards will be the discussion this year, to be completed in 1969, of the question of labour inspection in agriculture with a view to the adoption of international standards on this extremely important subject.

Small-scale undertakings producing handicrafts and industrial goods also present a special problem. Opportunities of increasing productivity are limited, although the raising of levels of living depends largely upon doing so; hence it is important that such undertakings are not neglected in over-all development efforts. Furthermore, the conditions of work and employment of workers in small-scale undertakings are often below the standard enjoyed by workers in the modern sector. In the I.L.O. programme considerable importance is attached to the development of handicrafts and small-scale industry. In order to promote equality of opportunity as regards satisfactory conditions of work and life, the special difficulties encountered in applying labour legislation to such undertakings will, however, require closer attention in future.

An outstanding example of the combination of I.L.O. work to promote rural development with its efforts to secure proper legal protection for workers is the action it has taken in favour of indigenous and tribal populations. The Indigenous and Tribal Populations Convention, 1957
(No. 107), provides for the protection and integration of such populations in the national community and states that national policies should include measures for enabling these populations to benefit on an equal footing from the rights and opportunities which national laws and regulations grant to the other elements of the population. The adoption of this Convention represents the culmination of international efforts initiated in 1926 to secure decent living and working conditions to the indigenous peoples of independent and non-metropolitan countries by eliminating the economic, social and cultural barriers which separate them from the rest of the population. It followed comprehensive preparation over a long period, marked by the adoption of such instruments on other more specific aspects of the general problem as the Recruiting of Indigenous Workers Convention, 1936 (No. 50), the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), and 1947 (No. 86), the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65), the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), and the Protection of Wages Convention, 1949 (No. 95). Through research and publications, meetings of experts and discussions in such tripartite bodies as the Permanent Agricultural Committee and the Conference of American States Members of the I.L.O., from 1936 onwards the special problems of indigenous peoples were identified and practical measures to cope with them were worked out in detail; when Convention No. 107 was adopted, an operational programme for the Andean Indian populations of South America had already been launched with the co-operation of the United Nations, the F.A.O., the W.H.O., U.N.E.S.C.O. and U.N.I.C.E.F. This programme remains to this day one of the most striking achievements of international technical co-operation on behalf of indigenous peoples in the Americas. In terms of the magnitude of the task, however, what is especially significant is not so much that an experimental multi-purpose project should have developed into a large-scale enterprise, with fundamentally practical objectives, in as many as eight countries of the Andean region, but that in some of these countries national integration plans conceived as an integral part of over-all development plans have been formulated and are being applied. Our experience with the Andean Indian Programme has also encouraged us to seek ways of applying its methods and approaches in other parts of the world and to other special cases, such as sedentary and nomadic tribal groups and tribal refugees.

Poverty and destitution undermine equality of opportunity from the stage of early childhood. Their elimination or alleviation appear to be the only decisive remedies to an evil which has been one of the main concerns of the I.L.O. since its creation and which implies particularly
difficult choices from the point of view of equality of opportunity, namely youth employment (mainly very young persons) and, still worse, child labour. Successive international labour Conventions have fixed the minimum age of entry to employment at 14 or 15 years. But the existence of these minimum age limits does not prevent many children from being put to work as early as the age of 4 or 5 in many developing countries, as was confirmed by recent I.L.O. inquiries in the Middle East, Asia and Latin America. One conclusion to be drawn from these inquiries is that, irrespective of any decision concerning the employment of children, equality of opportunity will often be sacrificed in vital fields: if child labour is prevented, children will often be deprived of their right to mere survival quite apart from the fact they will not necessarily enjoy the right to education, since the lack of schools and of pre-vocational training facilities will often result in their becoming vagrants or being completely abandoned to themselves; if, on the other hand, child labour is tolerated, children will be deprived of their right to health and to normal physical and mental development.

Special efforts are needed to enable the Conventions and Recommendations concerning minimum age of entry into employment to be applied in full or, when in certain circumstances this is not possible, to ensure that as a transitory measure and as a matter of the greatest importance to society the work of children is so regulated as to protect them against abuse and exploitation. There is, of course, a clear link between the abolition of child labour and the existence of adequate educational facilities up to school-leaving age. Moreover, special measures may be required in connection with the employment and, where possible, the preliminary training of children. Efforts should be made to initiate carefully selected pilot projects aimed at limiting and supervising child labour in areas where these problems are most serious; such projects should serve to demonstrate the value of integrated programmes aimed at protecting children against early employment and at ensuring general education, guidance, vocational training and entry to normal occupational life in the best possible conditions.

Poverty and other social or cultural disadvantages or handicaps due to ethnic origin also constitute a serious deterrent to the exercise of equality of opportunity in respect of education and training and, consequently, of employment, and all possible ways of minimising their effects should be investigated in the light of the principle stated in the Employment Policy Convention, 1964 (No. 122), that there should be "the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national
extraction or social origin". The Meeting of Experts on Discrimination in Employment and Occupation, held in 1966, took a first important step in this direction when it examined the question of vocational training. The Experts referred to various means by which governments of countries at different stages of development are promoting equality of opportunity in training, including the lowering of standards of admission for the benefit of disadvantaged classes, the establishment of national vocational training programmes supported by government funds and contributions from employers' and workers' organisations and the creation of training boards to encourage individual employers to widen and improve, by a system of levies and grants, their own training schemes. Despite much evidence to the effect that in a growing number of countries educational efforts are being concentrated on the most able individuals, irrespective of social origin—and this to a striking extent in developing countries (even greater, perhaps, than in many industrially advanced ones)—the fact remains that, as regards access to general education and standards of education, girls are often placed at a disadvantage compared with boys, a point which is also true of rural and indigenous populations as compared with urban residents. The Vocational Training Recommendation, 1962 (No. 117), proposes that due account be taken in the development of training facilities of "the existence of any population groups which, because of geographic isolation, ethnic differences or for any other reason, call for special consideration". The various methods advocated in international labour instruments (correspondence courses, itinerant teachers, mobile demonstration units, instruction by radio or television, literacy programmes, etc.) and the practice adopted by some countries of using young citizens undergoing periods of military or national service to educate and train others and to provide professional and social services for the population, or the promotion of special schemes for underprivileged youth and vulnerable groups of all ages seem to open up new prospects of equal opportunity. In addition, special emphasis should be laid on other measures to help youth overcome the handicaps of premature employment or unsatisfactory training and education. The Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), envisaged student-aid programmes for young persons over school-leaving age; the Vocational Training Recommendation, 1962 (No. 117), advocates adequate allowances for young trainees in need, release for training outside the undertaking during working hours without loss of pay and supplementary courses of general and technical education for those who do not pursue other training. Other forms of special assistance to youth may include scholarships (often more needed
in the early and finishing years of secondary education, when "dropping out" is most frequent), paid educational leave, and the utilisation of the period of compulsory military or national service to teach reading and writing and to give conscripts accelerated vocational training, which can be of quite an advanced standard, as shown by the experience of some highly industrialised countries. At a later stage in life, further compensating influences can be exerted through general measures of social promotion.

Improved access to employment and occupation can also be achieved with the help of the employment service, through its information, counselling and placement facilities, particularly as regards certain categories in special need of them because of individual characteristics or physiological handicaps. Thus, the Employment Service Convention (No. 88) and Recommendation (No. 83) of 1948 contain, inter alia, provisions concerning the special effort that should be made to encourage registration for employment by juveniles, to study the placement problems of the disabled and of young persons, and to develop adequate arrangements for the placement of women. The Vocational Guidance Recommendation, 1949 (No. 87), calls for special provision to be made in public vocational guidance facilities of young persons, including those in school, and describes in detail the principles and methods that should apply to them, as well as the nature of the administrative arrangements which should be made in this respect; the same instrument calls for the development of specialised employment counselling for physically disabled persons of all ages and for those suffering from personality disorders that hinder their vocational adjustment, which the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), covers in greater detail.

Equality of access to training, employment and occupation should, however, form part of an integrated approach, such as that implied by the modern conception of social advancement in some highly developed countries where it includes occupational advancement achieved by the individual's own efforts to improve his qualifications or to acquire higher ones, in either his own occupation or in another which he regards as affording better prospects, in order to improve his opportunities of rising in the occupational scale and, ultimately, in the social scale. This conception also includes collective advancement, which may be defined, for example, as consisting of arrangements for general education made by corporate groups, especially the trade unions, to enable workers to acquire, in spite of inequalities in the educational system, the knowledge—particularly of economic and social affairs—which they need for the proper discharge of their various responsibilities.
Equality of opportunity for social advancement could be given a powerful impetus by efforts at the international level to bring about a greater awareness of the basic principles to be observed and to outline suggestions which might be acted upon by the public authorities and the many occupational organisations and bodies concerned. It would also be desirable to outline general policies for the promotion of social and occupational mobility in countries at different stages of development, for the equitable advancement of different sectors of the population and of various ethnic, social and economic groups, and for the solution of the problems of equality of opportunity connected with the integration and advancement of immigrant workers and their families; such policies should include provision for overcoming or offsetting the historical handicaps of backward groups.

Of the various problems involved in promoting social advancement through equality of opportunity, one which undoubtedly calls for special attention is the democratisation of occupational advancement. Some progress has been made in the democratisation of education, although surveys in advanced countries show that the proportion of university students from homes of limited financial resources continues to be low. Measures to reduce the financial burden of studies, to review the content and duration of courses and examine the possibilities of cutting costs both to the student and the community, and to avoid situations in which studies are combined with paid employment should greatly contribute to the broadening of opportunities. Further democratisation of learning is, however, still needed, and the relationship between it and democratisation of occupational advancement calls for more intensive investigation, as do the roles to be played by the State, industry, the universities and other institutions of higher education at various levels, workers' organisations, co-operatives, friendly societies and occupational associations. The provision of different forms of material assistance (scholarships, grants, allowances, compensation for loss of earnings, maintenance of social benefits) may be desirable to obviate any social and financial handicaps which might result from the loss of earning capacity or time represented by periods of training. The Conference has already called upon member States to ensure the access of workers to various types of paid educational leave and the Office has been invited to compile information and undertake surveys with a view to the adoption of an international instrument in this field. Consideration also needs to be given to means of preventing the frustration of individual effort by restrictions on occupational mobility and on free choice of employment. Co-operation between manpower planning, employment and placement services and the various bodies in a position to provide guidelines for
a general policy of social advancement will be necessary, and it will also be necessary to determine, for instance, the distinctions to be drawn between the normal forms of vocational education, apprenticeship, initial or further training or retraining and the special forms of preparation for social advancement, such as upgrading training.

A review of the action called for in matters coming within the competence of the I.L.O. in order to deal with major causes of inequality and restore equality of opportunity would not be complete without mention of the special measures of protection or assistance necessary to compensate handicaps due to natural or accidental characteristics. Such categories, which have for long been the subject of I.L.O. attention, comprise young persons, women and the handicapped. The measures required are specific to each category, but they are all directed towards solving the basic problem of reconciling equality of opportunity as regards the right to health and to satisfactory working and living conditions with the right to work.

I propose, first, to mention some measures aimed at the protection of young persons and women. In the case of young persons, such measures are necessary because of their relative physical weakness and their lower level of intellectual or moral maturity, while, in the case of women workers, they are needed in order to take account of possible physical vulnerability, of the reproductive function of women and of their family responsibilities. In endeavouring to provide such protection, the international labour instruments envisage measures such as the prohibition of the employment of young persons or women on work which may be harmful to them, the provision of special safety and health safeguards and the regulation of their conditions of work. They fix the minimum age of employment at a higher level (18 years) in the case of particularly dangerous or unhealthy work, regulate the night work of women and young persons, provide for free medical examination of children and young persons under 18 years of age prior to employment and for regular medical supervision of children and young persons under 18 years of age (under 21 years in the case of occupations involving high health risks), and prohibit the employment of women on dangerous, unhealthy or arduous work. Some standards also provide that overtime shall be so arranged as to take due account of the special circumstances of young workers under 18, pregnant women and nursing mothers; they also advocate longer annual holidays with pay and weekly rest for young workers and the determination of appropriate standards governing the content and conclusion of contracts of apprenticeship. Finally, they recommend that, as regards the progressive reduction of hours of work, priority be given to industries and occupations in which
mainly women and young workers are employed and which involve particularly heavy physical or mental strain or health risks for them. Standards relating to maternity protection—in addition to those relating to maternity allowances, which will be examined later—provide for such special measures as the granting of adequate maternity leave, the prohibition of giving notice of dismissal during such leave and the provision, following confinement, of appropriate conditions of work for women with family responsibilities, including nursing breaks. The Equal Remuneration Recommendation, 1951 (No. 90), advocates the provision of welfare and social services to meet the needs of working mothers and lays down the principle that such services should be financed from general public funds, social security funds or industrial welfare funds, thus stressing the responsibility of society as a whole as regards enabling women to exercise their rights to motherhood and their right to work. Such basic measures as public information and education, the organisation of child-care services and the provision and development of facilities and services to facilitate entry and re-entry into employment are covered by the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123).

Special measures of protection for certain workers, for instance women, may result in placing them at a disadvantage as regards employment opportunities, particularly if the cost or inconvenience involved in applying special regulations concerning conditions of work and employment encourages employers to recruit persons who are not covered by such protection. Three precautions therefore seem desirable if protective measures are not to defeat their intended purpose.

The first is to ensure that protection is really justified. It cannot be denied that the protection of young persons is an essential condition for their normal development, nor that maternity protection is the only way of permitting women to exercise their right to work on a footing of equality with men without danger to their health when they bear children (such protection, moreover, is in the interests not only of their children but of society as a whole). When protection is imperative, every effort should be made to enforce and, if necessary, to improve it. Wider ratification and application of the Conventions concerning maternity protection is particularly desirable.

The second precaution is a periodic examination of whether earlier thinking as regards the protection needed calls for revision in the light of changed circumstances. For example, as regards regulation of the night work of women, although the three Conventions on this subject have been widely ratified, and although the most recent Convention limits the period of total prohibition to only five hours (midnight to
5 a.m.), recent experience of shift work and night work in various developed countries has raised doubts as to whether prohibiting night work for women, while leaving it totally unregulated for men, is justifiable from the social viewpoint or workable from the practical viewpoint. A possible approach would be to provide that, in principle, all night work should be regarded as exceptional in view of the social sacrifices it demands from the worker and his family, and should therefore be subject to special safeguards and yield special rewards.

The third precaution is the taking of steps, when special protection is necessary, to nullify its possible negative effects. If such protection involves material or social cost, it should be shared equally between all members of the community. This is one of the main reasons why such measures should be based on the broadest possible understanding and active co-operation and support of various voluntary bodies, including workers' and employers' organisations. It is also one of the principal reasons justifying greater involvement by the State or by the community in the organisation and financing of these measures through the creation of adequate and appropriate community services and the provision of guidance and assistance for private firms if necessary. It is only proper that every possible encouragement, including financial assistance and technical and other forms of support, be given to individual employers in at least partial compensation of the cost that special measures of protection and assistance entail. If, however, community action is not deemed practicable, the public authorities are always in a good position to set the example and the impact of such example (in this particular case as well as in that of the application of labour legislation in general) will be all the greater according to the degree of development of the public sector.

Much of the foregoing also applies to special measures aimed at restoring equality of opportunity on the employment market to handicapped and older workers. International labour standards have devoted particular attention to the special measures of protection and assistance required in the case of handicapped persons. Thus, the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), lists the various methods of guidance, training and selective placement for the disabled and of widening their employment opportunities, and advocates that measures for widening employment opportunities should aim at emphasising the abilities and work capacities of such persons, at improving their working conditions, including the adjustment and modification of machinery and equipment, at eliminating increased liability of employers in respect of workmen's compensation premiums, at promoting the engagement by individual employers of a proportion of disabled
workers, at reserving certain designated occupations to the handicapped or giving them preference in respect of such occupations, at encouraging the establishment and operation of co-operatives for the disabled and at organising sheltered employment. In several respects the approach proposed in this Recommendation and in other international instruments to the special problems of the disabled could apply equally well to the growing needs of older workers when changes occur in their suitability for certain work, whether or not such changes imply a decrease in their general capacity to work. They should be helped to find work suited to their capacities, if need be through appropriate training or retraining. Too often it happens that aging workers have to accept jobs inferior to those they held previously, although careful assessment of the changes in capacity resulting from the normal process of growing old might permit them access to different jobs at the same level. International labour standards have not yet accorded this category of workers attention comparable with that given to other special groups and it would appear from the manifest concern with their problems in some highly industrialised countries that a Recommendation, perhaps similar in scope to that concerning vocational rehabilitation of the disabled, may be required.

Full equality of opportunity is, of course, a function of the type and range of opportunities available generally. At the heart of the problem of ensuring adequate opportunities there is often the question of first attaining full employment. Full employment is a basic condition for the raising of levels of living and the elimination of poverty, it is a requirement for equality of access to training and occupation leading to real economic security for all in the best conditions of dignity, and it is of great help in reducing the negative impact of protective measures. The maximum development of employment opportunities as an integral part of programmes to promote the effective enjoyment of the right to work is discussed in Chapter V.

The aspirations of individuals, social groups and even peoples to equality are so strong that they may even prevail over aspirations to freedom; their satisfaction is a powerful factor of social stability. Equality of opportunity is an essential element of these aspirations and its achievement would represent a great contribution to the promotion of human dignity, in that the individual, conscious of this equality, is better prepared to accept, and approach in a constructive spirit, any differences which may originate from his own personality. Nevertheless, despite obvious progress as regards equality of rights, equality of opportunity is still a more or less distant objective everywhere and unremitting efforts must be made to attain it. One reason for the diffi-
cully of realising it is that people are often reluctant to accept the equal sharing of responsibility which necessarily accompanies it, although it is only through readiness to accept this basic principle of solidarity that the practical conditions in which equality of opportunity is possible can be created.
CHAPTER V

ECONOMIC SECURITY

THE RIGHT TO WORK

The right to work, which according to the Universal Declaration of Human Rights and the International Covenant on economic, social and cultural rights is possessed by everybody, can only be guaranteed in conditions of full employment, the importance of which is acknowledged by the Declaration of Philadelphia and the United Nations Charter. The Employment Policy Convention (No. 122) and Recommendation (No. 122), 1964, also refer specifically to the article in the Universal Declaration which mentions this right. Taken in conjunction, as it is in all these texts, with the right to free choice of employment and the right to just and satisfactory working conditions, the right to work can be considered as fundamental, and its exercise essential to the full development of man's personality, as well as to his economic security.

At the present time the problem most commonly encountered is that of finding work for all who desire it. Every country, whatever its stage of economic development, has an employment problem to some degree or other, and in the great majority of them we find the paradoxical situation that people are unable to find productive, well-paid work while in certain industries and areas there is a manpower shortage, and a vast amount remains to be done before everybody enjoys decent living conditions. Many of the developing countries, even those which have passed the point at which their economy becomes self-sustaining, suffer from open and increasing unemployment, especially among the young people crowding into an already saturated employment market. Serious underemployment is also present, while the menacing consequences of population growth are becoming more apparent. In the industrialised countries technical progress, especially automation, is having a disturbing effect on the employment situation and is creating constant problems of geographical and occupational mobility. Among the industrialised countries with a market economy, some of the most advanced have for several years now suffered from marked unemployment, while others (chiefly in Western Europe), after several years with very little unemployment (frequently less than what was
once considered to be an irreducible minimum), are beginning to experience, with misgivings, the consequences of deliberate attempts at economic and geographic concentration and integration, which are already resulting in large-scale dismissals. Although there seems, in general, to be a state of full employment in the countries with planned economies, here too there are certain problems. There are, for example, local shortages of manpower. In addition, undertakings have been given more latitude to decide what labour force they require; this may give rise to increased manpower mobility, and the problem then arises of striking a balance between supply and demand. Problems also arise in new towns and cities where no provision has been made for jobs suitable for women, while young skilled workers and graduates often also experience difficulty, not so much in finding work, as in finding employment appropriate to their skills, or employment in the areas to which they are willing to go. This, however, is a particular aspect of the right to work enshrined in international instruments, namely that the individual is entitled, not merely to a livelihood, but to employment which he has chosen or accepted of his own free will. I have already had occasion to refer to this point.

While countries have been acquiring experience in the problem of employment, and in how to deal with unemployment and underemployment, the I.L.O. has ever since its foundation been broadening its ideas of what an employment policy should be, and the Employment Policy Recommendation, 1964 (No. 122), on the subject sets forth a real programme, as full and coherent as possible, of the action required to guarantee the right to work. The earliest international labour instruments in this field dealt with some particular aspects of the problem, such as the organisation of placement, the prevention of agricultural unemployment, the problems of the young unemployed worker, fee-charging employment agencies, and vocational guidance. In 1948 a very important Convention (No. 88), supplemented by a Recommendation (No. 83), was adopted on the organisation of employment services, and the standard-setting activities of the Organisation have been marked by the adoption of numerous Recommendations on various aspects of vocational training; some of these instruments have dealt with special questions, such as technical and vocational training in agriculture, or with particular categories of worker (seamen and fishermen, for example). Three Recommendations, applicable to various forms of vocational training, were replaced in 1962 by a general instrument, the Vocational Training Recommendation (No. 117). There has been a growing tendency to consider the various aspects of manpower policy in the broader context of a policy of full employment, and to link
employment policy and economic policy. As early as 1944 the Employment (Transition from War to Peace) Recommendation (No. 71) represented a first attempt to lay down a broad coherent full-employment policy. This instrument also accords a certain importance—although less than that given to manpower policy proper—to the action required for satisfactory economic conversion. The Employment Service Recommendation (No. 72), also adopted in 1944, laid down general principles which were later embodied in Convention No. 88, when it stated that the essential duty of the employment service should be to ensure the best possible organisation of industrial, agricultural and other employment as an integral part of the national programme for the full use of productive resources. The Employment Policy Convention, 1964 (No. 122), with the Recommendation (No. 122) accompanying it (in which the main emphasis is on employment problems linked to economic underdevelopment), are the culmination of the entire process, combining the various aspects of employment policy into a coherent whole. They also acknowledge the close interaction of economic policy and employment policy, the corollary being that, if it is to be achieved, full employment must be an objective of economic policy.

The last stage in the development of I.L.O. thinking on the subject of full employment is the regional employment programmes. The instruments adopted in 1964, with their broad approach to employment policy, have led the I.L.O. to realise that full employment depends to a very great extent on decisions taken in fields outside the competence of the I.L.O., such as economic policy, trade, education and agricultural development. Hence the need to relate the activities of the various agencies in the United Nations family more coherently to the objective of full employment, and to reconcile this with the other aims of economic and social development. In this respect the increasing unity of views among all these organisations as regards human resources development and utilisation in the less advanced countries augurs well for the future. For my part, I shall do all in my power to reinforce this trend by seeking to enlist the support of all organisations concerned in concerted action for the implementation of regional employment programmes.

These regional employment programmes—the Ottawa Plan of Human Resources Development, the Asian Manpower Plan (to be discussed this year at the Sixth Asian Regional Conference), and the Jobs and Skills Programme for Africa, to be submitted next year to the Third African Regional Conference—will be the three major components in the world programme for the development and utilisation of human resources which will be drawn up next year on the occasion of the fiftieth anniversary of the I.L.O. Despite the great
importance of this matter, I shall not dwell on it here, for it will figure largely in my Report to the 1969 Session of the Conference. Under this programme we shall systematically examine what should be done, in each region and sub-region, to provide necessary employment and skills, keeping the progress made and the difficulties encountered under constant review, so as to maintain the effectiveness of our approach. In the initial stage we shall have to decide what needs to be done. During this period we shall be chiefly concerned with making manpower projections, undertaking research into the application of the Employment Policy Recommendation, 1964 (No. 122), studying special employment policy and training problems and deciding on objectives, which will be determined by examining separately the problems of industrial and rural development and giving close attention to the training and employment of young people. In this way it will be possible to evolve general guidelines concerning the main objectives; thereafter, our task will very largely consist in promoting action aimed at the attainment of these major objectives, organising exchanges of views and discussions (at appropriate stages), and executing projects (if we are asked to do so). At all stages unremitting efforts will be made to identify the problems and to find solutions to them.

No matter how ambitious, this programme must remain realistic. Hence, in deciding on national objectives as regards employment and training (in various occupations and at various levels of skill), we shall base our action on surveys of the application of the Employment Policy Recommendation, supplemented by special studies on certain kinds of action and certain critical factors which affect employment trends. Our regional programmes must be such that the objectives proposed are realistic in the light of employment trends and of the means available to influence them. But the achievement of these objectives will nevertheless require constant and vigorous effort. Furthermore, whereas hitherto the I.L.O. has been chiefly concerned to lend its assistance to the accomplishment of economic development plans and programmes, it is our hope that our regional programmes, by drawing attention to the seriousness of the unemployment problem, will themselves exercise a guiding influence on these plans and programmes by highlighting the employment objectives of economic policy, and the ways and means whereby such objectives can be achieved. Furthermore, we shall try to ensure that the assistance given in implementation of the programme will be so conceived as to take effect at the various levels of planning and execution within each individual country. We shall also try to ensure that the countries selected are among those which, objectively, are most likely to profit from I.L.O. assistance (particularly as regards
appropriate decision-making machinery in matters of economic and social policy) and to give their full political support to the undertaking. This, in my view, is an exceedingly important point, for certain measures which we consider practicable will nevertheless demand real determination on the part of governments to take firm and effective action. Lastly, programmes will be discussed and worked out with the governments themselves and with the employers' and workers' organisations, while the process of co-ordinating I.L.O. action with that of other organisations (essential if the programme is to succeed) should afford numerous opportunities for exchanges of views, and facilitate an objective assessment of the situation.

The I.L.O.'s over-riding concern is to improve the efficacy of the action it takes to ensure application of its standards and, in this sense, the implementation of regional employment programmes will provide valuable experience. Here I would emphasise the usefulness of the proposed study concerning the extent to which the Employment Policy Recommendation has been applied and the results obtained. This should provide us with information concerning the relative efficacy of the various means adopted to increase employment in industry and agriculture, and should cast some light on the factors which hamper implementation, thus enabling us to decide on priorities in technical and economic assistance and whether, and in what sense, the Recommendation needs revision. This study should also enable us to compare the experience acquired in different countries, and to see how the policies followed, and measures taken, in certain countries might best be adapted to the needs of others. These inquiries will be undertaken in quite a large number of developing countries, and an endeavour will be made to obtain the views of employers' and workers' organisations as well as of governments. They will be undertaken periodically, as part of the procedures for systematic review of the progress made in implementing the programme, procedures in which specialists working on the spot will be associated.

There is only a limited amount the I.L.O. can do to ensure that the right to work is really achieved for all, for it has less influence on employment growth, which is an essential prerequisite, than on other factors which make a less immediate contribution to the solution of the problems resulting from lack of work. But as regards the creation of employment, as such, the I.L.O. endeavours to ensure that plans for industrial development will take greater account of employment problems. It is also fully aware that for a long time to come industry will not be a major source of new employment in developing countries, and that efforts will also have to be made to create employment in rural
areas, especially for the young people who at present drift into the towns in the vain hope of finding work there. Our projects for the balanced creation of employment in rural areas are designed to help in solving this problem. Consideration is, moreover, being given to the potentialities of various branches of small-scale industry and handicrafts (bearing in mind their special technical, economic and managerial characteristics), and special research is being undertaken in the extent to which handicrafts can create employment in rural areas and absorb young people. The I.L.O. is also endeavouring to devise and put into effect ways of increasing employment in manufacturing, public works and building, and to this end has investigated more labour-intensive techniques, shift work, and so on. In addition, we try to ensure that advantage is taken of all existing employment opportunities by helping to build up employment services equipped to match manpower supply and demand as effectively as possible, and to provide guidance, information and counsel; such services are then in a position to direct people to occupations in which there are likely to be openings, and possibly to dissuade others from persevering in fields which offer no prospects.

The I.L.O. co-operates—sometimes closely—with other organisations to ensure that young people, and especially those in the developing countries who have no education or who drop out from school, find employment more easily. Here, of course, training and employment problems are intimately connected. Already, a number of projects have been launched for prevocational training in subjects related to the kind of employment young people are likely to be able to find in urban, semi-urban and rural areas, and we are actively co-operating with other organisations in exploring ways of helping governments to overcome the problem of youth unemployment, while trying to enlist young people in the cause of economic development by arranging for special youth training and employment programmes. Towards the end of the year there is to be a meeting of experts, convened jointly by the I.L.O. and the United Nations, to consider the question of national youth services. Furthermore, the I.L.O. is interested—as shown by inquiries it has undertaken—in the opportunities open to persons of all ages in such projects as community development, "self-help" schemes, and "human investment" programmes—all of which aim at more effective local use of the manpower available—and in programmes of public works of all kinds for the absorption of unemployment.

Turning to action of a more strictly economic nature, I should not fail to mention that the I.L.O. is required to promote two institutions—social security and co-operatives—which have a part to play in deciding
where capital shall be invested, and thus influence the economic conditions necessary for employment promotion.

It is, however, in the field of vocational training that the I.L.O. is probably best equipped to promote the right to work. Its technical cooperation activities play a part in this connection by directly affecting the number of persons trained, and when these persons are themselves vocational training lecturers and instructors, by seeking to achieve a multiplier effect. Vocational training helps to promote the exercise of the right to work, in that the reason preventing many candidates for employment from exercising this right is not the lack of work (in many industries there are manpower shortages), but rather that they do not possess the requisite skills. Moreover, the training of personnel, by helping to achieve the objectives laid down, helps to create secondary employment, in that the filling of the vacancies available normally leads to economic expansion, and hence to the creation of still further employment opportunities. The essential thing here—and this, clearly, holds good for all kinds and levels of training—is that the skills imparted, and the number of persons trained, should really meet requirements and that the requirements must therefore have been correctly forecast. Furthermore, the jobs available must be attractive to the persons trained to fill them. The inadequate utilisation of the skills of trained workers is a source of increasing concern; it is not simply a matter of matching supply to demand or of the contribution an employment or vocational guidance service can make towards this end. It is being realised to a growing extent that the problem may also be attributable to unwillingness on the part of the persons trained to take employment in the occupations for which they have been prepared. Or it may be due to the fact that employers do not always correctly assess their needs in key personnel (technicians, foremen, and the like), although such employees are necessary if output and productivity are to be improved. The result is that the wages offered in such posts are often relatively low. Whatever the cause may be, this imbalance between supply and demand leads to various forms of wastage. Thus we find trained workers unable to find a market for their skills, workers who remain unemployed in towns when they could find work outside them, and workers with scarce skills who emigrate to countries offering better conditions in which to exercise their right to work. Hence it is essential that policies and systems of vocational training (and also of education, since the two are so closely linked) should be integrated in an over-all policy of human resources planning. The I.L.O., for its part, will endeavour to ensure that all its activities in the field of vocational training—such as laying down principles and procedures, and preparing the equipment required,
research into the technical problems of organisation, management, methodology and planning of training activities as part of general development planning—will be directed to an increasing extent towards the implementation of regional employment programmes.

In every country it is now widely recognised that general planning of human resources is essential to maintain economic growth and full employment, even though, in actual fact, such planning takes varied forms and may involve different degrees of organisation of the economy. In the developing countries general human resources planning gives rise to special problems, bound up with such factors as the inadequacy of the resources available in every department of planning, the social and cultural characteristics of the human element involved (be they employers or workers), and the difficulty of applying experience acquired in the more advanced countries without adaptation, although it is not always easy to see what sort of adaptation should be made, and sometimes, unfortunately, the need for it is apparent only in retrospect.

In the developing countries these problems are on such a scale that only the most strenuous efforts will overcome them. It is by no means sure that the elimination of the manpower shortages now holding up industrial and rural development will lead to their solution. Even in the medium term there seems, in present circumstances, little prospect of overcoming these shortages to any significant degree. In some countries where industrialisation is only just beginning, schemes for industrial training will not even suffice to cover the needs resulting from departures, retirement, etc. Even assuming that employment targets are reached, population growth is a menace—often a terrifying one—for the future. Many experts are of the opinion that numerous developing countries are condemned to a lengthy period of underemployment, unemployment and stagnation unless they manage to reduce their rate of population growth. It is all the more difficult to ensure full employment, owing to the fact that the rate at which employment is expanded must be higher in the developing than in the industrialised countries, since the active population is rapidly growing, while the very high proportion of children is also a burden on society, which is thus all the more unequal to this double task of providing its young people with a sound vocational training while making the investments required to create new employment. In view of the grave situation facing very many countries it is obviously vital that every possible effort be made to cope with the problems of employment.

Taking a more general view, we must not lose sight of the fact that work is not just a means of subsistence and of meeting elementary requirements. It must also be a source of moral satisfaction, and serve to enrich personality. Work is, again, an essential means whereby the
individual can be integrated into society. To provide the means of subsistence is in itself far from being enough; we must try to ensure that the employment provided, no matter how humble it may be, acquires special value for the person concerned, that it corresponds to his real calling and that it meets his fundamental need to feel that he is of use. Society as a whole must try to see that the individual feels himself bound to the community by special links, links which are the more important in that they stimulate him to active participation in development, which is itself the essential pre-requisite for the effective exercise of the right to work. The community must—and in fact does to an ever-increasing degree—feel itself responsible for the lot of the individual and under an obligation to provide him with work and, as is discussed in the following section, at least a minimum of security in a form other than work.

THE RIGHT TO SOCIAL SECURITY

The Preamble to the Constitution of the I.L.O. affirms the urgent need for improvement in the conditions of labour by the protection of the worker against sickness, disease and injury arising out of his employment, for making provision for old age and for the protection of the interests of workers when employed in countries other than their own. The protection needed in those cases, as well as the protection of members of the worker's family, became in due course an integral part of the concept of social security, which will be briefly reviewed below with reference to some of the more salient features of the development of income security standards at the international level.

The first phase of I.L.O. standard-setting activities to promote income security lasted from 1919 to 1935. During this period special standards were laid down for each risk covered under social insurance and allied schemes, applicable to specified classes of workers. The pre-war Conventions and Recommendations provided in this way for workmen's compensation for accidents and occupational diseases, sickness insurance, provision for old-age, invalidity, widows' and orphans' pensions, maternity protection, provision for unemployment and maintenance of migrants' pension rights.

The second phase began in 1944. The Declaration of Philadelphia, adopted in that year, recognised the obligation of the I.L.O. to further programmes to achieve the extension of social security measures to provide a basic income to all in need of such protection and to provide comprehensive medical care. At the same time the Conference formulated, in the Recommendations concerning income security (No. 67), and medical care (No. 69), the concepts and programmes on which the
subsequent orientation of action in this field has been based. In these instruments the emphasis is on guaranteeing that income lost because of incapacity for work, including old age, or inability to obtain remunerative work, or as a result of the death of the breadwinner will be restored up to a reasonable level, due account being taken of the structure of the family group, and that medical care services appropriate to the individual’s right to health, and providing preventive and curative care, will be made available.

The 1944 Recommendations advocate that all the contingencies hitherto covered by the various branches of social insurance be integrated in a unified or at least co-ordinated scheme. They recommend that the different techniques and methods of social insurance and of social assistance be reconciled and made to complement each other in such a scheme and urge that the organisation and development of preventive and remedial medical care facilities, co-ordinated with general health services, should be parallel to that of employment services. They provide, furthermore, that income security should normally be a matter for compulsory social insurance and that the needs it does not cover, as well as those of other persons in want, should be met by social assistance. More important, perhaps, than the comprehensiveness of coverage in respect of different contingencies is the scope of the protection afforded. The Medical Care Recommendation (No. 69) is based on the concept of complete coverage of all members of the community, whether or not they are gainfully employed: in this sense it recognises the collective right to health. The Income Security Recommendation (No. 67), on the other hand, limits coverage to all employed and self-employed persons (together with their dependants) in respect of whom it is practicable to collect contributions and pay benefits. The instrument provides that the benefits should be proportional to the previous earnings on which contributions have been based, but that earnings higher than those of skilled workers may be ignored when determining benefit rates; taking due regard of family responsibilities, benefits should replace lost earnings up to as high a level as is practicable without impairing the will to resume work and without levying such heavy charges on the productive groups that output and employment are adversely affected. Flat-rate benefits, commensurate with the earnings of unskilled workers, are acknowledged as being appropriate in countries where voluntary insurance is adequate for the economic provision of additional protection.

When the 1944 Recommendations were before the Conference for adoption, it was explained that the intention was to reinforce the principles contained in them by binding international standards, when suffi-
cient time had passed to provide practical experience of the working of national plans.

In the years immediately following the adoption of these Recommendations, social security systems continued to evolve and expand rapidly. Social security provisions were inserted into many national constitutions while, in 1948, the Universal Declaration of Human Rights proclaimed the right of everyone, as a member of society, to social security. In many countries this was clearly a long-term objective rather than an immediate possibility. The I.L.O., for its part, examined the desirability of revising the existing social security Conventions in order to take account of recent developments. The I.L.O. Committee of Social Security Experts advocated the elaboration of a new Convention covering the whole field of social security. It was felt that such a Convention should remedy some of the deficiencies of the pre-war Conventions which had caused delays in or prevented ratification; the Experts recommended that to this end, the new instrument should be acceptable to most Members and provide for ratification by stages, should set a high standard to guide long-term policy and a minimum standard which could be attained by member States whose economies were at an intermediate stage of development, thus taking full account both of the possibilities open to highly developed countries and of those open to less developed countries, and should, finally, lay down minimum benefit rates. It was further envisaged that this new Convention would serve as the framework and starting point for the revision of existing Conventions at successive sessions of the International Labour Conference.

Such was the background to the adoption by the Conference in 1952 of the Social Security (Minimum Standards) Convention (No. 102). As can be seen from the title of the instrument, the Conference decided not to provide for standards covering both a high and a minimum level. The Convention comprises a number of Parts, each dealing with a particular branch of social security: medical care, sickness, unemployment, old age, employment injury, family benefit, maternity, invalidity and survivors' benefit. Not all these Parts need be accepted by ratifying States, which are required only to cover at least three contingencies selected by them, provided that one of the three relates to unemployment, employment injury, old age, invalidity or death of the breadwinner. All ratifying States must, however, accept certain principles, including those relating to the standards to be complied with by periodical payments in respect of each contingency, equality of treatment of non-nationals, the limits within which benefits may be suspended, right of appeal and the administration of the social security scheme. Furthermore, although the
Convention does not lay down strict rules as to the occupations to be covered, it provides for alternative methods of determining the persons to be protected and prescribes rates of benefit for standard beneficiaries. Social security is, of course, not limited solely to the provision of cash benefits and although I have not attempted to describe in this Report the various types of benefits in kind that are provided as part of social security, there can be no doubt that they also contribute directly to income security as well as to other social purposes.

In the case of long-term benefits for old age, invalidity and death of the breadwinner, as well as for employment injury, the Convention provides for the review of benefits following substantial changes in the general level of earnings, where these result from substantial changes in the cost of living.

Developments since Convention No. 102 was adopted show that the three aspects to which I have referred more particularly in this section—extension of the range of contingencies covered, number of persons protected, and minimum rates of benefit—have been the subject of growing attention on the part of member States, according to the general level of development and the needs of the country concerned. In 1961, when the Committee of Experts on the Application of Conventions and Recommendations reviewed the reports from ratifying and non-ratifying States on the matters covered by the Convention, it reached the conclusion that its provisions were widely applied, although at that time only 11 member States (a number which has now reached 17) had ratified the Convention. In countries which have reached a high level of general development protection is for the most part provided in respect of all the nine contingencies covered by the Convention, unemployment, invalidity and death of the breadwinner being those in respect of which protection is more limited. In developing countries preference is given to extending the range of contingencies covered (usually starting with employment injury and being extended successively to cover sickness, maternity and old age) rather than to improving the protection provided in respect of a limited number of contingencies. Protection is also extended to more people, even if as a result benefits may be kept at a minimum level, with the ultimate object of covering all economically active persons and their families. Minimum benefits are more frequently reached or exceeded in certain branches than in others, both in a number of highly developed countries as well as in many developing ones. The evolution in these respects has shown the value of the Convention as a yardstick by which to ascertain whether or not the requisite minimum standards are reached and the extent to which they are being superseded by higher standards.
Ten years after the adoption of Convention No. 102, the I.L.O. initiated the revision of the pre-war Conventions dealing with various branches of social security with the object of adapting them to new conceptions, simplifying the administrative and financial provisions wherever possible and specifying more accurately the scope and level of the rights they guarantee, while at the same time taking into account the evolution in the minimum standards recognised by the 1952 Convention. This work of revision is largely based on the technical advice given in 1959, 1962 and 1967 by the Committee of Experts on Social Security. The first step was taken in 1964 when the Employment Injury Benefits Convention (No. 121) and Recommendation (No. 121) were adopted; the Convention revises the standards adopted in 1921, 1925 and 1934 concerning workmen's compensation against accidents and occupational diseases. The next was taken in 1967 when the Conference adopted the Invalidity, Old-Age and Survivors' Benefits Convention (No. 128) and Recommendation (No. 131); the Convention revises six Conventions adopted in 1933 concerning these three branches of insurance in industry and agriculture respectively. The 1964 and 1967 Conventions introduced improvements concerning the persons protected and the minimum rates of cash benefit.

This year the Conference will have a first discussion on the question of revising the pre-war Conventions on sickness insurance.

Further stages in the revision of pre-war social security standards may include the revision of the Unemployment Provision Convention, 1934 (No. 44), which provides for the grant of benefits or allowances in the event of involuntary unemployment to all persons habitually employed for wages or a salary; the preparation of a new instrument on family allowances is also envisaged. When the Committee of Social Security Experts reviewed the international instruments concerning unemployment benefits, it concluded that, as far as developed countries were concerned, in principle all employed persons, whatever their income, should be compulsorily covered, and advocated an examination of the ways whereby protection might be extended to independent workers, seasonal workers and workers employed intermittently, as well as to foreign and migrant workers. In respect of family allowances, the Committee concluded that the adoption of international instruments specifically dealing with family benefits was desirable, that they should cover the agricultural and non-agricultural sectors and that separate ratification in respect of each sector should be permitted. The Committee asked the Office to carry out studies regarding the possibility of raising the standards prescribed in Convention No. 102, in respect of the scope of persons protected and the level of family benefits.
The foregoing review of certain income security aspects of social security does not, of course, deal with the other complex provisions of the international instruments so far adopted. In the course of revising the pre-war Conventions in this field, considerable attention has been paid, for example, to such aspects as the definition of each contingency, the conditions for entitlement to benefits, the provision of benefits in kind, the method of calculating cash benefits, the duration, reduction, adjustment and suspension of benefits, and the legal and administrative guarantees afforded to the persons protected. In all these respects the more recent instruments reflect the increasingly progressive approach of modern social security systems.

Another most important development in the social security field was the adoption in 1962 of the Convention concerning equality of treatment of nationals and non-nationals (No. 118). The Convention advocates the co-ordination, through multilateral and bilateral agreements, of social security laws and regulations with a view to providing income security on the occurrence of various contingencies. The I.L.O. gives strong technical support to action taken in various regions in this regard. This work has led to the preparation of revised draft regulations for the social security of migrant workers in the case of the European communities and of a new draft multilateral social security Convention for the 18 Members of the Council of Europe, as well as to the adoption of a multilateral social security Convention for Members of the Organisation of Central American States.

But social security does not contribute to income security solely through the protection it affords to workers and their families. It also makes a major contribution to economic security in the following ways: by continuously seeking the integration and adaptation of its policies in over-all social and economic development plans and policies, and infusing into them the same dynamic character that defines active manpower policies aimed at furthering the right to work; by seeking the most appropriate combination of compulsory and optional systems and the co-ordination of social security benefits with those granted under public health facilities; by redistributing income towards the more vulnerable groups, especially when the same purpose is not yet served by the general taxation system; and, last, but no less important, by mobilising savings and providing an important source of funds for the financing of economic development programmes.

Under its operational programmes the I.L.O. contributes in all these ways to increasing economic security in member States by providing technical advice aimed at the establishment of new schemes or the re-organisation and improvement of existing ones. The major types of
technical co-operation provided in this field are: general studies of prevailing and future needs which a social security plan should meet; technical studies of the relevant laws and regulations at various stages; examination of organisational and administrative problems and improvement of techniques and procedures; study of problems of decentralisation and extension; training of staff; rationalisation of medical care services; and financial and actuarial studies at various junctures in the development of a social security system. The problems encountered in developing countries have one principal element in common: the needs that still require to be met in the case of large groups of the population are as extensive as the prospects of meeting them fully are, for the most part, limited, because of the inadequacy of the national income and the impossibility of allocating resources corresponding to the magnitude of the tasks facing the social services. On the other hand, it is now generally accepted that social security has a role to play in economic development and that the economic security it provides results in greater stability and health of the workers and their families.

In most of the developing countries social security schemes apply only to employees in the main industrial and urban centres, leaving the self-employed workers and the great mass of the rural population without adequate protection. These countries face very great difficulties in extending coverage to the rural sector, due to the complex structure of the labour force in these areas, the particular employment relationships of agricultural workers, the low income levels and the lack of adequate public services and medical facilities. Wage earners in agriculture are well protected in most advanced countries, but in most developing countries social security for these workers, even if recognised in principle, is not always applied in practice or is deficient or often limited to permanent workers on plantations or in undertakings which employ mechanical equipment and/or a prescribed number of workers. Protection against sickness is much less common than insurance against accidents, for the reason that health and medical facilities in rural areas are few and far between. But the largest proportion of agricultural workers—the self-employed, tenants and share-croppers—are rarely covered by social security, with the result that not only is income maintenance not assured in this form, but economic security is made even more doubtful by reason of price instability, insecurity of tenure and all the natural hazards which may bring crop failure or loss of livestock.

The question of social security in agriculture has long been a matter of concern to the I.L.O. Perhaps the most encouraging sign of the
emergence of the will to cope with the problem of income security in the rural areas is the recognition, in the Ottawa Programme of Social Security Reform, adopted by the Eighth Conference of American States Members of the I.L.O. in 1966 that maximum priority should be given to the extension of social security to the rural sector. This may well require the adaptation of conventional methods to the characteristics and conditions in rural areas, and their combination with general programmes for improving the economic security and living conditions of rural people, including the provision of crop and livestock insurance, possibly on a co-operative basis.

THE RIGHT TO A MINIMUM INCOME

Having a job and enjoying job security are essential forms of economic security which can be reinforced and supplemented in two ways: by a guarantee of minimum earnings and by measures aimed at income maintenance, such as manpower adjustment programmes or social security.

The I.L.O.’s initial concern with the question of guaranteed minimum earnings arose as part of the general movement to combat "sweated labour" and the unfair competition—between employers as between countries—which it facilitated.

The Minimum Wage-Fixing Machinery Convention (No. 26) and Recommendation (No. 30), 1928, by insisting that such machinery should exist where no other effective wage-regulating arrangements apply and where wages are exceptionally low, drew attention to the need for minimum wages in precisely those sectors of industry and commerce in which industrial relations were less developed and in which the need to guarantee a minimum below which earnings should not fall was most apparent. In 1958 the Committee of Experts on the Application of Conventions and Recommendations noted in a comprehensive review of the effect given to the international labour standards in this field that minimum wage fixing machinery had developed beyond a marginal mechanism and pointed to the generalisation of minimum wage protection for all workers at the national, regional or industrial levels in a number of countries. It also noted that the distinction formerly drawn between rates fixed under minimum wage legislation and rates fixed by collective bargaining and conciliation and arbitration arrangements had lost some of its force in industry and commerce. The Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99), adopted in 1951, had taken account of that trend and was intended to cover agricultural and related workers generally. When the application
of the Convention was reviewed in 1958, in the majority of cases examined the legislation appeared to make provision for the fixing of minimum wage rates for all agricultural workers, a situation which could be due to the relative uniformity of employment conditions and the weak organisation of workers in the rural sector.

A number of guarantees are included in the minimum wage fixing instruments. Thus, Conventions Nos. 26 and 99 make provision for consultation and representation on an equal footing of the employers and workers concerned, as well as of qualified independent persons; they do not, however, contain any provisions relating to the criteria for wage fixing or the revision of minimum rates, which are dealt with in Recommendations Nos. 30 and 89. These four basic texts include a number of measures to ensure payment of the minimum wages in force, dissemination of information, and maintenance of appropriate wage records by employers; they also provide for supervision and enforcement by the public authorities, penalties for infringement of legal requirements and measures to allow workers to recover any amounts by which they may have been underpaid. But the guarantees thus provided do not include the actual right of the worker to receive a minimum wage, since the instruments, although they involve the obligation to create or maintain minimum wage fixing machinery, do not require the determination of actual rates. Furthermore, the enforcement provisions frequently included in national laws are not sufficient to prevent abuses when labour inspection is inadequate, workers ignorant and unorganised and management practices unscrupulous.

It was also in the 1928 Recommendation (No. 30) that the Conference laid down for the first time a criterion to guide the determination of minimum rates of wages: these rates should take account of the necessity of enabling the workers concerned to maintain a suitable standard of living, which should be judged in relation to the position of workers in trades where conditions are more favourable or in relation to the general level of wages prevailing in the country or in a particular locality. A further step was taken in the case of minimum wages in agriculture, which according to Recommendation No. 89 should be fixed in the light of such factors as "the cost of living, fair and reasonable value of services rendered, wages paid for similar or comparable work under collective bargaining agreements in agriculture, and the general level of wages for work of a comparable skill in other industries in the area where the workers are sufficiently organised". Finally, the concept of a suitable standard of living is defined, albeit as a minimum, in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), which declares that "in ascertaining the minimum standards
of living, account shall be taken of such essential family needs of the
workers as food and its nutritive value, housing, clothing, medical care
and education ".

When reviewing the desirability of drawing up new instruments on
minimum wage fixing, a Meeting of Experts on Minimum Wage Fixing
and Related Problems, with Special Reference to Developing Countries,
convened last year concluded that the first criterion in fixing and
adjusting minimum rates related to the needs of the worker: these should
be determined and evaluated in the light of the concept of a minimum
wage, which must be adequate for the above-mentioned basic needs of
the worker (although the Experts excluded "medical care" and added
"recreation"). Rates should be adapted to changes in the cost of living
and in patterns of consumption and should be revised periodically to
ensure to the worker and his family an existence worthy of human
dignity, effective and permanent protection, and adjustment of rates to
the rhythm of economic development. But it is recognised at the same
time that human needs must be interpreted in relation to the level of
economic and cultural development of each country, and that three
other criteria also have to be taken into consideration: capacity to pay,
as interpreted in relation to the national economy as a whole; the
comparison of living standards of various social groups and, in the
particular case of developing countries, a comparison of peasants with
urban wage earners; and the relationship between minimum wages and
economic development, considered from the viewpoint of allowing opti­
um growth and of reflecting in increased wage rates the increases in
national income. The first discussion of the possible nature and content
of new instruments on the subject will be held by the Conference at its

Security of wages also arises in the context of the protection of the
worker against abuse in such matters as his freedom to dispose of his
wages without interference by his employer, the safeguarding of the
worker's ability to maintain himself and his family through limitations
on the right to attach or assign wages or to make deductions from them,
and the recognition that cash payments must be in legal tender and
that the cash value of authorised payments in kind should be properly
assessed. These and many other guarantees against abuse are the object
of the Protection of Wages Convention (No. 95) and Recommendation
(No. 85), 1949, as well as of a number of other international labour
instruments applicable to particular categories of workers in need of
such protection.

The establishment of minimum wages and the protection of the
workers' earnings are not, however, the only ways in which income
security can be assured. It may be recalled, for example, that in 1948 the Conference drew attention to the desirability of progressively extending, by means of collective agreements, awards or national laws, as appropriate, the application of the principle of a guaranteed wage to wage earners who are subject to temporary lay-off and requested that the methods of doing so in various industries be considered by the appropriate industrial committees. This matter had been raised by the Metal Trades Committee in 1947 and was considered in subsequent years by the Iron and Steel Committee and other committees dealing with branches of industry in which short-time work or temporary layoffs occur, dangers against which workers may require the protection offered by a guaranteed wage. The concept of a guaranteed minimum yearly income is likely to demand increasing attention wherever cyclical fluctuations lead to severe but temporary interruptions or dislocations of work, with the result that these become more widely feared. Conventional forms of unemployment insurance, where they exist, do not cover such short-term unemployment. It is therefore not surprising that new forms of income maintenance, outside the social security system and which could not have been foreseen by the authors of the 1944 Income Security Recommendation, have recently come into being, often as the result of collective bargaining within a single, technologically advanced industry but in many cases also resulting from a determined attack by the public authorities on the problem of workers displaced in declining industries. These new forms include plans for unemployment benefits supplementary to those provided under state unemployment insurance schemes (and which may be available also from an international body, as in the case of the European Coal and Steel Community), redundancy payments funds, severance pay programmes in case of dismissal, lay-off payments provided during temporary cuts in production during which the workers retain rights of recall to their jobs, and special early retirement provisions. A Meeting of Experts on Programmes of Adjustment to Automation and Advanced Technological Change, held in May 1967, concluded, after reviewing nine country studies prepared by the I.L.O., that income maintenance measures should be primarily the responsibility of the State and that benefits, lasting as long as the worker is unemployed, should represent a substantial proportion of his former income. Within a few years, the International Labour Conference may itself be concerned with this matter, either with a view to holding a general discussion from which a coherent set of guidelines of recommended practice may emerge, or with the aim of formulating standards in a well-defined area.
CHAPTER VI

DIGNITY

THE RIGHT TO ADEQUATE CONDITIONS OF WORK AND LIFE

The I.L.O. has long been striving to promote an improvement in the conditions of work and life of workers and their families in order to attain a level as close as possible to that consistent with human dignity. I.L.O. action in this field is designed to achieve the realisation of the right of everyone to "the continuous improvement of living conditions", which is recognised by the International Covenant on economic, social and cultural rights. This is essentially a moving target, an undertaking that is constantly changing and opening up ever broader horizons under the impact of technological and scientific progress, which is opening up new possibilities for the improvement of conditions of work and life and leading to changes in outlook linked with higher aspirations and "rising expectations" in all countries.

The considerable standard-setting achievements of the I.L.O. over nearly 50 years in respect of the different individual rights which combine to ensure adequate working and living conditions are difficult to summarise. Broadly speaking, the standards adopted by the I.L.O. cover, in the form of Conventions or Recommendations, or both, all of the rights in this field embodied in the Covenant on economic, social and cultural rights. The standards already mentioned in the preceding chapters form the essential foundations on which the guarantees of adequate conditions of work and life may be based; the Conventions and Recommendations dealing with particular aspects of working conditions are the fabric of the structure itself.

The I.L.O. has tackled the problem of hours of work from two angles: their limitation and their progressive reduction. Since 1919, when the first international instrument on the subject was adopted, a marked trend towards the reduction of hours of work has been noted in different countries; in many this trend has already become an accomplished fact, while in others the introduction of such measures is envisaged in the near or distant future and in yet others efforts are being made to limit hours of work, at least in cases where they are excessive, and to fix
them for the sectors, occupations or categories of workers at the greatest disadvantage in this respect. As the Forty-Hour Week Convention, 1935 (No. 47) was ratified by only a small number of countries, the Conference adopted, in 1962, the Reduction of Hours of Work Recommendation (No. 116), which lays down the principle that normal hours of work should be progressively reduced with a view to attaining the "social standard" set by Convention No. 47, and provides for a system of rates of overtime which offer workers more effective guarantees against abuses in this connection than the earlier instruments. These instruments lay down the principle that, in the event of a reduction in the hours of work, wage levels (Recommendation No. 116) and standards of living (Convention No. 47) shall be maintained. Despite the efforts which have been made to facilitate the reduction of hours of work, certain categories of workers, even in highly industrialised countries, still work far more than the number of hours considered to be normal. Moreover, housing and transport difficulties in large towns often give rise to a situation where actual working hours are far from having decreased if travelling time, which may amount to an average of two or three hours a day, is counted as hours of work. As for actual hours of work, they are to a certain extent bound up with the level of productivity, but it is by no means certain that opportunities for reducing them are always availed of as they might be; on the other hand, in societies—particularly industrial societies—where the total volume of available employment is falling off or is not increasing sufficiently quickly, what is at stake, as far as a growing number of workers are concerned, is their very right to work. Nevertheless, a detailed general survey of the world situation as regards hours of work carried out in 1967 by the Committee of Experts on the Application of Conventions and Recommendations has shown that the general picture and trends over the past few years are encouraging, and that the influence exercised by the instruments adopted by the Conference in this respect, and of Recommendation No. 116 in particular, is unquestionable.

The right to rest has been the subject of a number of I.L.O. instruments concerning weekly rest and holidays with pay. Weekly rest has for a relatively long time been one of the most widely respected rules, whereas at the time of the adoption of the first instrument on holidays with pay, the Holidays with Pay Convention, 1936 (No. 52), only three countries made provision for an annual holiday of more than six working days. This Convention provides, in particular, that all workers other than those in agriculture shall be entitled to an annual holiday with pay of at least six working days, the duration of which shall increase with the length of service. Today many countries go
beyond this standard, and the Holidays with Pay Recommendation, 1954 (No. 98), in prescribing a longer annual paid holiday, may be said more or less to have stated an accomplished fact. The revision of the 1936 Convention (No. 52) or the adoption of new standards is envisaged, and the question of holidays with pay is on the agenda of the 53rd (1969) Session of the Conference. As for the right to leisure, this is recognised in the Utilisation of Spare Time Recommendation, 1924 (No. 21); standards in this connection were subsequently laid down in 1956 within the broader framework of the Welfare Facilities Recommendation, 1956 (No. 102).

From the point of view of human dignity, the effective realisation of the right to rest and leisure implies, however, something more than an acknowledgment of the fact that a worker needs spare time; this spare time should serve to enable the worker to develop his own personality. It therefore appears to be necessary, while recognising the right to rest and leisure, to provide appropriate means, designed with the individual’s need to develop his personality in mind, to enable spare time to be enjoyed in a manner suited to individual tastes. Thought is being given to this matter in a great many countries. This is so in the industrialised countries because the trend towards a reduction in hours of work makes it a topical issue, and the I.L.O. has itself begun to give attention to the matter.

The preservation of the physical integrity of the worker is a matter in the Employment Policy Recommendation, 1964 (No. 122): reduction of hours of work without a decrease in wages, longer paid holidays and later entry into the labour force, combined with more advanced education and training. Depending upon which of these methods is used, the steps which need to be taken to ensure that spare time will be an instrument for the improvement of the condition of man may vary, but they all involve the provision of suitable community educational and cultural facilities.

The preservation of the physical integrity of the worker is a matter which has been dealt with in many standards adopted in the field of occupational safety and health, model safety regulations and practical directives which are already applied to a wide variety of types of work.

Technological and scientific progress in recent years has been such as to identify new hazards, sometimes sufficiently far-reaching in their implications to be capable of transforming a minor accident into a disaster. Measures for the prevention of atmospheric pollution in workplaces and excessive noise at work are among those which need to be given priority in this respect. Early diagnosis of already known occupational diseases and research into the possible causes of other disorders
arising out of employment are on the increase. The appreciation of the predominant role played by the human factor in any precautionary measures has been accompanied by a more comprehensive picture of man at work. These new trends, the primary aim of which is to adapt the work—machine, method, environment—to the man, and which have thus laid the foundations for the science of ergonomics, reflect a development which can be said to be fully in concordance with the need for respect of the dignity of the worker in its highest sense. In the developing countries, economic, geographical, climatic, ethnical and technical factors may have grave repercussions on physical working conditions and give rise to special risks. The Joint I.L.O.-W.H.O. Committee on Occupational Health has an important role to play in this connection.

International labour standards concerning welfare facilities and housing for workers are of relatively recent origin. The Welfare Facilities Recommendation, 1956 (No. 102), which applies to all workers except those in agriculture and sea transport, provides, inter alia, for the furnishing of facilities for suitable feeding, rest and transport to and from work. More recently, in 1964, a Meeting of Experts on Welfare Facilities for Industrial Workers recalled the need for the I.L.O. to continue to devote considerable attention to the welfare problems of certain special categories of workers and to the special problems arising in particular industries. The fields in which the Experts felt that cooperation with the United Nations, F.A.O. and W.H.O. would be fruitful included: advice to undertakings on the welfare facilities needed, the training of social workers concerned with industrial welfare, employee food services (nutritional and health aspects), occupational health, and housing and related community facilities (the object of a concerted plan of action). As regards housing, the Workers' Housing Recommendation, 1961 (No. 115), defines the objectives of a national housing policy taking into account the interests of the workers, establishes the responsibility of the public authorities, protects the workers' interests in the case of housing provided by employers, provides for the establishment of housing standards, and calls for the adoption of measures to promote efficiency in the building industry, etc.

The provision of adequate housing and welfare facilities is essential to the realisation of the right to living conditions compatible with human dignity. This imperative should be given special importance in international action, for the shortcomings which exist in this area may have serious repercussions on working conditions themselves. Whether as regards housing (often too far from the workplace) or transport (inadequate, uncomfortable, poorly scheduled), public facilities often leave much to be desired. In the large cities, social factors of fatigue thus
aggravate the physical and nervous fatigue resulting, in many occupations, from the faster pace of work, shift work, increasingly complicated work processes, etc. Their repercussions may be measured in terms of industrial accidents, for instance, but more and more categories of workers are coming to be affected, including salaried employees and supervisory staff, particularly in the form of nervous disorders.

In the developing countries, lack of hygiene and poor living conditions are often the root cause of the heavy incidence of general debility and parasitic infections. However valuable may be the initiatives taken by more enlightened managements and the efforts made by some undertakings to provide balanced meals for their employees free of charge, or at less than cost price, and to offer them welfare facilities of various kinds, only a combined effort by all concerned will be adequate to confront the immensity of the fundamental shortcomings which need to be remedied.

The right to a remuneration sufficient to enable the worker and his family to enjoy a standard of living compatible with human dignity, has already been dealt with at the end of the preceding chapter. I should like to add, however, that, from the viewpoint of the promotion of dignity as we envisage it, this presupposes a comprehensive assessment of the needs of man. A definition which corresponds to the "poverty line" is obviously inconsistent with the elementary requirements of dignity. An alternative is, however, often impossible, at least in the economically less developed countries, but it may perhaps be possible to take account, even in these countries, of human factors which, although incapable of being expressed in quantitative terms, are nonetheless of immeasurable value, and can help to make even a minimum subsistence level more tolerable. In this context I may refer to the example of a country where the need for families to be able to live together was deemed to be of sufficient importance to be included among the factors taken into account in the calculation of minimum wages.

To take a more "human" view of the needs of the worker and his family cannot but be beneficial to the economy itself. The opinion has even been expressed that the progress made as regards well-being and dignity may in the long run be decisive factors in the development of nations, and in any event their value in ensuring the active and willing participation of the population in the effort of national construction in the developing countries is beyond question. Without wishing to go more deeply into this complex question, where the economist must recognise that psychology and sociology will be called upon to a growing extent in order to solve problems which he had hitherto regarded as
being essentially economic in nature, I should like merely to express the hope that the future will provide us with more efficient means of promoting the cause of dignity in the sphere of conditions of work and life. It would perhaps be helpful to undertake research such as that aimed at the application to social investment of the principles of cost-benefit analysis, which, instead of assessing public expenditure and the allocation of investment by traditional financial methods, takes a broader and more far-reaching view which includes not only the direct effects of the investment from the point of view of the investor but also the indirect effects from the point of view of society.

The realisation of all the rights which combine to ensure adequate living and working conditions—and this is all the more true of conditions befitting human dignity—poses the problem of reconciling a lofty ideal with the limited opportunities afforded by the resources available. It presupposes not only economic growth but also the implementation of various measures designed to bring about a redistribution of income with a view to a more equitable share for all categories of the population. It would, however, seem that, in general, not as much attention has been paid to the second of these prerequisites as to the first, even in the wealthy countries. In Western Europe, for example, a recent United Nations study of incomes policies reveals that such policies have been looked upon as just one of many means of counteracting inflationary pressures and not as policies for the improvement of income distribution as an end in itself.

When viewed as a whole, therefore, it cannot be said that the Western European systems of taxes and social benefits¹ represent any fundamental redistribution of original incomes. In part, this is because the systems have grown up gradually, as the result of a series of decisions based upon immediate exigencies. The various structures of income-tax, indirect taxes, social security and collective consumption have been developed to a great extent independently, and have rarely been regarded by governments as separate parts of a coherent system of redistribution. . . . The function of the tax/benefit system may, perhaps, best be conceived as that of introducing an element of distribution of income between households “according to need” which is beyond the range of even the most acceptable distribution of primary incomes between individuals. Regarded in this light, the systems in existence in Western Europe are capable of considerable improvement, based on fuller analysis of what is, in fact, the combined incidence on households in different circumstances of the various parts of the multiple systems of taxes and benefits.²

¹ The payment of transfer incomes and the free or subsidised provision of certain goods and services for collective consumption (footnote not in the original text).

The fact that a number of different rights have to be promoted to ensure conditions of work and life consistent with human dignity may be another source of difficulties. On the one hand, it is necessary to establish priorities within the bounds of available resources and possible methods of action, bearing in mind the wide diversity of individual aspirations, and, on the other, these priorities must be geared to the objective of dignity, which presupposes a meaningful appraisal of the value of man at work, and of his place and his role in society. It might well be considered, for example, that instead of increasing spare time it would be better to opt for increased production, using the extra output to bring about an immediate or deferred rise in collective consumption with a view to eliminating certain disparities in consumption by different social categories and making up the backlog in the provision of community facilities (low-cost housing, hospitals and medical services, schools, crèches and day nurseries, sports facilities, libraries, theatres, etc.) in relation to needs already stated or predictable. It might also be considered that instead of shortening working hours efforts should be made to improve working methods, for instance by easing the pace of the work itself, by more alternation of working time with breaks, by including in working hours various activities of a social, reproductive or instructive nature, including information and training sessions or participation in various functions of management, etc., in such a way as to make work both a need and a pleasure. Such speculation, though it may appear, could be pursued even farther, since it reflects a trend towards far-reaching changes in the outlook of our contemporary societies, both industrialised and developing. Already the first halting steps are being taken in the form of certain public opinion polls; there have been polls, for example, to find out whether the workers would prefer reduction in hours of work to take the form of a shortening of actual working hours or a lengthening of the annual holiday, or, in the case of women workers, to ascertain their preferences as between part-time work and the improvement of day-nursery and child-care facilities. Such measures can provide useful guidance to governments anxious to apply, in respect of conditions of work and life, a policy designed to restore to workers a sense of their own dignity or to heighten that sense.

It is universally recognised that expansion is not an end in itself and that a concerted policy is indispensable if economic and social rights are to be given the place due to them in any society which attaches importance to upholding them. The I.L.O., for its part, has never wavered in its determination to preserve them as a fundamental goal, thus keeping faith with what Albert Thomas expressed in the following terms:

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One possible solution is that, having established a minimum of protection for humanity—what has been called "the sanitary cordon"—we may subordinate the ever-evolving conceptions of, and the ever-recurring aspirations after social justice to "economic necessity" and "economic laws", the "free play" of which must not be further disturbed. Or we may decide that, just because of these ideals of justice and because of the growing clearness of the voice of the human conscience, and sometimes even in the face of economic laws, which (to put it mildly) have perhaps not always the full force of natural laws, human intelligence must make every possible effort to organise the economic system and has in fact the power to do so. The social factor must take precedence over the economic factor; it must regulate and guide it in the highest cause of justice.

The operational programmes launched by the I.L.O. to help to guarantee freedom of labour and the right to work and to social security, and to secure equal enjoyment by all of the economic, social and cultural rights which are within its competence, contribute largely to the achievement of adequate working and living conditions. Some of them directly serve the cause of dignity in occupational life and in other spheres. This is true of vocational guidance, for instance, when it helps people to find, not just any job, but a job appropriate to their talents or their vocation, or of vocational preparation in so far as it is designed to enable the individual to use all his capacities to the full and not simply fit him into a particular job. It may also be said of measures for the benefit of specific categories of the population which really give them a chance to achieve self-fulfilment while respecting their personality. It is also true of guarantees of income security in so far as they release man from overwhelming fears which may stultify all initiative on his part. As for the promotion of freedom of labour, it too is obviously an important element in respect for the individual in his working life.

Operational programmes concerned with conditions of work and life in the strict sense of the term attach great importance to the information and education of the public and of those directly concerned with the subject through various publications and through the holding of special meetings. But technical co-operation, except in areas such as occupational safety and health, reveals the need for greater familiarity with the different requirements to be met in order to improve the lot of workers in their employment as well as that of workers and their families outside working hours. Priorities must therefore be established concerning the order in which attention should be given to these different needs. It is essential for us to be able to aid governments and national planning authorities to pursue in all countries a realistic but

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dynamic policy concerning conditions of work and life. At its last session the Conference expressed the hope that more United Nations Development Programme projects in this area would be carried out by the I.L.O. It also observed that, since the beneficial effect of general measures of social policy on productivity was perceptible only in the long term, it would be desirable that considerations of a social nature be also borne in mind in the case of other U.N.D.P. projects where they could exercise a direct influence and thus contribute to the success of these projects; the Conference referred in this connection to the projects for industrial pilot and demonstration plants on which the U.N.D.P. had recently embarked. The opportunities for action in this field will, of course, depend in the first place on the extent to which governments seek the co-operation of the I.L.O.

THE SAFEGUARDING AND PROMOTION OF RIGHTS AND FREEDOMS BY THOSE CONCERNED

While the enjoyment of fundamental freedoms, security and conditions of work and life appropriate to self-fulfilment is an essential prerequisite for the attainment of real dignity, in the final analysis it is when the individual plays an active part in improving his own condition and that of others that his dignity finds its fullest expression. This active participation is in itself also a useful apprenticeship in the demands and responsibilities of the exercise of power, while at the same time it stimulates initiative. It is the most potent force for progress in the cause of human rights because it is a guarantee that individuals will not tolerate the imposition of values which they have not accepted or of sacrifices to which they have not freely consented, and that the means available for the safeguarding and promotion of rights and freedoms will be employed appropriately. Unfortunately the conditions for successful participation are only rarely fulfilled. There are many reasons for this. In some cases there is deliberate resistance because vested interests are at stake, as I already had occasion to point out in my Report to the Eighth Conference of American States Members of the I.L.O. Elsewhere the fault is simply apathy, even among educated and generally well informed people. In most cases, of course, there are very serious handicaps facing the larger part of the population, especially in the economically less developed countries: illiteracy, low educational levels, poverty, ignorance and fear, all of which lead to subservience to those in authority and economic dependence on those in a position to provide work. To the extent that it can help to overcome these handicaps, the attainment in practice of many of the rights considered in
preceding chapters therefore serves the cause of participation: individuals feel themselves freer to express their aspirations and voice their demands when they know, for example, that they can easily find other work if they lose their job, that they will not run up against insuperable barriers based on colour, sex or political opinions, and that they can unite in defence of their interests.

If they are to be able to defend themselves when they consider they have been wronged and to advance their interests when they consider they are being neglected, human beings must, individually or collectively, enjoy a minimum degree of protection against arbitrary acts and have the possibility of making their voice heard. Freedom of association, to which an earlier chapter of this Report was devoted, is one such basic means of protecting the collective interests of occupational groups. Among the various means of ensuring the protection of individuals against arbitrary acts, special importance should be attached to those which enable the victims to obtain redress for injustices done to them. A number of international labour instruments provide for procedures to be followed when individual rights are denied; this is the case, for example, with the instruments concerning minimum wages, social security, and the termination of employment without valid reason. The Examination of Grievances Recommendation (No. 130) adopted at the 1967 Session of the Conference is a further step towards strengthening these procedures. It states the principle that any worker who, acting individually or jointly with other workers, considers that he has grounds for a grievance should have the right to submit such grievance without suffering any prejudice whatsoever as a result and to have such grievances examined pursuant to an appropriate procedure. As far as possible, grievances should be settled within the undertaking itself according to effective procedures which give the parties concerned every assurance of objectivity, and without prejudice to the right the worker may have under national laws or regulations to apply directly to the competent labour authority or to a labour court or other judicial authority in respect of a grievance. The instrument provides for a number of guarantees concerning, in particular, the uncomplicated nature and rapidity of the procedure, the right of the parties to be assisted or represented, the need for workers to have sufficient time to participate in the procedure and not to suffer unduly any loss of remuneration thereby, appropriate measures to ensure that the rules and practices governing the operation of grievance procedures and the conditions for having recourse to them are brought to the knowledge of the workers, etc. This last guarantee also figures in the Communications within the Undertaking Recommendation, 1967 (No. 129).
Where labour disputes of a legal character are submitted to an authority outside the undertaking, there is a great deal to be said for their submission to special tribunals or arbitration bodies composed of persons conversant with and experienced in the practical problems of the world of labour and in a position to settle disputes more rapidly and at less cost than the ordinary courts. This last point is particularly important because, in many cases, the cost of litigation would make it impossible for a worker to bring an action in the ordinary courts. The fact that labour courts often include members representing workers and employers furnishes the parties with a further guarantee that their case will receive sympathetic consideration. Attention has often been drawn to the need for certain guarantees, e.g. the existence of an adequate number of fully independent courts, recognition of occupational organisations as competent to be parties in legal proceedings, legal protection to enable workers to have recourse to the courts, and provision of the services of labour courts free of charge.\(^1\)

Apart from being an invaluable instrument for advancing the occupational interests of the parties concerned, collective bargaining machinery is also, as has been illustrated in the section on discrimination, a means of defending some of the fundamental human rights. They have two advantages; they not only provide, by reason of their contractual nature, a means of acting on breaches through judicial or other processes, but they also demonstrate voluntary acceptance of the principles they embody and for the need to safeguard them. The right to bargain collectively, which is recognised in the 1949 Convention (No. 98) as well as in a number of Recommendations, in particular the Collective Agreements Recommendation, 1951 (No. 91), the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) and the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), may also require a certain degree of protection and encouragement if it is to be exercised.

The Technical Meeting on the Rights of Trade Union Representatives and Participation of Workers in Decisions within Undertakings, held in 1967, considered the protection and facilities which should be provided for workers' representatives (whether trade union representatives or other types of employee representatives) in their duties of presenting the workers' demands, negotiating with management on wage rates and conditions of work and, more generally, defending the interests of the workers vis-à-vis the employer. The

\(^1\) See, for example, the resolution concerning labour courts adopted by the Fourth Conference of American States Members of the I.L.O. (Montevideo, 1949).
Experts attending the Meeting were on the whole in agreement that the protection of workers’ representatives could usefully form the subject of a special international instrument. On the question of facilities, however, the views of the Experts were divided, some feeling that the protection and the facilities for workers’ representatives were so related that the subject as a whole might be dealt with in an international instrument, while others considered that the question of facilities was not suitable for treatment in an international instrument because of the great variety of existing practices.

The I.L.O. attaches great importance to methods of settling labour disputes, and the Office has undertaken a series of studies in this field dealing, in particular, with the legislative framework in which national systems for the settlement of disputes operate and the economic causes and repercussions of such disputes. The need to help the parties concerned make use of existing machinery is all the greater because it is often the purpose of this machinery to ensure that every effort is made to avoid recourse to direct action such as strikes. The machinery should be sufficiently simple and expeditious, as is recommended by the relevant international instruments. The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92) stipulates, moreover, that none of its provisions may be interpreted as limiting, in any way whatsoever, the right to strike.

Systems permitting participation in the decisions upon which practical recognition and exercise of labour freedoms and economic, social and cultural rights actually depend represent a further method—and one which is extremely topical at the moment—of giving those concerned an opportunity of having their views taken into consideration. The current interest in social participation is due to several factors; an important one is the trend in ideas which stresses the need for all groups working together in society to be treated equally as regards recognition of their responsibilities. Indeed, the whole question of the place of workers in society is involved, accompanied by a revival of interest in politico-social objectives such as the encouragement of genuine industrial democracy. At the same time, realisation of the economic value of social participation is no less a determining factor in this changing approach, which is in itself eminently favourable to the cause of dignity. Evidence of this is to be found, for example, in the fact that social participation is now considered an important part of the development effort in economically less advanced countries and that the participation of the workers, individually or collectively, in the operation and management of undertakings is regarded as an essential corollary to the reforms of the economic system recently introduced in
countries with planned economies. The United Nations and the specialised agencies have recently drawn up a number of action programmes concerned with social participation. The I.L.O., for its part, is endeavouring to sift out those aspects of social participation which directly or indirectly concern industrial and rural development and to which it is best able to make a contribution.

The participation of occupational groups in the planning process is in itself a desirable development and can be regarded as one of the broad social objectives of planning. It is in this sense, in particular, that the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), urges the participation of employers' and workers' organisations in the elaboration and implementation of economic and social development plans. More recently, in 1964, the Conference adopted an important resolution devoted to the concept of democratic methods in programming and planning for economic and social development. The participation of occupational groups in development policies may, as is the case with other social groups, take very varied forms. Sometimes it relates to the preparation of projects or programmes for economic development, whether at the local, industrial, regional or national level, and sometimes to the actual implementation of such programmes. Moreover, this association may take the form of mere consultation or of direct involvement in decision-making. Generally speaking, occupational groups are often in a position, particularly in the industrialised countries, to exert considerable influence on the preparation and implementation of the plan, either through the existing institutional machinery or by resorting to the most diverse methods that may be available to them in any particular situation. However, even if workers' and employers' organisations are among the most important social groups called upon to participate, place must also be made for other groups such as co-operatives, family associations, consumer organisations or other associations which, in addition to the political parties and elected authorities, may be regarded as representing public opinion.

The Office has undertaken a number of studies of the questions raised by the participation of trade unions and employers' associations in the planning process. It is already clear that the new machinery and new situations arising out of this process will necessitate adjustments. It is also clear that they are raising a number of questions relating to the structure and methods of workers' and employers' organisations, and more especially of the trade unions. These questions concern a number of fundamental requirements such bodies ought to be able to meet: the ability of organisations representing different participants to
act together; the representativeness of these organisations and their ability to assume specific commitments, including moral commitments—a problem which is linked to that of centralisation, structural improvements, internal democracy and discipline, and to that of efficient two-way communications between the rank and file, the leaders and the spokesmen of the organisations at the level of the plan; the availability of indispensable material and human resources, in particular the experts and specialised members the trade unions need if they are to play a useful and active part in planning and programming; and the ability to give the necessary training and education to the experts and active members of the participant organisations. In all these respects the situation is often far from satisfactory. Moreover, basic questions of principle are sometimes raised, such as whether genuine systems of co-determination are really desirable, and this can only complicate still further the problems to be solved. For my part, I believe that there is no alternative to enlightened participation which, by setting differences and disputes in a broader context, may eventually afford better chances of obtaining satisfaction. When the various social partners wish to intervene in matters such as wage levels or employment, salary scales or taxation, their effectiveness is on the whole proportional to their ability to present their views coherently and to set the interests which they represent, together or separately, in the context of the programme envisaged by the public authorities or to propose a different programme, for it is likely that some of the most important problems facing them will in future be discussed in the context of the programming undertaken by the public authorities.

One form of participation which is currently the object of a marked revival of interest is participation in decisions within the undertaking. The I.L.O. already recognised its importance in 1952 in Recommendation No. 94 concerning consultation and co-operation between employers and workers at the level of the undertaking on matters of mutual concern not within the scope of collective bargaining machinery, or not normally dealt with by other machinery concerned with the determination of terms and conditions of employment. In 1967 it placed on record the importance of participation through proper information and consultation by urging, in the Communications within the Undertaking Recommendation (No. 129), that management should adopt appropriate measures to apply an effective policy of communication with the workers and their representatives, which should ensure that information is given and that consultation takes place between the parties concerned before decisions on matters of major interest are taken by management, in so far as disclosure of the information will
not cause damage to either party. Although, as far as participation in decisions at the level of the undertaking is concerned, uniform practices would appear to be neither possible nor even desirable, the effective development and operation of different forms of participation appear to require that the objectives, institutional framework and scope of such participation should be clearly defined and that the two parties, especially the workers, should have adequate guarantees of stability and be assured of a sufficiently broad field of action, in order that the co-operation and exchanges of views under the participation procedures, and the mutual concessions made, may arouse active interest on both sides. The recent Technical Meeting on the Rights of Trade Union Representatives and Participation of Workers in Decisions within Undertakings stressed the importance of continuing the research undertaken by the I.L.O. into these questions.

A particularly complete form of participation by workers in decisions within undertakings is that provided by co-operatives, which associate their members directly with the administration of production units. The I.L.O. is interested in all types of co-operatives and therefore generally draws up integrated programmes extending from the establishment of a national plan for co-operative development up to its complete or partial execution. The I.L.O. should intensify its research and its operational activities, in as close co-operation as possible with all the organisations working to promote co-operation throughout the world, in order to assist, among other things, in the establishment of co-operative, or other similar institutions for industrial and rural development.

In practice, however, the real value of the various means by which individuals, separately or collectively, can uphold or advance their rights and freedoms, depends upon the use that they make of them. In this respect, the experience acquired in the field of co-operation is particularly instructive, even in the industrialised countries. The obstacles encountered are often due to the indifference of members of co-operatives towards their rights and to their ignorance of the possibilities given to them by the rules for playing an active role in their own interest; growth in membership—in appearance a sign of progress—may in fact be accompanied by a drop in the number of those who really play a part in the management.

There are a number of factors which, while forming part of an irreversible trend, may discourage people from playing a responsible part in the improvement of their situation; among these factors are the tendency towards the creation of large organisations which sometimes induce a feeling of isolation in individuals working in or dealing with them, the growing complexity of laws and regulations and the
increasingly technical nature of the decisions that have to be taken in every field. These factors can clearly exert an inhibiting influence in pre-industrial societies in which, moreover, the very principles and values underlying the safeguarding and promotion of rights and freedoms may appear foreign to some people. These societies are often characterised by, among other things, the fact that the notion of contracts of employment is almost totally unknown, the absence of trade union or professional organisations and indeed of the very idea of voluntary association, in place of which we find territorial or ethnically based forms of organisation, or spokesmen of "natural" representatives of different social groups; as regards such basic concepts of life in society as justice, property, social welfare, and individual or collective effort, greatly differing values are to be found, together with extremely varied methods of reaching a decision or a consensus in case of disagreement or simply of communication.

These obstacles can be tackled in various ways. First, it is important to strengthen the organisations representing different interests and to seek forms of organising their representative activities in a way adapted to the needs and characteristics of the groups concerned, particularly in the case of rural, tribal and semi-tribal populations. We have already seen a few examples of I.L.O. action in this field, especially within the framework of the practical application of the principle of freedom of association for occupational purposes. Mention may also be made of the research currently being carried out into forms of co-operative institutions adapted to the needs of developing countries. Second, an essential condition for the successful organisation of individuals or groups is that it should be as spontaneous as possible, triggered by the awareness of the persons concerned of their rights and by their firm determination to help solve their problems by their own efforts. For this reason it would appear that attempts to stimulate "responsible" participation should be accompanied, and often preceded, by an promotional campaign. The methods used will vary from situation to situation, as the experience acquired in promoting co-operation has already amply shown. The Office, for its part, is continuing its study of such methods in connection with the rural modernisation programmes.

Third, an intensive information and educational campaign is essential if the people concerned are to be helped to understand the nature of the problems facing them, shown the various means by which they can be solved and given the necessary knowledge and skills to use these means effectively. Mention should again be made here of the invaluable contribution which can be made in this respect by a properly equipped labour inspectorate. It depends, in fact, to a large extent on the labour
inspector whether the content of social legislation is made clear to and brought within the reach of the humblest of those it is intended to benefit. A labour inspectorate is without doubt one of the most effective instruments available to labour administration; it depends on the labour inspectorate, and often on it alone, whether workers and employers are correctly informed about their rights and duties. It was already recognised in the Labour Inspection Convention, 1947 (No. 81), that the advisory role of the labour inspectorate was equally as important as its traditional role of enforcement; by requiring it to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions and by leaving it to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings, the Convention clearly emphasised what distinguished a labour inspectorate from a specialised police force, i.e. its predominantly educational role. The Plantations Convention, 1958 (No. 110), contains similar provisions and there is every reason to suppose that the present session of the Conference, which will be holding a first discussion on the question of labour inspection in agriculture, will confirm this attitude to the role of the labour inspectorate, the need for which is accentuated by the social problems peculiar to rural areas. In areas where its task is a particularly thankless one, the labour inspectorate ought to be able to count on local help, which, although it would perhaps be less specialised, would have the advantage of being able to keep in more permanent touch with local problems. The solution would seem to be to associate the labour administration services with the efforts made in many countries to encourage the accelerated training of rural advisers and promoters; familiarising these agents with social questions in this way would equip them to serve as the guides and counsellors required by a society in course of transition and confronted with problems of economic and community development. Only frequent and prolonged contacts between local leaders equipped to shoulder their responsibilities and the working population of the rural areas will win popular support for new approaches to the labour problems created by the new social structures.

Workers' education also, of course, deserves special mention here, in view of the function it performs in instructing the worker concerning the rights, freedoms and machinery provided for under national legislation or collective agreements and the facilities that may be open to him at the level of the undertaking, explaining the aims and structure of the trade unions and the means by which they can give him the solidarity and security he so badly needs, and enabling the workers and
their representatives to defend their rights ably and effectively and to
assume the responsibilities which are the corollary to these rights.
Workers' education ought to receive increasingly firm support and
broad co-operation at the national level. The I.L.O. reserves an
important place for it in its operational activities. It organises regional
seminars in order to acquaint workers' representatives with the prin­
ciples of economic planning, with its aims, its machinery and the ways
in which trade unions can participate in the planning process; two
have been held already, in Latin America and Africa, and a third is
planned to take place in Asia in 1968. It helps to implement educational
programmes designed to familiarise trade union representatives with all
the disciplines and techniques they need to know in order to co-operate
effectively in the work of planning, to participate in decisions within
undertakings, to take part in the activities of various joint bodies and
economic and social institutions, and to defend the economic and social
interests of the workers through collective bargaining and the machinery
set up to settle disputes. Last year the I.L.O. organised an international
seminar on trade union research and documentation services; this will
meet the real need felt by the trade unions to broaden the scope of
their supporting services beyond their traditional field of providing
legal advice and to buttress their claims with facts and research. Among
the various programmes of workers' education, particular importance
should, of course, be attached to those which prepare trade unions to
look after their interests directly by setting up co-operatives and various
social, educational and cultural services.

The I.L.O.'s programmes in the field of labour relations, labour
legislation and administration, social participation, personnel policies,
workers' education, and co-operative and rural institutions provide mul­
tiple opportunities, both through technical co-operation and in the field
of research and information, of helping individuals and social groups to
safeguard and promote their rights and freedoms by their own efforts.
It is therefore important that these programmes should be further
developed and enjoy the continued support of governments.
CONCLUSIONS
CONCLUSIONS

The attainment everywhere of universally recognised standards of civil, political, economic, social and cultural rights presents mankind with a challenge of daunting magnitude. We in the I.L.O. must pursue the promotion and realisation of the human rights within this Organisation's competence with renewed vigour and conviction. The task will continue to tax our ingenuity, our resolve and our resources as an Organisation for generations to come. In the nature of constantly evolving social and economic systems, changing human aspirations and technological conditions undergoing rapid transformation, new issues, and new facets of seemingly clear-cut issues, are characteristic of the struggle by mankind to master its environment and create the basis for higher standards of living and for a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realised.

To solve the problems of poverty, backwardness and under-development, of disparities within countries and between nations and regions, of bridging the technological gap separating countries at various stages of development and of mobilising the necessary domestic and external resources, national and international action on an ever-increasing scale is becoming ever more urgent. The promotion of the rule of law, of political democracy and of civil and political rights and fundamental freedoms can nowhere be slowed down. Humanity's efforts must be directed to the finding of a peaceful order in which technological advance is systematically devoted to the welfare of the common man. The magnitude of the task must not deter us from positive participation in concerted efforts by the international community, even though our role may be limited both by our resources and our opportunities for action. We must fulfil our responsibility under the terms of the Declaration of Philadelphia, to examine "all national and international policies and measures, in particular those of an economic and financial character" in the light of the contribution they can make to the promotion of freedom and dignity, economic security and equal opportunity. Hence our interest in the creation of employment, in the diffusion of technological progress, in the diversification of production and exports in consonance with the needs of domestic and foreign markets, in facilitating the access of manufactures and raw materials...
from developing countries to industrially advanced countries on mutually satisfactory terms, in promoting generally a higher volume of international trade while limiting insecurity in this respect, in encouraging a far greater movement of international aid towards areas where it is most needed, and in stimulating measures aimed at attaining a fair distribution of the fruits of progress and the correction of excessive inequalities in income distribution.

We must continue to avail ourselves of every opportunity to promote the ideal condition of mankind at work: the achievement of real dignity of labour, which requires that the condition of workers at all levels be technically, physically and psychologically favourable, that workers be in a position to exercise a controlling influence over their condition, that all social and occupational groups recognise the need for certain limitations required for the progress of each nation as a whole, and that active measures be taken to overcome the factors which may impair or nullify individual and collective efforts to raise the levels of living of all. This presupposes that workers and employers should not only be heard but allowed to participate in the taking of decisions affecting their interests at any level of the organisation of production and of the formulation and application of economic and social policy.

In working towards these aims in the field of human rights, an integrated approach is called for at the national as well as the international levels.

At the national level the promotion of human rights should not be confined to particular areas, however important these areas may be in themselves. National policies as a whole should be set against the background of human rights, with a view to bringing about a balanced process of economic and social development. The need for balanced economic and social development is not a mere theoretical concept. It is a fundamental rule to be applied in the drawing up and implementation of national plans, and one which should be followed more particularly in I.L.O. technical co-operation activities, so as to ensure that they serve our basic objectives of furthering human rights and social progress. It should be a constant factor in the preparation and execution of our operational projects and in the evaluation of their impact at the final stage of realisation.

At the international level, and in the I.L.O.'s own sphere of activity, the priority that should be accorded to human rights cannot be considered on the same basis as other priorities. Whatever we do in any particular field of our competence, whether it is through our attempt to frame and implement a World Employment Programme, through our long-standing endeavours to improve the conditions of working people
and their families or through our continuing concern with ensuring that they are adequately protected against want and insecurity, neglect and injury, exploitation and inequality and restrictions on the right to organise and negotiate in defence of their interests, the concern with specific human rights and with their relationships to other rights, as well as to the responsibilities which all rights imply for individuals as for the community, must always be present and, indeed, is always present even when we may not be fully conscious of it. We must, if we are to remain true to the social vocation of this Organisation, continue to press on with unremitting vigour so that gains may be made over the whole human rights front, without giving undue preference to one right over another, constantly alive to the various levels at which they interplay, never neglectful of the particular attention that the neediest groups of the population require and forever mindful of the variety of ways in which human aspirations and needs find expression in different societies.

Our existing standards relating to economic and social rights and our solid machinery for the supervision of their implementation will continue to provide the basis of principles and of action that is needed to secure wide acceptance and implementation. Wherever necessary in the light of changing conditions, we must be ready to take up the challenge of revising or adapting them with realism as well as feeling. Our task does not stop there; we must continue to identify areas in which important gaps in standard-setting exist and to take appropriate measures to continue a balanced programme of standard-setting in fields, and in relation to occupational groups and branches of activity, in which general or special needs become conspicuous.

We must strive to utilise all possibilities of action to make human rights principles widely accepted and applied. We should continue to seek the ratification of international labour Conventions and we should unfailingly persist in efforts to encourage member States to bring instruments adopted by the Conference before the authority or authorities competent for the enactment of legislation and to report on the action taken by them and on the effect given to them in their countries in regard to the matters dealt with in such instruments, in conformity with their obligations under the Constitution of the I.L.O. We must seek an ever-increasing measure of dialogue between the supervisory organs and member States with a view to the greater effectiveness of the machinery of supervision. We should not be content with action to assist governments in satisfying the requirements of I.L.O. procedures. We must also deploy more and more our limited resources to bring about the realisation of human rights within our competence through operational,
promotional and educational activities which draw support from appropriate studies and research in a variety of fields, and from discussions at meetings under I.L.O. auspices, or those of other organisations, as well as from joint meetings of a technical nature.

We should pursue a coherent policy to ensure that due account is taken of the human rights aspects of all our major activities. We should closely review the various implications of such economic and social rights as the right to work, the right to social security and the right to satisfactory conditions of work and life, together with those which are raised by the extension and application of, for example, freedom of labour, freedom of association and freedom from discrimination, with the object of providing a framework for our action in which principles and practical measures are formulated as a coherent whole.

The integrated conceptual approach must be translated into a co-ordinated programme which takes fully into account the advantages to be derived from concerted action with other organisations. The principle of concerted action for the promotion and advancement of human rights is, fortunately, well established: the Conference has vigorously asserted it in the resolution it adopted in 1966 concerning the contribution of the I.L.O. to the International Year for Human Rights. Concerted action is also a conspicuous feature of our aims for the World Employment Programme; it has characterised many of our activities over the years, as illustrated by the Andean Indian Programme or our participation in the series of United Nations seminars on human rights. The wider question now arises as to what extent and in what manner the I.L.O.'s own varied activities for the promotion and protection of human rights—research, publicity, technical co-operation projects, advisory missions, promotional and educational programmes and standard-setting activities—can be developed into a significant concerted programme.

I intend to consider how we can best discharge our responsibilities in this field by ensuring that the human rights implications of the Organisation's activities can be systematically reviewed and that our concern with human rights can be adequately reflected in our technical programmes and in our relations both with our constituents and with the wider world community. It is my hope that the discussion of my Report at the Conference will provide guideposts to the new avenues which we should follow to establish an ever firmer foundation for the realisation of the ideals of freedom and dignity, economic security and equal opportunity.

1 March 1968.

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